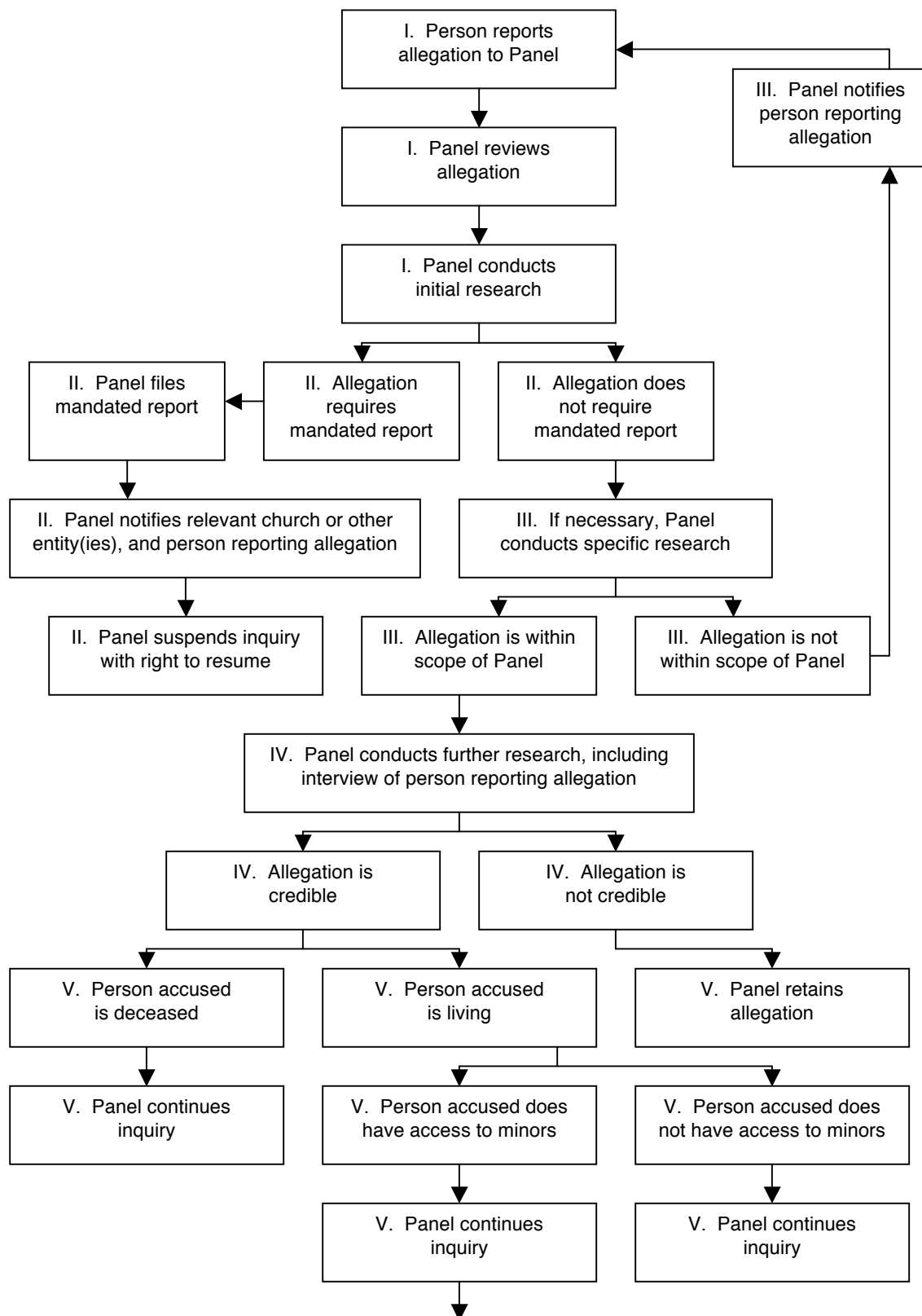
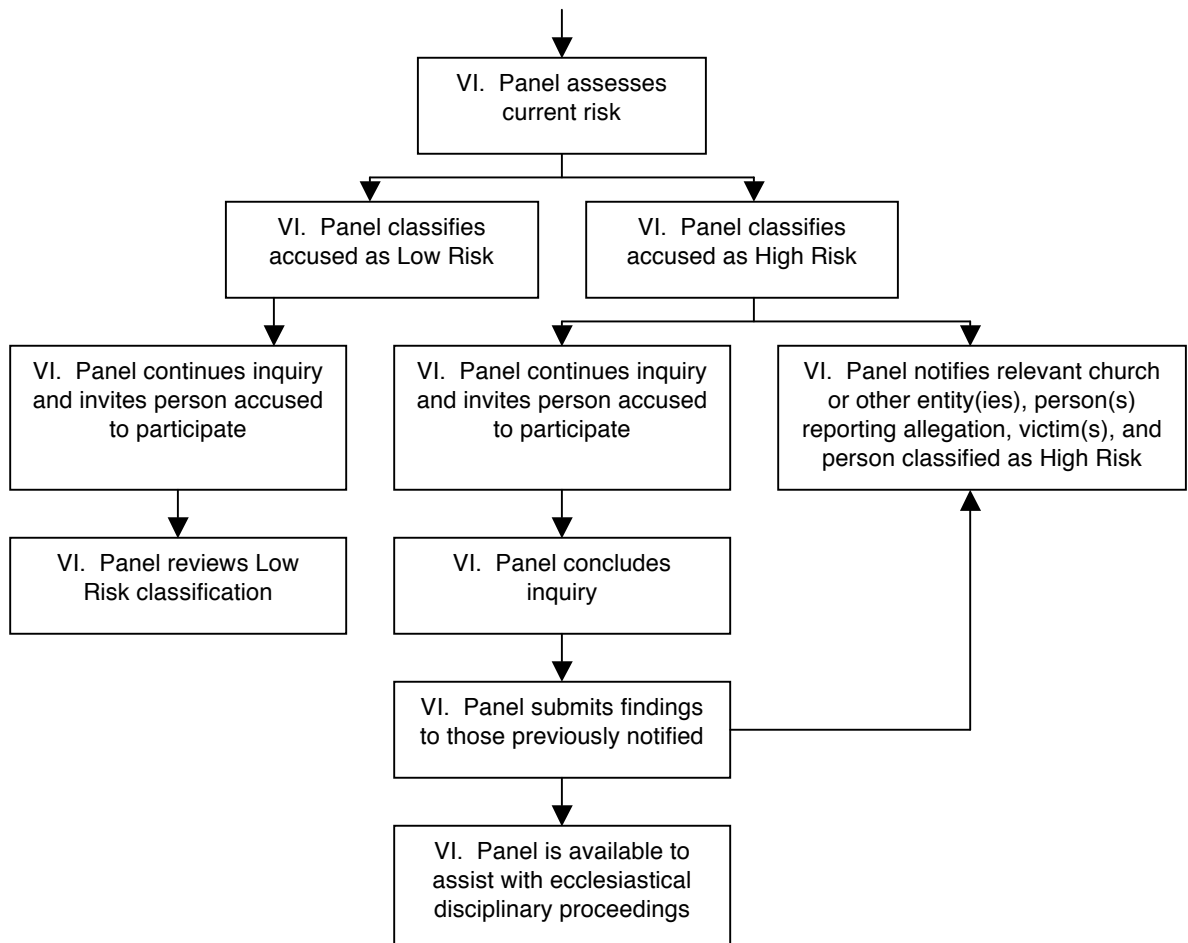


## Appendix

1. Flow Chart summarizing the IARP's Protocol for Notification of Third Parties.
2. Resources used by the IARP in developing our Protocol.
3. American Humane Fact Sheet, "Reporting Child Abuse and Neglect." NOT INCLUDED HERE.
4. Child Welfare Information Gateway, U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, Children's Bureau, "Mandatory Reporters of Child Abuse and Neglect." NOT INCLUDED HERE.

# 1. Flow Chart: Summary of the IARP's Protocol for Notification of Third Parties





## **2. Resources Used by the IARP in Developing our Protocol for Notification of Third Parties**

The IARP chose these organizations because they assemble and digest research from a broad range of professional and academic disciplines and offer it in summary or review form for the public. These are reputable organizations whose mission is the prevention of child victimization. These particular resources were selected because they represented the most recent thinking on the issues of interest to the Panel. With the exception of the first one, they are readily available to anyone in downloadable format from the Internet.

**American Professional Society on the Abuse of Children:** This is a national nonprofit organization that serves professionals in numerous disciplines who are concerned with child abuse and neglect. They focus on disseminating state-of-the-art practice principles and guidelines in all professional disciplines related to child abuse and neglect. (<http://apsac.fmhi.usf.edu/index.asp>)

Resource utilized: *APSAC Study Guides: Assessment of Sexual Offenders Against Children*, Second edition, Vernon Quinsey and Martin Lalumiere, Sage Publications, Thousand Oaks, California, 2001.

**Center for Sex Offender Management:** This organization was established in 1997; it is sponsored by the Office of Justice Programs, U.S. Department of Justice, in collaboration with the National Institute of Corrections, State Justice Institute, and the American Probation and Parole Association. Their goal is to prevent further victimization by improving the management of adult and juvenile sex offenders in the community. (<http://www.csom.org/>)

Resources utilized: *An Overview of Sex Offender Management*, July 2002.

*Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches, and Management Practices*, December 1999.

*Recidivism of Sex Offenders*, May 2001.

**U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention** (<http://ojjdp.ncjrs.gov/>)

Resource utilized: *Juveniles Who Have Sexually Offended: A Review of the Professional Literature*, March 2001.

**APPENDIX K:**  
**Finding of Fact Protocol**

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**INDEPENDENT ABUSE REVIEW PANEL  
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**Protocol for Finding of Fact**

This document summarizes the process that the Independent Abuse Review Panel used to reach a conclusion about whether or not the incidents reported to us represented abuse or not.

The process of reaching a conclusion required numerous decision steps, each of which addressed particular questions. These steps are outlined here and described more fully below.

- A. RECEIPT OF A REPORT
- B. MANDATORY REPORT
- C. SCOPE OF THE PANEL'S INQUIRY
- D. TYPE OF REPORT
- E. THIRD PARTY NOTIFICATION
- F. SUFFICIENT INFORMATION
- G. FOR REPORTS OF INDIVIDUAL INCIDENTS:  
DEFINITION OF PHYSICAL OR SEXUAL ABUSE
- H. FOR REPORTS OF THE ACTIONS OR INACTIONS OF WMD STAFF:  
CRITERIA FOR FAILURE TO PROTECT
- I. CONCLUDING THERE WAS ABUSE OR FAILURE TO PROTECT
- J. SPECIAL NOTES

Judging the past by the present  
Sexual abuse by minors  
Sexual abuse and sexual orientation

## A. RECEIPT OF A REPORT

The IARP received reports from people during in-person interviews, or by email, letter, or phone. The Panel initially attempted to collect as much of the following information as possible from the source, often conducting some initial research, e.g. searching archival records, to assist in proceeding with the steps in the Protocol.

### General information:

- Reporter's name and contact information for both reporter and alleged victim.
- Mission field
- School or hostel
- Is (s)he aware of minors currently at risk from this alleged abuser?
- What does the reporter want from the IARP?
- Other information, besides that noted below, that the reporter wishes to share
- Is (s)he willing to meet with the Panel?

