

**Adopted: 06/27/03**  
**Revised: 09/21/05**  
**09/26/06**  
**02/13/08**  
**09/28/08**

**CHARTER FOR THE  
INDEPENDENT ABUSE REVIEW PANEL  
FOR ALLEGATIONS OF PAST MISCONDUCT  
RELATED TO THE STAFF AND DEPENDENTS OF THE  
PRESBYTERIAN CHURCH (U.S.A.) WORLDWIDE MINISTRIES DIVISION  
AND ITS PREDECESSOR BODIES**

**I. BACKGROUND:**

In September of 2002, the Independent Committee of Inquiry (ICI) of the Presbyterian Church (U.S.A.) issued its Final Report. This report concerned the sexual and physical abuse of children in the Presbyterian Congo mission field. As a result of this report, the General Assembly Council Executive Committee (GAC Executive Committee) learned the details of the grave abuse that had occurred. In its report, the ICI made 30 recommendations for change. Recommendation # 13 was the creation of an Independent Abuse Review Panel. Recommendation # 1 related to allegations the ICI had received of physical and sexual abuse against children in the Presbyterian mission fields in Cameroon and Egypt. Because these allegations were beyond the scope of the ICI, it recommended the GAC Executive Committee find a means to respond to these allegations. It is likely allegations beyond those of Cameroon and Egypt will also arise.

**II. ACTION:**

In response to allegations that arose out of the Cameroon and Egypt mission fields, the GAC Executive Committee hereby creates this Independent Abuse Review Panel (IARP) to respond to the Cameroon and Egypt allegations as well as other allegations that come within the terms of the scope of this charter. This action is effective the date adopted by the GAC Executive Committee: June 27, 2003.

**III. SCOPE:**

For purposes of this charter, the term Worldwide Ministries Division (WMD) includes the present body and the predecessor Presbyterian Church world mission bodies. The IARP will receive allegations of physical or sexual abuse. It will inquire into allegations where either 1) the accused was formerly under appointment by WMD and is not currently under appointment; or, 2) the abused individual (adult or child) was formerly in the mission field because of a WMD appointment. In relation to the above, the IARP will also address the actions and inactions of WMD and its staff members, as well as recommendations for improvement to WMD processes. The IARP will not inquire into allegations where both the alleged perpetrator and the alleged victim are deceased.

The IARP will not inquire into allegations beyond this scope. Allegations beyond this scope are handled via other means. For example, allegations against current WMD mission personnel are handled via the WMD personnel policies applicable to mission personnel. Those policies include specific provisions for receiving, responding to, and acting upon allegations of physical or sexual abuse in the mission field.

The GAC is undergoing structural changes in 2006-07. Whenever WMD or WMD Director is referred to it is understood the successor body or position will operate.

#### **IV. NATURE:**

The nature and work of the IARP includes the following—

1. The IARP is established to pursue the truth, encourage healing, and promote justice on behalf of those making allegations and those accused. To achieve these ends, the means by which the IARP accomplishes its work shall be pastoral.
2. The IARP will work to further the integrity of the mission and witness of the Presbyterian Church (U.S.A.) on behalf of the General Assembly Council (GAC), the GAC Executive Committee and WMD.
3. The IARP will be consultative and advisory to the GAC Executive Committee and the WMD Director.
4. The IARP does not have disciplinary authority under or perform its work pursuant to the *Rules of Discipline* of the *Presbyterian Church (U.S.A.) Constitution*. It is neither a judicial commission nor a governing body. It will not evaluate or reach conclusions about civil legal liability. It is neither adjudicative nor adversarial. The IARP does not have supervisory or employer authority in regards to WMD and GAC staff. Where the IARP's work includes conclusions about the actions or inactions of current WMD or GAC staff (see Scope), those conclusions will serve as recommendations to the WMD Director or other GAC supervisor.
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.

#### **V. MEMBERSHIP:**

The IARP will have three to five members appointed by the GAC Chair. A majority shall be members of the Presbyterian Church (U.S.A.) A majority shall be individuals who are neither elected to nor employed by any General Assembly-level entity.

The members of the IARP will, among them, reflect knowledge of or experience in: Presbyterian Church polity, church processes, investigations of sexual abuse, the effect of sexual abuse on survivors, and the overseas mission field. The GAC Chair will receive suggested nominations from any person, including individuals