### Alleged victim:

- Name
- Age at time alleged incidents occurred
- Status at time alleged incidents occurred (e.g. student or boarder)

### Accused individual:

- Name
- Age at time alleged incidents occurred
- Status at time alleged incidents occurred (e.g. employment, ordination, boarder)

### Incident:

- Relationship of the accused to the alleged victim
- Specific behaviors of alleged abuse
- Extent or scope of alleged abuse at the time, e.g. duration, frequency, progression, number of victims
- Nature, duration, extent and progression of grooming behaviors on the part of the accused
- Presence of any threats, intimidation, or requests for secrecy the accused directed at the alleged victims
- Effect of behaviors on alleged victim or alleged victim's reactions at the time
- Reporter's knowledge of other victims and their current whereabouts
- Reporter's concern about others who were vulnerable or at risk



Setting:

- Place(s) where these behaviors occurred
- Years of alleged victim's attendance, if setting is a school or dorm, or during which reported incidents occurred
- Contextual information, e.g., who else was present, adult and minor, at the time the alleged incidents occurred
- Who might have been aware of the alleged incidents, and what they did, if anything
- Who did the victim tell? Why did they tell then? What was the response by the person who was told?

## **B. MANDATORY REPORT**

The first question Panel members asked after receiving a report and collecting initial information was: Does this information require a mandatory report to a state agency? [The Panel's Charter, Section IV. Nature, #5 addresses this responsibility.<sup>9</sup>]

As professionals and as Presbyterians, Panel members are required to comply with applicable child abuse reporting laws. These laws vary from state to state and have different reporting requirements. Essentially however, these statutes require a report when a professional has a reasonable suspicion that a child has suffered abusive conduct.

The Panel assessed the need to file a mandatory report by asking these questions:

- Does the Panel know the name of a specific child? This would help identify an individual of concern to the agency with whom the report was filed.
- Does the Panel know the age of the child or that this child was less than 18 years of age? This would help determine where to file the report.
- Does the Panel suspect that this child is either at risk of abuse or has been abused? The agency accepting the report would ask for a description of the perceived risk or the abuse suspected.
- Does the Panel know where the child is now or where the risk or alleged abuse occurred? This would help determine the jurisdiction in which to file the report.

If a mandatory report were required, the IARP would report the suspected abuse to the social service agency in the applicable state.

If a mandatory report were required, the IARP would notify the individual who made the report, and any relevant church or other organizational entities, and suspend its inquiry.

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<sup>9</sup> “5. Where the IARP receives an allegation that falls within a mandatory reporting statute within the United States, the IARP chair (or designee) shall make the mandated report to the appropriate civil authority. The IARP chair (or designee) may consult with the GAC's Office of Legal Services for assistance with this duty.”

The Panel would reserve the right to resume the investigation after the civil authorities would have completed their investigation, if the Panel judged by the Charter that it would be beneficial to the Church to do so.

If no mandatory report was required, the Panel proceeded to the next step.

### **C. SCOPE OF THE PANEL'S INQUIRY**

The second assessment Panel members made after receiving a report was: Does this report fit the scope of the Panel's inquiry, per the Charter?

To fall within the scope of the Charter, a report of abuse needed to:

- Have occurred in the past;
- Name either an alleged victim or an accused individual who was on a mission field under appointment by the PC(U.S.A.) or a predecessor denomination;
- Have either an alleged victim or an accused individual who is still alive;
- Have an accused person not currently in the employ of the PC(U.S.A.); and,
- Be a report of physical or sexual abuse.<sup>10</sup>

Panel members did necessary preliminary research to determine if these criteria had been met. Denominational appointments often required archival research. Determining the type of abuse also took time, in some cases. People contacting the Panel did not always report the most significant information at the outset. For example, if they had doubts about the seriousness with which their reports would be considered, they may have chosen not to reveal initially the most painful pieces of information. Some interaction with the Panel allowed them to assess whether they wished to share further.

In addition to assessing reports using these criteria, the Panel evaluated the information received on two other dimensions to determine the feasibility of investigation.

In order to pursue additional information on a report of abuse, either through archival research or by interviewing witnesses, the Panel needed:

- A general time frame when the suspected abuse occurred; and,
- Some potential identifiable settings, such as a school for missionary children, or a mission station.

The combination of these criteria provided the Panel with incidents of suspected abuse, involving Presbyterians on a Presbyterian mission field during a particular time frame. This allowed an evaluation of specific acts of behavior in a particular context.

This incident-based approach allowed the Panel to investigate reports where a person could be named as alleged victims for some incidents, and as an accused individual for others. It also allowed investigation of reports of different types of abusive behavior on

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<sup>10</sup> Charter, III. Scope.

different occasions by the same accused individual directed at the same identified victim.

If a report did not fall within the Scope of the Charter, the Panel notified the reporter, and kept copies of the research and documentation in a closed file.

#### **D. TYPE OF REPORT**

The Panel received different types of reports, and came to different types of conclusions, labeled “individual” and “mission administrative” by the Panel, both of which are derived directly from the Charter:

1. Individual-level determinations: The Charter asked the Panel to determine, for a specific incident, whether or not the alleged abuse occurred.<sup>11</sup>

Within the category of individual incident reports, the Panel identified three different sub-categories:

- Allegations
- Supporting statements
- Concerns

Allegations are those reports shared primarily so the Panel would investigate the occurrence of abuse.

Supporting statements are those reports shared primarily for the purpose of supporting another individual’s allegation. For example, a friend or sibling of an MK reporting abuse to the Panel could elect to share his or her own experience for the primary purpose of supporting another person’s statement. These statements were investigated because they were offered as corroborative information, for which the Panel needed to assess credibility and reliability.

Concerns are those reports shared primarily for the purpose of alerting the Panel to potential, rather than known, abuse. In these instances, for example, participants shared knowledge of instances where adults related in unusual ways to children, raising concerns about grooming for potential abuse, and concerns about an individual’s actions or decisions, which might have signaled possible abusive behavior. The Panel collected information relevant to concerns because the Panel never knew what allegations might be received that might overlap with reported concerns.

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<sup>11</sup> Charter, XI. Process, “The final report will include --- 2. A thorough report of the IARP’s findings, specifically including whether or not there was sufficient evidence to reach a determination that the alleged abuse occurred.”

In the Final Report, the Panel listed all the reports it received for the sake of accountability and transparency. The Panel listed reports to assure those who provided information that they were heard, taken seriously, and that the Panel followed through to investigate and make a decision.

In the final decision-making, however, the Panel considered determinations only for allegations. Supporting statements and concerns were simply noted as such to honor the intent and purpose with which they were offered.

2. Mission administrative-level determinations: The Charter also asked the Panel to provide findings on the actions and inactions of WMD and its staff.<sup>12</sup>

Once Panel members determined that a report fit the scope of its inquiry, the Panel assessed whether there were associated concerns about the actions or inactions of WMD and its staff.

## **E. THIRD PARTY NOTIFICATION**

The question the Panel addressed at this stage was: Is third-party notification required in this instance?

Third party notification was action taken by the Panel to inform third parties of an investigation in a timely way so they might take steps to protect children and protect the Church's interests.

Where the Panel had information that an accused individual might have access to children while it was investigating reports of abuse, the Panel followed the process outlined in our **Protocol for Notification of Third Parties** to determine if third-party notification was required. The Protocol, which is included in the Appendix in its entirety, allowed the Panel to evaluate information gathered against characteristics associated with the risk of recidivism through empirical research on sex offenders. This evaluation yielded a conclusion that an individual represented a high or low risk for ongoing offending. For a conclusion of high risk, the Panel proceeded to third party notification. After either conclusion, the Panel proceeded with our investigation.

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<sup>12</sup> Charter, III. Scope, "the IARP will also address the actions and inactions of WMD and its staff members, as well as recommendations for improvement to WMD processes." See also, XI. Process, "The final report will include --- 4. Findings about the actions and inactions of WMD and its staff members."

## F. SUFFICIENT INFORMATION

The completeness of the information available to the Panel was derived from the nature of the Panel as determined by the Charter.<sup>13</sup> Characteristics that influenced how much information the Panel could obtain were:

1. The IARP is not disciplinary.<sup>14</sup>

Implications:

a) The process is voluntary. Witnesses choose to participate; they cannot be compelled to provide information.

b) The desired outcomes of the process are truth, healing, and justice<sup>15</sup> rather than adjudication and discipline.

2. The IARP is an inquiry. The task of the Panel is fact-finding.<sup>16</sup>

Implications:

a) The Panel needs a process and a structure for investigation to ensure consistency and fairness within and across reports and mission fields.

b) The Panel does more than listen to victims and thereby assist in healing. The Panel actively questions witnesses to pursue the truth and determine facts.

3. The IARP was chartered to investigate past incidents of abuse. Chartering an independent body to investigate reports of past abuse demonstrates the value of inquiry, for the Church and for individuals who come forward.<sup>17</sup> The Panel is not a way to dismiss allegations as old, irrelevant information.

Implications:

a) The passage of time will raise the importance of archival research in an inquiry, because not all of the individuals will be available to contact.

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<sup>13</sup> See Charter, Section IV. Nature.

<sup>14</sup> See Charter, Section IV. Nature, #4.

<sup>15</sup> See Charter, Section IV Nature, #1: The IARP is established to pursue the truth, encourage healing, and promote justice on behalf of those making allegations and those accused.

<sup>16</sup> See Charter, Section XI. Process.

<sup>17</sup> See Charter, Section IV. Nature, #2; Section XI. Process, #4 and #5.

b) The passage of time also raises the importance of the Panel engaging in outreach to locate pertinent identified individuals.

4. The scope of the IARP's investigations is sexual and physical abuse. These types of abuse are serious; they have grave consequences for the individuals who experienced them. Accusations that an individual has committed physical or sexual abuse are critical as well. There are very high stakes for both the victim and the accused as well as the Church undertaking such an inquiry.

Implications:

a) For this reason, an inquiry centered on victims of sexual and physical abuse needs to be conducted according to a process and structure developed and tested professionally. Further detail on the Panel's investigative process can be found in the Final Report.

The Panel assessed both the breadth and depth of the information received. One criteria for sufficiency is whether the Panel could answer the following questions:

## BREADTH

### A. Alleged victim

1. Majority status: Was the alleged victim younger than 18 (a minor) or older than 18 (an adult) at the time of the incident?

2. Denominational status: Under what denominational aegis was the alleged victim on the mission field?<sup>18</sup>

3. Pertinent contributing factors: What were the alleged victim's vulnerabilities? Were these transient or chronic? What was the nature of the vulnerabilities? E.g. physical or mental disabilities, emotional distress, intoxication, other identifiable stressors, family situation, young age.

### B. Accused individual

1. Ordination status: Was the accused individual ordained clergy, elder or deacon in the PC(U.S.A.)? Was the accused individual a member of the PC(U.S.A.)? How has the ordination status changed over time?

2. Employment status: Was the accused individual employed by a PC(U.S.A.)-entity?

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<sup>18</sup> Ex-patriot children and indigenous minors were also part of the scope of the inquiry if the accused individual was PC(U.S.A.).

3. Majority status: Was the accused individual younger than 18 (a minor) or older than 18 (an adult) at the time of the incident?

4. Potential contributing factors: Are there factors that potentially influence the accused individual's responsibility for his or her behavior?

5. Denominational status: Was the accused individual on the mission field under the appointment of a religious denomination or mission-sending agency?<sup>19</sup>

C. Incident facts: These combine to form the impact on the victim.

1. Relationship: What were the roles of the accused individual and alleged victim at the time of the reported incident? What was their degree of familiarity or involvement? Frequency of contact? Did differences in power or authority influence the nature of the relationship?

2. Nature of the alleged sexual abuse: What type of sexual or physical abuse is alleged? Sexual abuse can vary from acts which expose a child to sexual activity to recording a child in a sexual manner to sexual harassment to various degrees of direct sexual contact. Physical abuse can vary in terms of how the abuse was inflicted and with what degree of harm.

3. Coercion: What was the nature of the coercion or intimidation used to obtain the alleged victim's participation? This can range from subtle psychological grooming, enticement or seduction to direct violence or restraint. Also included are religious rationalizations to overcome resistance, and rationalizations defining the behavior as beneficial, normal, or part of sexual education. Was there a power imbalance?

4. Context: Within what larger context did this relationship and alleged incident occur? What elements of the context are relevant to the alleged incident and how?

D. Setting attributes

1. Property: Did the alleged incident occur on PC(U.S.A.) property?

2. Responsibility: Did the alleged incident occur under PC(U.S.A.) supervision?

3. Organizational factors: How functional is the organization or administration that might bear supervisory responsibility? What other current characteristics of the organization might be relevant to an inquiry into alleged abuse?

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<sup>19</sup> If the alleged victim was on the mission field because of a PC(U.S.A.) appointment, any accused individual was part of the scope of the Panel's inquiry.

E. Effects of the incident on the alleged victim, both short- and long-term, in key life domains:

- Physical – health, level of activity
- Emotional – affective regulation, moods
- Psychological – ability to identify and meet personal needs
- Relational – interpersonal, friendship and intimate relationships
- Economic – e.g. cost of counseling
- Religious – involvement in organized religion
- Spiritual – personal faith
- Vocational – e.g. underemployment

F. Informing others of the incident

- Who knew of the incident(s)?
- How were they informed?
- How did adults who knew react?

For each dimension, the Panel sought both facts and information that either confirmed or disconfirmed the existing facts. The Panel continued to research additional factual sources for each piece of information already obtained.

The Panel organized the information in several ways to test its completeness:

- Timeline for the period immediately before, during, and after the event described;
- Identification of those present (peers, teachers, staff, missionaries, administrators) at the time of the event (immediately present and in the larger context);
- Timelines for the families named as part of the event;
- Features or factors in this report, which were unique or contributed to a pattern.

## DEPTH

The Panel also assessed the depth of the information obtained by evaluating its credibility, reliability, and likelihood. Fact-finding inquiries face the challenge of defining the truth. Different individuals in the same situation can have very different interpretations of words, gestures, behaviors, and nonverbal communications, in addition to the normal variance in what people observe and recall. These challenges are more difficult if the events in question occurred in the past.

In abuse investigations, people who must make judgments about truth often turn to the credibility and reliability of witnesses and other material as they weigh what is most likely to have occurred. These assessments require attention to the number of different sources for a given fact, or the strength of a particular source.

The Panel sought and analyzed various types of evidence in preparation for reaching conclusions about abuse, or the actions and inactions of WMD staff.



- Presence of a signed Witness Agreement and Release form for the Panel's investigation as an indication of the individual's commitment to the Panel's process
- Victim statement of event based on continuous memory (as opposed to recovered memory)
- Statements of witnesses to event
- Direct reference in denominational archives at the time
- Direct reference in personal papers at the time
- Other victims' (of same accused) statements based on continuous memory
- Accused person's statement of event, whether they signed a Consent form or not, and whether they talked to the Panel or not
- Victim's statements based on continuous memory to others in other contexts
- Corroboration of these statements by other people
- Indirect references from victim personal papers at the time
- Corroboration of behavior changes or emotional states as related to the incident in question
- Statements from witnesses to aspects of event, based on continuous memory
- Victim personal papers from later on
- Symptoms of behavior or personality or emotional changes
- Long term observations by others
- Indirect reference or supporting information in denominational archives
- Other witnesses' explanation of the event
- Accused person's pre-incident history
- Accused person's functioning
- Alleged victim's pre-incident history
- Alleged victim's functioning

The Panel used these types of information to assess:

Credibility: Believability of people or information: that what is described and presented to the Panel now is the result of an actual incident of abuse.

The Panel assessed credibility by asking:<sup>20</sup>

- Can the victim provide a coherent description of the incident?
- Can the victim give a coherent description of the context of the incident?
- In providing the description, does the victim both describe an emotional reaction at the time that is consistent with having been abused, and have a present emotional reaction consistent with having been abused?
- Is the nature of the detail in the description provided by the victim consistent with features or characteristics of abuse or with memory of a traumatic event? (e.g. some types of details are remembered more clearly than others when a person is abused or traumatized)<sup>21</sup>
- Does the victim's description, knowledge, and information, as reflected in their statements to the Panel, represent consistency with the victim's age at the time of abuse?<sup>22</sup>
- Can the Panel identify the victim's purpose in coming forward? Specifically does the information reveal any evidence of malicious intent?
- Are there special considerations or circumstances which lend credence to or detract from the credibility of the person's information?

Reliability: Consistency or accuracy of people or information; that the information under examination comes from a source that is consistent or accurate in rendering events into oral or written description, either at the time or from one time period to another. This does not mean the Panel expected witnesses to remember every exact detail. (That would not be credible.)

The Panel assessed the reliability of individuals or information:

- Internally, relative to the individual's interaction with the Panel over time: There is consistency between interview statements and written descriptions provided in other communication, or that details given at one point in time match details shared at another point in time.

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<sup>20</sup> Faller, Kathleen Coulborn, (1993). *Child Sexual Abuse: Intervention and Treatment Issues*. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, National Center on Child Abuse and Neglect, pp. 58, 119-122.

<sup>21</sup> Terr, Lenore, M.D. (1994). *Unchained Memories: True Stories of Traumatic Memories, Lost and Found*. New York: BasicBooks, pp. 28-29,35.

<sup>22</sup> Op. Cit., Faller, p. 58.

- Externally, relative to how one individual’s information compares with information from another person or from archival sources.
- Overall, is there consistency between all of the sources on information pertaining to one incident?
- Contextually: Are the allegation and aftermath described consistent with what the Panel knows about that mission field, school, or other venue?
- Reported impact: Does each type of long term effect or aftermath described plausibly reflect, given empirical research on the effects of abuse, an actual event such as described by the allegation?
- Compatibility: Does the information fit into a pattern or help provide a coherent picture of what occurred?

Most likely: A judgment about whether a particular interpretation is the most likely one often hinges on *alternative explanations*. A determination of abuse requires that abuse be the most likely, at some level of certainty (see level of certainty discussion below), explanation from a set of alternatives.<sup>23</sup>

1. The Panel generated possible alternative explanations from information gained through the interviews and archival research.
2. From the assessments described above, the Panel identified pieces of information that may not be consistent with others. In the process of evaluating the credibility and reliability of these sources, the Panel recognized that sources of information may represent:

Truth  
 Partial truth  
 False information.<sup>24</sup>

False information can be provided as honest mistakes, confusion, or a range of motivations including maliciousness.<sup>25</sup>

In addition, people may have responded to questions with:

False denials  
 False assertions.<sup>26</sup>

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<sup>23</sup> Office of Juvenile Justice and Delinquency Prevention, (December 2002), Interviewing Child Witnesses and Victims of Sexual Abuse, U.S. Department of Justice, Office of Justice Programs, Washington DC, p. 17.

<sup>24</sup> Ibid. p. 17.

<sup>25</sup> Ibid p. 17; and, Child Welfare League of America (1999). Standards of Excellence: CWLA Standards of Excellence for Services for Abused or Neglected Children and Their Families. Child Welfare League of America: Washington DC, p. 43.

<sup>26</sup> Op. Cit. ,CWLA manual, p. 43.

The Panel received only accounts of abuse where individuals had continuous memory. The Panel was confronted with no instances of recovered memory.

In summary, the Panel sought multiple and various sources of information for each aspect of an allegation. It assessed the sufficiency of the information for each allegation by examining both the breadth and the depth of the available facts:

Breadth: Facts about the  
Alleged victim  
Accused individual  
Incident  
Setting  
Effects  
Informing others

Depth: Evaluation of  
Credibility  
Reliability  
Most likely

If the information on an allegation did not meet these criteria for breadth or depth, the allegation had INSUFFICIENT INFORMATION to assess whether or not abuse occurred.

If the Panel had sufficient breadth or depth of information on an allegation, it proceeded to the next step.

**G. FOR REPORTS OF INDIVIDUAL INCIDENTS:  
DEFINITION OF PHYSICAL OR SEXUAL ABUSE**

Child maltreatment, in general, is defined more broadly than the scope of the IARP’s investigations. It is important, therefore, to understand what the IARP did NOT address, in terms of maltreatment, in order to understand what it could and DID address.

Child maltreatment is defined as acts of commission and omission, by parents or other caregivers, which result in harm or potential harm for a child. There need not be any intention to cause harm to a child for maltreatment to occur.<sup>27</sup>

Acts of commission are considered abuse: physical, sexual, or psychological. Acts of omission are considered neglect: failure to provide for physical, emotional, medical or education needs; and, failure to supervise.<sup>28</sup>

The IARP’s Charter directed the Panel to investigate allegations of physical or sexual abuse.<sup>29</sup> (in **bold** below)

<u>Child maltreatment: acts of parents and caregivers that cause harm<sup>30</sup></u>			
<u>Commission:</u> Abuse	<b>physical</b>	<b>sexual</b>	psychological
<u>Omission:</u> Neglect	failure to provide		failure to supervise

There are three important factors to note here.

1) The above definition of maltreatment specifies parents and caregivers as the actors. The IARP, however, received allegations of abuse where older children were accused of abusing younger children. These types of reports and allegations are not unusual in our society. For over twenty years, states have had civil and criminal definitions of abuse that have been applied to minor perpetrators. Out of necessity then, the IARP developed a separate definition for sexual or physical abuse where a minor was accused of abusing another minor. This definition draws on commonly recognized criteria and distinctions.

<sup>27</sup> Child Maltreatment Surveillance: Uniform definitions for public health and recommended data elements. Version 1.0, January 2008, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Atlanta GA. P. 11

<sup>28</sup> Ibid.

<sup>29</sup> Charter, Section III. Scope.

<sup>30</sup> CDC p. 11.

2) The IARP’s Charter also directed the Panel to examine the “actions and inactions of WMD and its staff.”<sup>31</sup> In some cases, these actions or inactions could be considered failure to provide or failure to supervise, defined as neglect above. In other cases, the actions and inactions could relate to administrative behavior or actions taken relative to a policy or accepted approach of the mission unit or Church. Given the Charter, the IARP needed to develop a definition of “actions and inactions” that could relate to a range of behaviors related to Presbyterian mission fields.

3) For some people, child maltreatment could also be defined by systemic factors or denominational actions that represent a lack of attention to children. For example, allocations of monetary or personnel resources to programs or activities benefitting children, denominational policies for mission personnel with children, standards for employment for personnel working with children, or denominational mission strategies and their consideration of children on the mission field. For the IARP, the “actions and inactions of WMD staff” cited in the Charter refer to individual or mission administrative board actions or inactions. The behavior the Panel investigated was proximate to the allegations received. The inquiries did, however, touch on systemic and denominational questions and concerns, and the Panel addressed these in the Recommendations section of the Final Report.

The following chart summarizes the general characterization of child maltreatment, these additional factors, and indicates where the IARP focused its investigations.

<u>Child maltreatment: acts of parents and caregivers that cause harm</u>			
<i>Denominational context &amp; issues</i>	<i>Recommendations section of Final Report</i>		
<u>Commission: Abuse</u>	<b><u>physical</u></b>	<b><u>sexual</u></b>	<u>psychological</u>
<i>Commission: Abuse</i>	<i>physical or sexual abuse by a minor</i>		
<i>Commission &amp; Omission: Actions &amp; Inactions</i>	<i>failure to secure basic physical safety of a child</i>		
<u>Omission: Neglect</u>	<u>failure to provide</u>		<u>failure to supervise</u>
<u>Underlined items</u> are from CDC reference.			
<i>Italicized items</i> added and developed by IARP.			
<b>Bold items</b> are the scope of the IARP’s investigations.			

<sup>31</sup> Charter, Section III. Scope.

## ***A. Definition: Sexual abuse***

### **Adult behavior committed against a minor**

**Any completed or attempted sexual act, sexual contact with, or exploitation (i.e. noncontact sexual interaction) of a child by an adult.<sup>32</sup>**

Examples:

1) Sexual acts include contact involving penetration, however slight, between the mouth, penis, vulva, or anus of the child and another individual. Sexual acts also include penetration, however slight, of the anal or genital opening by a hand, finger or other object. Sexual acts can be performed by the adult on the child or by the child on the adult, or a child can be forced to commit a sexual act on another individual.<sup>33</sup>

2) Abusive sexual contact includes intentional touching, either directly or through clothing of the following: genitalia, anus, groin, breast, inner thigh, buttocks. Abusive sexual contact does not involve penetration of any of the above. Abusive sexual contact can be performed by the adult on the child or by the child on the adult, or between the child and another individual through force or coercion of an adult.<sup>34</sup>

3) Noncontact sexual abuse does not include physical contact of a sexual nature between the adult and child. Noncontact sexual abuse includes: a) acts which expose a child to sexual activity (pornography, voyeurism, intentional exposure through exhibitionism); b) recording a child in a sexual manner; c) sexual harassment (creating a hostile environment through comments or attention of a sexual nature); and d) prostitution or trafficking.<sup>35</sup>

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<sup>32</sup> CDC, p. 14. This definition can also include “or of an non-consenting adult by another adult.” By the Charter, the Panel could have included adult abuse of a non-consenting adult, but there were no allegations of this type.

<sup>33</sup> CDC, p. 14

<sup>34</sup> CDC, p. 15.

<sup>35</sup> CDC, p. 15.

## **Minor behavior committed against a minor**

### **Definition:**

**Sexual or physical abuse as defined above, with these additional criteria:**

**a) The accused minor perpetrator was in a dominant position over the alleged minor victim. For this criteria, the Panel looked for indicators of dominance, such as:**

- 1) Age differences;**
- 2) Physique – physical size or weight differences;**
- 3) Status – the implicit role of older children in a boarding setting, e.g. serving as role models, or substitute parents for younger children;**
- 4) Delegated responsibility – an older child being delegated by an adult to care for a younger child.**
- 5) Any other factor or circumstance that demonstrates a difference of power, e.g. bullying behaviors.**

The IARP determined, for allegations of abuse by minors, what specific factors constituted the dominance of one child over the other.

If the Panel cannot identify and describe the specific factors, then this definition for physical or sexual abuse by a minor is not met.

This criterion is designed to rule out mutual sexual activity, exploration, or play.

**b) The accused minor's behavior was purposeful, or deliberate.**

For this criterion, the Panel will look for indications that the accused minor's behavior was intended to be sexual, and was directed toward personal gratification, or intended to cause physical injury.

Relevant behaviors here include evidence that the contact was planned, provisions to hide or keep the behavior secret, or purposeful selection of targets or timing of contacts.

This criterion is designed to rule out incidental or accidental contact between minors.



**B. Physical abuse:**

**Adult behavior committed against a minor.  
Minor behavior committed against a minor.**

**Definition:**

**Intentional use of physical force against a child that results in, or has the potential to result in, physical injury. Physical abuse includes physical acts ranging from those which do not leave a physical mark on the child to physical acts which cause permanent disability, disfigurement, or death. Physical abuse can result from discipline or physical punishment.<sup>36</sup>**

Examples:

Physical acts can include hitting, kicking, punching, beating, stabbing, biting, pushing, shoving, throwing, pulling, dragging, dropping, shaking, strangling or choking, smothering, burning, scalding, and poisoning.<sup>37</sup>

The Panel's definition is based on intentional use of physical force to rule out accidental injury as a result of play.

The focus on the potential for physical injury moves the inquiry well beyond corporal punishment, like spanking. The Panel did not consider corporal punishment, per se, which was practiced in some residential schools to be physical abuse.

This focus on the potential for physical injury also moved the Panel beyond the cultural norms or standards for discipline in any particular period of time. The Panel did not judge the past by today's standards.

The Panel received no allegations of physical abuse of a minor against a minor.

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<sup>36</sup> CDC, p. 14.

<sup>37</sup> CDC, p. 14.

## **H. FOR REPORTS OF THE ACTIONS OR INACTIONS OF WMD and its STAFF: CRITERIA FOR FAILURE TO PROTECT**

For mission administrative-level determinations, the Panel established a definition of failure to secure basic physical safety of a child.

As a Church, we believe that children of believers are part of the covenant family of the Church and that Baptism has particular significance in this respect: “The sacrament declares publicly and openly to all assembled that this child has been claimed by God, and has been ingrafted into the body of Christ, which is his Church.”<sup>38</sup> With this adoption, the Church assumes responsibility for nurturing the baptized person in the Christian life.<sup>39</sup> Particular members of the faith community may be charged with special responsibility for nurture.

On the mission field, the Church was represented by

- a) the person(s) or boards in administrative positions for the mission community or its institutions (e.g., field secretary, legal representative, school board, hostel board);
- b) the local mission field personnel or mission community as formally organized (e.g., through committees for MK education);
- c) the local mission community informally (e.g., through the use of “aunt” and “uncle” for any adult missionary to express the sense of an extended family); and,
- d) those with special designated roles, hired or appointed by the mission agency (e.g., teachers, houseparents).

Securing basic physical safety is a first step toward nurture and guidance. A safe environment, one free from physical or sexual abuse, facilitates support, instruction, faith formation, and overall growth and development. Conversely, an unsafe environment causes children to concentrate their energies on survival and self-protection, an emphasis that makes it difficult for them to engage positive developmental resources. Basic physical safety for children is thus necessary before the church can hope to successfully fulfill its responsibility for nurturing and guiding children’s growth and faith.

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<sup>38</sup> The Constitution of the United Presbyterian Church in the United States of America, 1962, Chapter V, The Sacrament of Baptism, p. 106. The various predecessor denominations encompassed by the IARP’s inquiries expressed this differently in their constitutions and Books of Order. For example: “The children of believers are, through the covenant and by right of birth or adoption, members of the Church.” The Book of Church Order, Presbyterian Church in the United States, 1982/1983, Part II, Chapter 7, 7-3, p. 21.

<sup>39</sup> Constitution of the UPCUSA, 1962, p. 107: “The congregation shall then, in the name of the whole Church of Christ, be asked to undertake responsibility for the growth of the child in Christian nurture..”

*Failure to protect*

**Definition:**

**Failure to secure basic physical safety of a child occurs when an individual or entity, associated with children on the mission field in one of the four roles noted above (administrative position, formal mission community role, informal mission community role, or specially designated role), fails to keep a child safe from the threat of or actual occurrence of physical or sexual abuse.**

Failure is further measured according to these criteria:

a) Can the individual or committee in question be identified according to one of the four roles – administrative leadership, formal mission community, informal mission community, or specially designated role – that effected children on the mission field?

If the Panel cannot identify the role and describe its context, then this definition of failure to secure physical safety is not met.

b) The failure must be identified with “an action or inaction” by the individual or committee.

This provision is designed to exclude conditions and circumstances beyond the control of the individual or committee, such as civil revolutions or coups that might threaten the physical safety of every member of a mission community on the mission field.

c) The individual or committee must have had the authority, capacity or resources to secure the child’s basic physical safety.

d) The failure is evident when compared to similar behavior by similar individuals in similar positions. For example, a houseparent might be judged to have failed to secure basic physical safety if a subsequent houseparent, in the same dorm, with the same number of children, working under similar conditions and circumstances, was able to provide for a child’s basic physical safety.

e) The Panel is able to identify clearly the threat of or actual occurrence of physical or sexual abuse associated with the failure to secure basic physical safety.

## **I. CONCLUDING THERE WAS ABUSE OR FAILURE TO PROTECT**

The Charter designating the Panel as a fact-finding body did not specify what standard the Panel should use in making determinations about the allegations it investigated. The Panel came to several conclusions in examining various standards and their applications:

1. The Panel was specifically chartered as a non-disciplinary, non-adjudicative, non-adversarial entity, and did not have the power to compel testimony, so it was inappropriate for the Panel to adopt the PC(U.S.A.)’s standard for formal disciplinary action in judicial proceedings: beyond a reasonable doubt. The Charter directs the Panel to refer cases where it finds abuse occurred to appropriate disciplinary bodies, as applicable. This means that the results of the Panel’s inquiry may lead to the opportunity for further decision-making using different standards in those instances.
2. Given the gravity of the allegations under examination, the Panel needed a minimum standard of preponderance of the evidence in order to make a determination.

Therefore, as a fact-finding body, the Panel adopted a standard of “clear and convincing” for determination of whether abuse or failure to protect occurred or not. The Panel weighed the sum total of information for each alleged incident, given prior assessments of credibility, reliability, and what was most likely, against this standard to see if it could say that the information clearly and convincingly pointed to abuse having occurred. Were the facts the Panel found persuasive to this level of certainty that physical or sexual abuse was the explanation of the alleged incident or failure to protect?

Where the Panel could answer this question affirmatively, it made a determination that abuse or failure to protect had occurred.

Where the Panel could not answer affirmatively, it made no determination.

Where the facts indicated clearly and convincingly that abuse had not occurred, the Panel made a determination that abuse or failure to protect did not occur.

## J. SPECIAL NOTES

### Judging the Past by the Present

A number of participants expressed concern that the Panel would be judging what happened in the past by current standards. The Panel took into account that standards have evolved over time. However, some behaviors were cause for concern in the past and are still cause for concern today. This Protocol was designed to focus on behaviors that transcended cultural norms and the vicissitudes of public awareness of abuse. These features are especially important:

- The Panel used definitions developed by an authoritative agency, the Centers for Disease Control and Prevention, with a mandate to collect and synthesize information from a wide variety of sources.
- The definitions focus on behaviors without reference to their interpretation at the time of occurrence.
- In addition, the Panel added criteria to some definitions to refine a conclusion of abuse, and make it more specific to the mission context.

The concern about judging the past by the present was especially acute for some participants in the Panel's consideration of accusations of sexual abuse. The fear was that the Panel would evaluate past behaviors through the current lens of heightened concern about sexual predators and adolescent offenders. The Panel took note of the fact that

The twenty years after 1980 were a curious mix of undramatic continuity and dynamic change in policy toward sex offenders in the United States. The fewest changes in legal policy concerned basic prohibitions in the criminal law about sexual conduct. The range of practices prohibited by the criminal law did not change much...There were no new categories of sex offenses created during this period...<sup>40</sup>

While the Panel was not concerned with criminal law, public awareness and social policy toward child abuse, especially sexual abuse, often change hand in hand with legislative attention and statutory changes.

To test applications of definitions and criteria to the behavior described, the Panel paid attention to how adults at the time defined and reacted to the behavior when they became aware of it. In one instance, the Panel located a denominational policy on sexual harassment and sexual misconduct that served as a guide to what was considered inappropriate behavior at the time. And, in some cases, the Panel referenced legislation in place at the time of the event described in order to understand how the behavior might have been interpreted had it occurred in the United States.

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<sup>40</sup> Zimring, Franklin E. (2004). *An American Tragedy: Legal Responses to Adolescent Sexual Offending*. Chicago IL: University of Chicago Press, p. 32.

## Sexual abuse by minors<sup>41</sup>

When the PC(U.S.A.) chartered the IARP, neither the GAMCXC nor the Panel members anticipated the large number of reports of abuse by minors. The volume and complexity of these reports led the Panel to request that the GAMCXC amend the Charter to give the Panel discretion over where those found to have committed abuse would be named.

Still, some questioned whether the Charter applied to minors as accused individuals. The Charter directed the IARP to “receive allegations of physical or sexual abuse” with the purpose to “pursue the truth, encourage healing and promote justice.” This applies to minors when they were on the mission field by virtue of their parent’s appointment by the PC(U.S.A.) or a predecessor denomination. In addition, the Church had an interest in the Panel’s investigations of reports of abuse by minors because the settings for many of these reports were boarding facilities developed, owned, and operated by the Church. Thus the supervision and oversight of the settings fit squarely into the Charter’s directive to the Panel to evaluate the “actions and inactions of WMD staff.”

Some might argue that any sexual behavior by a minor is experimental or normal, and thus should not be evaluated as a report of possible abuse. Sexual behavior by a minor is experimental or normal when the behavior:

- Is between peers
- Is a choice: each has the choice for the behavior to continue or to stop
- Stops because one person says no
- Is accidental rather than planned
- Has curiosity as the purpose of the behavior
- Has a sense of playfulness with no anxiety
- Is not a secret
- Has positive or neutral aftereffects, e.g. no later attempts to avoid the other child.

Sexual behavior by a minor crosses the line and becomes abuse when the behavior:

- Is by an older child on a younger child, or a bigger child on a smaller child
- Is not a choice: one child wants the behavior while the other child does not
- Is such that one child feels afraid to say no, or says no and the behavior does not stop
- Causes the child to feel intimidated, coerced, or forced into the behavior
- Is thought about beforehand and, subsequently, becomes planned and opportunities sought
- Has control and sense of power as the purpose of the behavior
- Results in a sense of anxiety and fear, then dread about the next time it might happen

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<sup>41</sup> The Panel was very careful to distinguish between experimentation and abusive behavior. The Panel did not count the former.

- Is a secret, or has a sense not to tell because no one would believe them or might blame them
- Results in negative aftereffects for the victim: fear, anxiety, betrayal, shame, confusion, humiliation, hurt, followed often by subtle behavior changes, such as trying to avoid the person as well as situations where the aggressor might be.<sup>42</sup>

The Panel noted, moreover, that society has been concerned with the conduct of juveniles since the late 1800s when juvenile courts were created.<sup>43</sup> Nomenclature has changed – delinquent to offender – but the concern has remained. Research indicates that, in general, “patterns of sexual offending among children and youth have been consistent throughout the history of the juvenile court.”<sup>44</sup> Age differences, the use of force or coercion, and repetition of offense are long-standing standards used to evaluate the seriousness of sexual conduct by minors.<sup>45</sup>

### Sexual abuse and sexual orientation

The Panel was concerned with reports of *abuse*. An individual’s sexual orientation or preference was irrelevant to the investigation of alleged abusive behaviors. The Panel had no mandate by the Charter to be concerned with other than behaviors of abuse. The Panel urges readers to set aside concerns they might have about sexual orientation and preference, and focus instead on the allegedly abusive behaviors the Panel examined, the context for those behaviors and others’ responses to them, and the long-term outcomes of these incidents for the Church and the individuals involved.

There is no overlap or causal connection between a person’s sexual orientation and their propensity to engage in sexual abuse:

1. Most heterosexuals and most homosexuals do not sexually abuse others. Sadly, however, some heterosexuals and some homosexuals do sexually abuse adults or children. Knowing a person’s sexual orientation tells nothing about whether or not they are a sexual offender.<sup>46</sup>

2. Similarly, knowing that someone is a sexual offender, even knowing the gender of their victims, is not a sure guide to their sexual orientation. Since sexual abuse is fundamentally an assertion of *power* of the offender over the victim, and not primarily a sexual act, the choice of victim is often opportunistic: The offender first and foremost chooses from among the targets available. If the available targets do not represent the

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<sup>42</sup>

<sup>43</sup> Op. Cit. Zimring, p. 104.

<sup>44</sup> Op. Cit. Zimring, p. 109-110.

<sup>45</sup> Op. Cit. Zimring, p. 38, 67.

<sup>46</sup> Child Development, pp. 111-113.

offender's sexual preference, abuse can still occur. So, there is no basis in fact for making an assumption of sexual preference or orientation from simply knowing an individual offender's choice of victim.

3. This is particularly true for adolescent offenders, who are more constrained than adult offenders in their ability to find and groom targets or victims. Children and adolescent offenders are constrained in their choice of victim by who else lived or visited on their mission station, who lived with them in their dorm, who attended school with them, and who was with them on extracurricular activities. In any of these settings, their actions were also constrained by their ability to escape adult notice, something that was much easier for adults to do than minors. Children and adolescent offenders were unable to travel outside of these venues to seek what might be more preferable, from a sexual standpoint, victims.

4. Because minor offenders faced these constraints, their choice of victim is less a reflection of preference and more a reflection of opportunity. For this reason, adolescent offenders may have victims of both genders and a wide range of ages.



Table 1, following, is a summary of the steps of the Panel's Finding of Fact Protocol.

The top row, reading from left to right (receipt of report, classification, investigation, evaluation, decision and outcome), represents a chronology of the Panel's process, from receiving a report through the various steps involved in evaluating it.

The left column identifies important factors to highlight in the Finding of Fact process: the type of report, the work flow or information the Panel collects or the evaluation conducted at each stage, potential panel decisions, and potential panel actions.

Panel decisions and actions, the bottom two rows on the chart, are noted for each report of abuse in the Final Report.

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**Table 1. Summary of Panel process and Finding Protocol** (Please see *Finding of Fact Protocol* for definitions of terms and explanations.)

	<b>Receipt</b>	<b>Classification</b>	<b>Investigation</b>	<b>Evaluation</b>	<b>Decision</b>	<b>Outcome</b>
<b>Types of reports</b>		Individual * Concern * Supporting statement * Allegation  Mssn admin (only w/ an allegation)			Individual * Concern * Supporting statement * Allegation Sexual abuse by adult Sexual abuse by minor Physical abuse Mission administrative Failure to protect	
<b>Work flow</b>	Report received  Collect initial information * Witnesses * Archives		Collect facts * Alleged victim * Accused person * Incident * Setting * Effects * Others informed  Characteristics of facts and relationships * Sources of info * Types of info * Credibility * Reliability * Likelihood of abuse	Sexual abuse * Sexual acts * Abusive sexual contact * Noncontact sexual abuse By minor: * Dominance * Deliberateness  Physical abuse * Intent * Potential for injury  Mssn admin failure to protect * Role * Authority * Comparison * Identify threat or actual abuse		
<b>Potential Panel decision</b>		Does or does not fit scope of Panel's Charter	Sufficient or Insufficient information	Does or does not fit definition of abuse or failure to protect	Clearly and convincingly: Abuse No decision Not abuse	
<b>Potential Panel action</b>	Mandatory report	Third party notification			Name in final report Name in need-to-know report	Referral Notification Processing

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## **APPENDIX L:**

### **Naming Protocol**

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**INDEPENDENT ABUSE REVIEW PANEL**  
**P.O. Box 18241**  
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**1 (866) 313-3694**  
**IARPanel@gmail.com**

**Protocol for Naming Decisions**

The IARP Charter provides for the Panel, when there is “sufficient evidence to reach a determination that the alleged abuse occurred” to name those person responsible for the abuse.<sup>47</sup> The Charter notes the Panel’s discretion in naming for the public Final Report, and the Panel’s discretion in publishing a Need-to-Know Report.

The Witness Agreement and Release Form, as the document that specifies how the Charter’s provisions apply to individual witness’ relationships to the IARP, is even clearer about the Panel’s responsibility to name those found to have committed abuse. Item #5 states:

5. The IARP will produce a final report that will be available to the public. I also understand that, as it deems fit, the IARP also has discretion to publish a Need-to-Know Report(s) to a more limited group of individuals. If the IARP determines that abuse occurred, the offender will be named in either the final report or a Need-to-Know Report. The IARP has the discretion to determine in which report the name occurs. The IARP also has the discretion to determine the distribution of the Need-to-Know Report. I understand that, as an individual who has signed a Witness Agreement and Release Form, I will receive a copy of the final report from the IARP. If a Need-to-Know Report is produced in a case for which I have

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<sup>47</sup> Charter, Section XI Process: “The final report will include—

1. Any necessary background information about mission life.
2. A thorough report of the IARP’s findings, specifically including whether or not there was sufficient evidence to reach a determination that the alleged abuse occurred.
3. The names of those who are found to have committed abuse at the discretion of the IARP. As it deems fit, the IARP also has discretion to publish a Need-to-Know Report(s) to a more limited group of individuals. Where the allegation of abuse is not sustained, the IARP should use its careful discretion in determining whether or not to name those individuals. For example, it may be appropriate to make no statement (including the accused’s name) where the allegation is found to be entirely groundless.
4. Findings about the actions and inactions of WMD and its staff members.
5. Recommendations for improvements to the processes of WMD.”

served as a witness, I understand that I will receive a copy of that report from the IARP.<sup>48</sup>

The Panel used this Protocol after the Finding of Fact Protocol led the Panel to the conclusion that abuse occurred in a particular incident. These incidents of abuse were further evaluated so the Panel could meet its requirement to name, either in the Final Report or a Need-to-Know Report, those individuals found to have committed abuse.

### Why name offenders

Naming those found to have committed abuse has been a part of the Panel's Charter since its inception because it serves important purposes:

1. For transparency and accountability. The Church has chosen to be transparent in its desire to pursue the truth, willing to examine openly and honestly the allegations of abuse. In naming, the Church has been willing to look, with integrity, at the accountability of that past abuse in an effort to build trust and confidence.<sup>49</sup>
2. For community safety. Identification of an offender can give more complete information to individuals in decision-making positions, within the Church as well as the community at large, as they are called upon to make decisions affecting an offender's current access to children. Decision-makers may or may not decide to restrict an offender's access, but they are able to consider their decision with more information if the Panel has named those whom it found to have committed abuse in the past. In this way, naming serves a public safety or preventive function by giving decision-makers more complete information.
3. For the mission field communities and networks of MKs. Missionaries, called to preach that Jesus Christ is the way, the truth, and the life have an opportunity to look at where pockets in their community failed, using instead their position to abuse. Painful as it is to look at the truth of abuse in the mission community and, especially to name those found to have committed the abuse, it offers nonetheless an opportunity for the mission community to examine the structure wherein abuse occurred, to make informed decisions and, thereby, to bring about reform and healing.
4. For the victims who came forward. It took great courage for victims to speak with the Panel truthfully about their abuse. It is of value for victims, now, to know that the Church and the mission community heard them and has taken seriously their experiences.
5. For the other victims of the same offender. Other victims may find some healing and relief in knowing that their abuser has been identified and his or her actions investigated. Naming is, therefore, one way in which the Church can "promote justice and encourage

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<sup>48</sup> Witness Agreement and Release Form, February 13, 2008.

<sup>49</sup> Parkinson, Sexual abuse and the churches, p. 294.



healing” for victims. Naming allows non-participants to learn of the Church’s actions, which may help them to come forward. Coming forward serves both victims and the Church; victims may be able to access services that would be useful to them. When victims come forward, the Church learns more; more information leads to better assistance and better preventive efforts.

6. For some offenders. For some offenders, there may be a sense of relief that the past is known. Disclosure may allow them to get help, receive support from family and friends, and move beyond secret-keeping. Naming is, therefore, one way in which the Church can “encourage healing” for offenders.

### Appropriate outcomes of naming

The appropriate outgrowth of naming, in the Panel’s view, is *not* ostracizing an individual but inclusion with appropriate close supervision. Naming asks an offender now to be responsible for the consequences of their past actions. An important consequence is that abuse disrupts trust, between individuals and within a community, and offenders need to work to regain this trust. Family, friends, and the community need to accept the person for this to occur.

The Panel was privileged to understand first-hand what appropriate close supervision requires of family, friends, and a faith community in the service of protecting children. The Panel received direct information from one family about their efforts to supervise one offender.

Appropriate close supervision requires acknowledging the reality of and living with the truth daily of an individual’s behavior. Supervision requires strength, faith, and commitment on the part of the offender, and on their community.

Alternative courses of action create further risk. Ostracizing or isolating offenders may increase stress, which leads to further sexual abuse.<sup>50</sup> Easy forgiveness, quick inclusion without supervision, or a rush to restoration without any demonstrated change in behavior may also create further endangerment.<sup>51</sup>

Churches are often inclined to accept words of contrition as demonstrated changes in behavior, but truly repentant individuals, aware of the harm they have caused, will accept the difficulty of living daily with the consequences of their past behavior. They will understand that the “burden” of appropriate close supervision is small compared to the truth and realities that their victim(s) live with every day.

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<sup>50</sup> Coker p. 140, 143-145.

<sup>51</sup> Arms, p. 121 at the bottom. Some actions on the part of the Roman Catholic Church also come to mind here.

The Church, in many cases, failed to acknowledge abuse and support victims when their abuse occurred. The Church need not repeat this failure now by not acknowledging the behavior of abusers and supporting them when their abuse becomes known.

### Where naming occurs

The Panel, by virtue of its Charter, has always had the requirement to name in the public Final Report those found to have committed abuse.<sup>52</sup> In September 2008, the Panel requested an amendment to the Charter that would allow discretion in naming some individuals found to have committed abuse in a Need-to-Know Report, with more limited distribution, rather than in the Final Report. The General Assembly Mission Council Executive Committee approved the change on September 13, 2008. With this change, the Panel continues to name those found to have committed abuse. Some are named in the public Final Report; others are named in a Need-to-Know Report with more limited distribution.

The Panel's naming options, then, became:

FULL	Name in the public final report
NTK	Name in a Need-to-Know report, with more limited distribution, only.

For the Panel, a Need-to-Know Report includes the information provided in the Final Report and names the individual found to have committed abuse. In addition, a Need-to-Know Report includes a general outline of what the Panel has learned of the offender's Presbyterian affiliations and general whereabouts after the abuse occurred.

### Distribution of a Need-to-Know Report

Participants in Panel inquiries who signed a Witness Agreement and Release (WA) will receive a copy of any Need-to-Know (NTK) Report the Panel writes for the particular mission field inquiry of which they were a part. For example, people who signed a WA and spoke to the Panel about the Congo mission field will receive a copy of any NTK Report the Panel writes for the Congo mission field.

NTK reports will also be distributed in three other ways:

1. "You need to know": The IARP will initiate distribution to PC(U.S.A)-related institutions where the offender has or has had an affiliation or association.

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<sup>52</sup> Charter, Section IX Process.

2. “I need to know”: NTK reports will be available on request to those associated with the mission field or offender in some way. This is the approach the ICI used. In this instance, people complete a form, which is in the Appendix of the Final Report, requesting a NTK report on a particular mission field, and explain their “need to know.” These requests are directed to the Executive Director of the General Assembly Mission Council who decides whether the request is granted or not.

3. “Check to see if you need to know”: The Panel will recommend to the PC(U.S.A) that they establish a mechanism whereby any church, PC(U.S.A) entity, or other religious institution hiring people or retaining volunteers could inquire whether an individual has been the subject of an IARP NTK report. The PC(U.S.A) could then share the NTK report if there was one, or indicate that a NTK report did not exist. This would serve as a counterbalance to offenders who might wish to avoid the consequences of their actions by moving to another church or organization. The responsibility would fall on the church or organization to contact the PC(U.S.A).

### The Protocol

The Panel’s discretion to name an offender in the public Final Report or a NTK Report required a decision-making process that would be

- Clear to those who were named and to those who participated in Panel inquiries;
- Consistent across the various mission fields where the Panel conducted its investigations;
- Grounded in empirical research;
- Careful to distinguish between relevant different types of offenders, such as those who were minors at the time of the offense and those who were adults; and,
- Strongly tied to the Panel’s purposes of encouraging healing, and promoting justice.<sup>53</sup>

This protocol outlines the Panel’s decision-making process for determining in which report those found to have committed abuse are named.

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<sup>53</sup> Charter, Section IV. Nature, #1.

**A. Compile, by offender, all of the incidents, based on evidence collected, that led the Panel to conclude there was abuse.**

Determination of abuse. The Panel’s investigation and process for concluding whether or not abuse occurred was focused on specific incidents.

Naming. Naming is person-based; so it was necessary for the Panel to compile, by offender, those incidents where the evidence pointed to abuse.

**B. Identify default starting positions and appropriate additional criteria.**

In order to accommodate recognized empirical differences between minors and adults who offend,<sup>54</sup> the Panel identified different default starting positions for the decision to name minors and adults:

For those who were minors (under the age of 18) at the time of the identified incidents of abuse, the default position was to name in a Need-to-Know report.

For those who were adults (18 or older) at the time of the identified incidents of abuse, the default position was to name in the public Final Report.

This difference recognizes that harm may come from public identification.<sup>55</sup> Research on young offenders and adult offenders indicates that

- young offenders are more heterogeneous than adult offenders, as a group;<sup>56</sup>
- young offenders are less likely than adults, as a group, to commit further sex acts; and,<sup>57</sup>
- young offenders are more complicated than adults. For example it may be more difficult to distinguish opportunity from preference with young offenders.<sup>58</sup>

The Panel’s default positions for minors and adults recognize these empirical distinctions.

Given this distinction, it is important to stress what has been the same for adults and minors up to this point:

- The behaviors included in the definition were the same (ie. sexual abuse by a minor needed to meet the behavioral definition of sexual abuse first).
- The standard for decision-making, clear and convincing, was the same.

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<sup>54</sup> Op. Cit. Zimring, pp. 63-68

<sup>55</sup> Op. Cit. Zimring, p. 155.

<sup>56</sup> Op. Cit. Zimring, p. xiv

<sup>57</sup> Op. Cit. Zimring, p. 62

<sup>58</sup> Op. Cit. Zimring, p. 65

- The types of information collected and how the Panel assessed its breadth and depth were the same.

There are also differences in how the Panel viewed incidents reported for adults as opposed to minors prior to this Protocol. The definition for sexual abuse by a minor included additional criteria to account for peer sexual activity and exploration.

This difference in default starting position for naming, then, is a continuation of the Panel distinguishing between acts of minors and acts of adults, as appropriate and based on empirical research.

### **C. Evaluate the incident(s) for each offender to identify patterns, or potential progression in severity of offenses.**

This step in the process ensured that the Panel would consider all available information to engage in a thorough deliberation.

### **D. Application of additional criteria**

These criteria are factors present for offenders that could change the Panel’s default position. For minors, where the default position is naming in the Need-to-Know Report, the presence of aggravating criteria would lead the Panel to name instead in the Final Report. For adults, where the default position is naming in the Final Report, the presence of mitigating criteria would lead the Panel to name instead in the Need-to-Know Report.

#### Factors:

1. Reports of multiple victims, whether the person was caught at the time or not. More than one incident and more than one victim point to a more consistent pattern of abusive behavior.<sup>59</sup> AGGRAVATING FACTOR.

The presence of multiple or serial victims raises, for the Panel, the probability that there are other victims who may benefit from knowing that this offender has been investigated for abuse and named.

2. Moral recidivism: The occurs when others did become aware of the behavior, and there were consequences for the offender, yet the offender repeated the behavior again. The awareness by others is not the same as arrest or official conviction, which is why this is termed “moral” recidivism.<sup>60</sup> AGGRAVATING FACTOR.

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<sup>59</sup> Op. Cit. Zimring, p. 129.

<sup>60</sup> Op. Cit. Zimring, p. 129.

Evidence to date shows fairly low official sexual offense recidivism rates for minors; the rates in research the Panel consulted ranged from 0 – 14%.<sup>61</sup> The fact that an individual experienced consequences for their abusive behavior, though, and then repeated the behavior leads the Panel to question whether learning occurred. Repetition under these circumstances points to a greater degree of deliberateness than was required for the Panel’s definition of sexual abuse by a minor.

For adults, moral recidivism occurred when children informed adults of their abuse, and adults spoke to the offenders, formally or informally, and told them to stop. Continuation after this type of confrontation, as above, points to purposive and deliberate patterns of abuse.

3. Risks to victim: These include factors such as fragility of the person, or extreme concern about exposure of the victim’s identity through naming.<sup>62</sup> For example, if the incident where the Panel concluded abuse had occurred involved family members as offender and victim, naming one individual would effectively name the other.

MITIGATING FACTOR.

If there are identifiable risks to the victim, and the potential benefits to the Church were more difficult to identify, this would lead the Panel to consider naming in the Need-to-Know Report.

4. Official church role: This factor considers whether the offender was serving in a church-recognized position at the time of the abuse.<sup>63</sup> AGGRAVATING FACTOR.

If the abuse occurred within a church-sanctioned role, then naming publicly promotes the safety and integrity of the church community by potentially reducing the risk of further victimization. Naming publicly promotes accountability for those in roles where power and leadership are sanctioned by the faith community.<sup>64</sup>

5. Adjudicated: This factor considers whether there is a secular court decision relevant to the Panel’s inquiry.<sup>65</sup> AGGRAVATING FACTOR.

A relevant secular court decision is most likely public information, and, as such, it functions in much the same way as naming in the Panel’s Final Report. Church

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<sup>61</sup> Op. Cit., Zimring, p. 129.

<sup>62</sup> Panel consultations with clinical and legal consultants.

<sup>63</sup> Panel consultations.

<sup>64</sup> Altobelli, Mediation, p. 5 top paragraph.

<sup>65</sup> Panel consultations.

communities may not be aware of relevant secular court decisions, though, so naming in the Final Report is appropriate.

**E. Naming considerations for mission administrative reports where the Panel concluded there was a failure to protect.**

Conclusions about mission administrative reports, whether or not there was “failure to protect,” involved identifying one of these roles for the accused individuals. (See the Finding Protocol for more detailed information.)

- 1) Persons in administrative positions for the mission community  
e.g. field secretaries, school board members.
- 2) Formal mission community roles  
e.g. those serving on committees for MK education
- 3) Informal mission community role  
e.g. adults were “aunt” and “uncle” to MKs;  
e.g. MKs stayed in homes of other mission families for extended periods under some circumstances
- 4) Specially designated teaching or caregiving roles  
e.g. MK school teachers  
e.g. dorm or hostel houseparents

Failure to protect is measured relative to threat of or actual occurrence of physical or sexual abuse. The Panel must be able to identify each of the following factors to arrive at a determination of “failure to protect.”

- a) Does the failure occur in one of the four roles noted above?
- b) Is the failure associated with an action or inaction by the individual or church administrative unit, entity, or committee?
- c) Did the individual or committee have the resources, capacity, and authority to secure safety under the circumstances?
- d) Is the failure evident by comparison with the behavior of others performing the same role under similar circumstances?
- e) What is the threat of or actual occurrence of physical or sexual abuse associated with the failure to protect?

Given this information, the Panel considers these additional criteria for making naming decisions for instances of “failure to protect.”

1. If the person’s role was official, then it counts for naming in the FULL report.
2. If there was a pattern of failing to act on information that was available, then it counts for naming in the FULL report.
3. If there are risks to the person identified as having failed to protect, e.g. fragility, it counts for naming in the NTK report.
4. If the person was required or there was pressure to carry out responsibility beyond what was realistically possible, it counts for naming in the NTK report. Similarly, if the person was in a position where other people’s actions or failure to act interfered with or impaired the person’s ability to carry out assigned responsibility, it counts for naming in the NTK report.
5. If there is potential benefit to the Church, i.e. being able to acknowledge changes needed to protect children in the future, it counts toward naming in the FULL report.
6. If the person has demonstrated acceptance of responsibility for the behavior, it counts toward naming in the NTK report.



## **APPENDIX M:**

### **Acts of apology and forgiveness as a concern of witnesses**

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## **Acts of apology and forgiveness as a concern of witnesses**

### ***Concern of witnesses***

A standard question asked by the Panel of a witness was what outcomes the person would like to see as a result of the inquiry. Many talked emphatically of wanting to ensure that vulnerable people, especially children, were protected, and that systemic, programmatic changes in the Church were achieved, particularly related to abuse prevention and education measures. Some also talked in very intimate terms about personal concerns, including matters related to specific people and acts of apology and forgiveness in their own cases.

This theme of apology and forgiveness was articulated in diverse ways:

- One witness hoped that the adult missionary who had abused her sexually would receive God's forgiveness, but her hope was contingent upon his first making a sincere and full confession;
- A former high-ranking mission administrator volunteered during his witness interview to apologize to those who were harmed in the mission setting during his tenure, offering this in the spirit of South Africa's Truth and Reconciliation Commission chaired by Anglican Archbishop Desmond Tutu<sup>66</sup>;
- One witness described how, as an adult, she had confronted the person who sexually violated her as a child at a mission school, and when he apologized, she forgave him;
- Two former missionaries, upon learning how some of their missed opportunities to take preventive actions had resulted in sexual harm to a minor in their care, expressed the desire to apologize for their omissions;
- Several people accused of sexual abuse told the Panel they wanted to seek the forgiveness of certain victims, but did not offer to seek this from others;
- One accused offender spoke of the certainty of knowing God had forgiven him;

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<sup>66</sup> Desmond Mpilo Tutu (1999) *No Future without Forgiveness*, Image Book: New York, NY.

- Some victims of sexual abuse stated they had long ago unilaterally forgiven their offenders, and wanted no contact with them.

On occasion, witnesses asked the Panel to facilitate interaction between the affected parties in their cases so that apologies could be offered and forgiveness sought. Such requests presented several distinct difficulties. The first problem was that the Panel understood the request as beyond its primary fact-finding role and function as defined by the Charter. The second problem was the pragmatics of how this type of interaction would be structured. Conceptual and procedural issues quickly emerged.

A key consideration for the Panel was the witnesses' lack of a standard or common definition of what constituted either an apology or forgiveness. Witnesses' statements about these topics were distinctly individual. Some who had been victims sought to honor the tenet of their Christian faith community that scriptural injunctions require them to forgive. However, not all witnesses were practicing Christians, and not all practicing Christian witnesses understood forgiveness the same way.<sup>67</sup> Some who had been victims talked of forgiveness as neither a religious or spiritual concept, but as a practical way to obtain personal closure on long-festered events. The mission administrator who was willing to apologize embraced the goals and means of restorative justice as applied in the specific context of a national commission in one country. Whether this approach would transfer as effectively to the specific circumstances of the IARP inquiry and the affected individuals was an open question.

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<sup>67</sup> The Panel respected witnesses' declared religious or spiritual practices, or lack thereof. We note that there are different understandings of passages about forgiveness. For a scholarly analysis, see Frederick W. Keene, "Structure of Forgiveness in the New Testament," Chapter in Carol J. Adams & Marie M. Fortune (Eds.), *Violence Against Women and Children: A Christian Theological Sourcebook*, Continuum Publishing Co.: New York, NY, c. 1995, pp. 121-134. His careful linguistic analysis of Hebrew Bible and New Testament scriptures explores the relationship between forgiveness and repentance, and the asymmetrical power of an offender over a victim of sexual violation as a pattern to be reversed before forgiveness is considered.

A second consideration was the motivation of the person expressing the request of the Panel. In cases where an offender wanted to seek a victim's forgiveness, there was no reliable method to assess the person's intentions. This was important because a fundamental working principle of the Panel was that survivors of abuse would experience no new harms. Whether direct communication with offenders was in the best interests of witnesses was an ongoing question the Panel discussed based on our access to information about the other parties. In some cases, people were able to state clearly what they wanted from an exchange. For some who had been victims, their desire was to achieve reconciliation with certain individuals. However, other witnesses who considered seeking an apology from their offenders were quite ambivalent. Uncertainty about an offender's capacity to recognize or comprehend the deep wounds and pain inflicted, and thus be less than truly contrite or repentant, resulted in reluctance to expose one's self to the disappointment of being hurt again if the apology was not heart-felt or complete.<sup>68</sup> In some cases, victims' had internalized an inappropriate responsibility for incidents, including the offenders' actions.<sup>69</sup> At an intuitive level, the offender's culpability was recognized, and yet this self-retribution, a misattribution of blame that

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<sup>68</sup> This understandable, self-preserving hesitation echoes a portion of the prayer, "Forgiveness," in Catherine J. Foote, *Survivor Prayers: Talking with God about Childhood Sexual Abuse*, Westminster/John Knox Press: Louisville, KY, c. 1994, p. 82: "God of grace, your forgiveness starts with the naming of the sin. Will this perpetrator name his sin? Is he willing to acknowledge what his careless, selfish action did? Will he listen to the cost?"

<sup>69</sup> Regarding guilt and feelings of complicity as a cognitive distortion incurred as a consequence of child sexual abuse, see Anna C. Salter, "Sex Offenders in the Head: Effects of Child Abuse on Victim Thinking." In *Transforming Trauma: A Guide to Understanding and Treating Adult Survivors of Child Sexual Abuse*, Sage Publications: Thousand Oaks, CA, c. 1995, pp. 201-219. The trauma of abuse distorts the child's development of the ability to assess proper responsibility, according to clinical psychologists Julian D. Ford & Christine A. Courtois, "Defining and Understanding Complex Trauma and Traumatic Stress Disorders." In *Treating Complex Traumatic Stress Disorders*, The Guilford Press: New York, NY, c. 2009, pp. 13-18. See also the work of Harvard Medical School-affiliated psychiatrist Judith Lewis Herman, *Trauma and Recovery*, Basic Books: New York, NY, c. 1997, Chapter 5, Child Abuse, pp. 96-114, pp. 189-190. For a non-academic, highly-regarded work, see Ellen Bass & Laura Davis, *The Courage to Heal: A Guide for Women Survivors of Child Sexual Abuse*, 4th edition, Harper & Row: New York, NY, c. 2008.

sustained shame and humiliation, generated an emotional and cognitive inhibition against holding accountable the person who was truly morally responsible for the abuse and betrayal.

### ***Cautionary position of Panel***

Based on members' professional experiences with sexual abuse cases in both secular (criminal and civil) and church (ecclesiastical discipline) proceedings, the Panel respected the complex and difficult factors inquiry participants faced when considering acts of apology and forgiveness as desired outcomes for their cases. In addition to important issues of the role of the Panel and pragmatic difficulties, the Panel carefully considered the nature of the abuse that was at the heart of people's concerns. The academic, clinical, and religious literature that was consulted reinforces a cautionary position about the potential risks and challenges in trying to achieve meaningful and authentic outcomes related to apology and forgiveness in sexual abuse cases.<sup>70</sup> The possibility of re-victimization is a serious one, and deserves attention.

### ***An ethical framework***

The Panel found an effective ethical framework for thinking about acts of apology and forgiveness, particularly in the context of sexual boundary violations in the Church and against those who constitute the body of Christ, in Marie M. Fortune's seven categories of justice-making.<sup>71</sup> Writing to faith communities, she observes that while "[j]ustice is not a category of experience usually associated with personal healing or

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<sup>70</sup> For example, see the collection of 12 essays by 15 authors from different disciplines from Australia, New Zealand, and the U.S.A. following a conference in 2000 in Canberra, Australia, on attempting to apply restorative justice theory and practice to issues of family violence, sexual violence, and domestic violence. Heather Strang and John Braithwaite (Eds.), *Restorative Justice and Family Violence*, Cambridge University Press: Cambridge, UK, c. 2002. See the 10 chapters on conceptual and practical issues by 12 authors from Australia and the U.S.A. reprinted from a theme-issue of the *Journal of Religion and Abuse*. Marie M. Fortune & Joretta Marshall (Eds.), *Forgiveness and Abuse: Jewish and Christian Reflections*, The Haworth Pastoral Press: Binghamton, NY, c. 2002.

<sup>71</sup> Marie M. Fortune, *Sexual Violence: The Sin Revisited*, The Pilgrim Press: Cleveland, OH, c. 2005, pp. 134-161.

pastoral care,” it nevertheless “is a necessary component of healing from the trauma of sexual violence.”<sup>72</sup> Her position derives from work with victims and her theological, ethical, and pastoral analyses. The seven categories are:

- Truth telling: the victim’s account of the facts, feelings, and meanings.
- Acknowledgment: the moral quality of the experience is heard and understood by a person or entity in a position or role of significance.
- Compassionate presence: the willingness to listen and be present to the suffering without avoiding it or attempting to resolve it for the person.
- Protecting the vulnerable: exercise of the community’s responsibility to protect others from potential harm.
- Accountability of the offender: calling the offender to account as the opportunity to change and make right for the brokenness caused, the essence of repentance.
- Restitution by the offender: literal (e.g., compensation for counseling expenses) and symbolic compensation for losses incurred, ideally provided by the perpetrator as an act of repentance, and, if not, by the faith community.
- Vindication of the victim: sufficient resolution to allow the person to move forward with her/his life.

There is a basic congruence between these categories and the stated purpose of the GA(M)C Executive Committee in creating the inquiry, “pursue the truth, encourage healing, and promote justice on behalf of those making allegations and those accused.”<sup>73</sup> In light of the Charter’s broad purposes, the justice-making framework provided a reference of concrete actions by which to identify and weigh the potential benefits and risks when witnesses considered acts of apology and forgiveness.

It is important to recognize that an individual who participates in the actions of Fortune’s seven categories is the one who ultimately decides whether the actions achieve

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<sup>72</sup> Ibid. p. 134.

<sup>73</sup> Charter: Section IV. Nature, #1.

the desired outcome. What is acceptable for one person may not satisfy another.<sup>74</sup> What fulfills a person's need at one point in time may later be regarded as insufficient. While this ethical framework is built of concrete acts, achieving justice, like making an apology that is meaningful to the person who was harmed, can be as much a process as an event.

### *Survey of options*

In light of the ethical framework of justice-making, a variety of ideas, constructs, and models from multi-disciplinary sources<sup>75</sup> were surveyed to discover promising options for witnesses who were considering acts of apology and forgiveness. Structure, definitions, goals, techniques, strengths, and weaknesses were considered, as was the relative power of the offender in relation to the victim. Among the options surveyed were: restorative justice,<sup>76</sup> mediation,<sup>77</sup> facilitated consultation,<sup>78</sup> and transformative

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<sup>74</sup> The individual nature of what is an acceptable form of justice corresponds to how personal and distinctive the impact of sexual abuse can be for a person. See the section of the Final Report on the individual nature of the impacts of abuse.

<sup>75</sup> Examples from secular literature included: Aaron Lazare, “[Guest Column] What makes for a good apology.” *For a Change*, 16(1, Feb.-Mar.), 2 pages. Cheryl Regehr & Thomas Gutheil, “Apology, justice, and trauma recovery.” *Journal of the American Academy of Psychiatry and the Law*, 30: 425-430, 2002. Examples from religious literature included: Barbara Lewis-Lakin, “*Know Justice, Know Peace: An Examination of the Relationship between Justice and Healing in the Practice of Pastoral Psychotherapy with Survivors of Clergy Sexual Abuse.*” Unpublished Doctor of Ministry research project. Garrett-Evangelical Theological Seminary: Evanston: IL, June 1997, p. 56. Margaret F. Arms, “When Forgiveness Is Not the Issue in Forgiveness: Religious Complicity in Abuse and Privatized Forgiveness.” *Journal of Religion and Abuse*, 4(4):107-128, 2002.

<sup>76</sup> Diana L. Grimes. “Practice What You Preach: How Restorative Justice Could Solve the Judicial Problems in Clergy Sexual Abuse Cases.” *Washington & Lee Law Review*, 63(Fall):1693ff., 2006. Howard Zehr, *The Little Book of Restorative Justice*, Good Books: Intercourse, PA, 2002

<sup>77</sup> Helen Last, “Steps for Mediation and Spiritual Healing Process.” Posted on the World Wide Web site of In Good Faith and Associates, c. 2006. Kimberly Day Lewis, “Mediation in cases of sexual abuse by clergy: Use & misuse.” *Working Together: A Newsletter of the FaithTrust Institute*, 25(2, Winter), 2 pages, 2006.



justice.<sup>79</sup> Lessons from clinical settings<sup>80</sup> and religious settings<sup>81</sup> about apology and forgiveness in the context of sexual abuse were examined.

Factors for assessing the options included: participation is voluntary; the model is neither therapeutic nor adjudicative in design, intent, or practice; participation would pose no foreseeable harms that were not disclosed in advance, e.g., the possibility of emotional distress; and, participation would offer foreseeable benefits, e.g., the truth being told, healing being encouraged, or justice being promoted.

### ***Communication model***

As a practical model to address the concerns of witnesses for whom apology or forgiveness was a concern, and to do so in a way that honored the ethical framework of justice-making, the Panel was prepared to recommend a structured communications approach, a Processing Session. The model has been described by Gary R. Schoener, a clinical psychologist, Minneapolis, Minnesota, who has consulted in thousands of cases

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<sup>78</sup> Anne Underwood, “[EthicsWalk column] Facilitated Conciliation.” *PlainViews: A Publication of The Healthcare Chaplaincy*, 3(23, January 3), 2 pages, 2007.

<sup>79</sup> Donna Coker, “Transformative Justice: Anti-Subordination Processes in Cases of Domestic Violence.” In Heather Strang and John Braithwaite (Eds.), *Restorative Justice and Family Violence*, Cambridge University Press: Cambridge, UK, c. 2002, pp. 128-152.

<sup>80</sup> Hilary Eldridge & Jenny Still, “Apology and Forgiveness in the Context of the Cycles of Adult Male Sex Offenders Who Abuse Children.” In Anna C. Salter, *Transforming Trauma: A Guide to Understanding and Treating Adult Survivors of Child Sexual Abuse*, Sage Publications: Thousand Oaks, CA, c. 1995, pp. 131-158.

<sup>81</sup> Patrick Parkinson, *Child Sexual Abuse and the Churches: Understanding the Issues*, second edition, pp. 182-191, 292-295. Bill Phipps, “Apology to Former Students of United Church Indian Residential Schools, and to Their Families and Communities (1998).” Posted on the World Wide Web, October 27, 1998. James S. Evinger & Dorthea L. Yoder, “Sexual Abuse, Forgiveness and Justice: A Journey in Faith.” *Journal of Religion and Abuse*, 4(4):71-88, 2002.

of professional misconduct, including those involving sexual boundary violations in religious communities.<sup>82</sup>

The Processing Session “involves attempting to achieve understanding and to get explanations. ...processing sessions typically involve:

- 1) Meeting in a neutral site, with clarification as to confidentiality and purpose;
- 2) The victim’s recounting of her memory of the events...;
- 3) A chance for the offender to respond and present how his memory is similar or different;
- 4) Attempts by the processor to establish common elements in the memories;
- 5) A summary at the end as to points of agreement and disagreement.”<sup>83</sup>

A communications approach does not promise the outcome of apology or forgiveness, results that the Panel could not guarantee or control. However, a fundamental understanding of events, based on facts, perceptions, feelings, and meanings, is the precursor to the possibility that either could occur as a by-product.

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<sup>82</sup> Gary R. Schoener, *Boundary Violations by Professionals: Intervention & Prevention*. Unpublished workshop presentation handout, Toronto, Ontario, Canada, November 9, 2001. See also an adaptation of an earlier presentation: retrieved from [http://www.advocateweb.org/demo\\_new/home.php?page\\_id=60](http://www.advocateweb.org/demo_new/home.php?page_id=60) The earliest published description is: Gary Richard Schoener & Jeannette Hofstee Milgrom, “Processing Sessions.” Chapter in Gary Richard Schoener, Jeannette Hofstee Milgrom, John C. Gonsiorek, Ellen T. Luepker, & Ray M. Conroe. *Psychotherapists’ Sexual Involvement with Clients: Intervention and Prevention*, Walk-In Counseling Center: Minneapolis, MN, c. 1989, 345-358.

<sup>83</sup> Op cit.

**APPENDIX N:**  
**Counseling program information**

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**Independent Abuse Review Panel**  
COUNSELING SUPPORT AND THE PRESBYTERIAN CHURCH

The Presbyterian Church (USA)'s General Assembly Mission Council Executive Committee makes counseling support available for individuals whose abuse falls within the Scope of the IARP's Charter. Eligible individuals are:

Those who experienced physical or sexual abuse

OR

The immediate family member of someone who experienced physical or sexual abuse.

AND, where either

The offender was Presbyterian, formerly on the mission field by Presbyterian Church (U.S.A.), or predecessor denomination appointment and not currently under such appointment.

OR

The victim was Presbyterian, formerly on the mission field because of a Presbyterian Church (U.S.A.) or predecessor denomination appointment.

Applicants do not need to have participated in a Panel inquiry to be eligible for counseling support. There is a limit of \$15,000 per family. Reimbursement can be applied to previous out-of-pocket counseling expenses or for new counseling services. If you prefer to keep your name confidential in your interactions with the Church, after your application, you can request to be assigned a code.

Here are the steps to follow:

1. Request a form entitled, "Request for Psychotherapy/Spiritual Care Service" from:  
Current IARP Liaison  
Presbyterian Church (USA)  
100 Witherspoon St.                      Toll free number: 1888-728-7228 x5377  
Louisville, KY 40202                      Email: carol.hartmann@pcusa.org
2. You will be sent you the following information:
  - Choosing a Psychotherapist.
  - Request for Psychotherapy and Spiritual Care Resources Guide. Here is where you can indicate who you are and what kind of service you seek. Return this form to the address above to start the process.
  - A form to be filled out by the therapist you choose to work with - Therapist's and Spiritual Care Provider's Experience Questionnaire

If you have any questions or concerns, contact Carol Hartmann at the above phone or email OR until December 31, 2010, contact the IARP at PO Box 18241, Rochester NY 14618; IARPanel@gmail.com; toll-free at 1-866-313-3694.

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**APPENDIX O:**  
**Request form for Need-to-Know Report**

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**REQUEST FORM FOR ACCESS TO AN IARP NEED-TO-KNOW REPORT**

TO: General Assembly Mission Council, Executive Director  
Presbyterian Church (USA)  
100 Witherspoon Street  
Louisville KY 40202

FROM: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

I hereby request access to the following IARP Need-to-Know Report of the Independent Abuse Review Panel (IARP):

\_\_\_\_\_ Cameroon      \_\_\_\_\_ Congo      \_\_\_\_\_ Thailand

This request is based upon the charge to and scope of the IARP. Need-to-Know Reports are highly confidential documents and may be provided only to such individuals who can demonstrate a persuasive interest in the inquiry conducted by the IARP. I believe I have such an interest, and that providing me a copy of the requested Need-to-Know Report will clearly further the ends for which the IARP was created, based on the following facts, circumstances, and reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand the IARP’s Need-to-Know Report contains material and information that may be upsetting to me. I will take precautions to ensure I have reasonable support during the period when I read this report. **In light of the sensitive, private, and confidential nature of this report, I agree not to copy, share, disclose, or disseminate the report (including, but not limited to, any portions of it, comments or statements about it, or those named in it) in any manner whatsoever.**

I understand I may share the report in strict confidence with only my spouse, pastor, or professional counselor. I may be held responsible for any breaches of confidentiality committed by my spouse or pastor or professional counselor. Any breach of confidentiality by my spouse, my pastor, my professional counselor, or me could include legal and disciplinary proceedings against me.

-- continued on reverse side --

I understand I retain the right to share with whomever I desire my personal story and other information I have gathered myself (outside of that information I have learned in the IARP process or from the Need-to-Know Report).

Signature:

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Date:

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Notary:

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## **APPENDIX P:**

**How to contact the Panel, obtain a copy of the Final Report of the IARP,  
Obtain a copy of the IARP's video, or contact the PC(USA)**

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## HOW TO . . . . .

**Contact the Panel:**    **The Panel's term ends on December 31, 2010.**  
The phone, email and address will **not** be valid after that date.

Call:                    toll-free at 1-866-313-3694  
Email:                  IARPanel@gmail.com  
Send mail:            PO Box 18241, Rochester NY 14618

### **Obtain a copy of the Final Report of the IARP:**

The Final Report is available three ways.

1. Initially, the Final Report will be online:  
<http://gamc.pcusa.org/ministries/iarp/>

After December 31, 2010, go to <http://gamc.pcusa.org>, and search on IARP.

2. Call the Presbyterian Distribution Service (PDS) Customer Service number:  
1-800-524-2612  
Ask for the report by name.  
The Final Report is free.
3. Go to the PCUSA website to "Church Store."  
Search by name for the Report.  
The Final Report is free.

### **Obtain a copy of the IARP's video "Witnesses to Truth, Witnesses to Healing"**

The video is available two ways:

1. Call the Presbyterian Distribution Service (PDS) Customer Service number:  
1-800-524-2612  
Ask for the video by name.  
The video is free.
2. Go to the PCUSA website to "Church Store."  
Search by name for the video.  
The video is free.

### **Obtain an IARP Need-to-Know Report**

Complete the Request Form for Access to an IARP Need-to-Know Report.  
The Form is in Appendix O of the Final Report.  
Sign, notarize, and return the form to the address noted at the top of it.

### **Obtain more information about the counseling program**

See Appendix N of the Final Report

### **Report past abuse on a Presbyterian mission field**

Until December 31, 2010, contact the IARP by phone, email, or letter as noted above.

After December 31, 2010, go online to <http://gamc.pcusa.org>, and search on IARP to find the name and contact information for the person who will receive reports.

### **Report current abuse on a Presbyterian mission field**

Sexual Misconduct Ombudsperson  
Presbyterian Church (U.S.A.)  
100 Witherspoon Street  
Louisville, KY 40202

**Abuse hotline:**  
(800) 728-7228, x5207

**International abuse hotline:**  
(502) 569-5207

### **Contact the PC(USA):**

IARP Liaison  
Presbyterian Church (U.S.A.)  
100 Witherspoon Street  
Louisville, KY 40202  
(800) 728-7228 ext. 5377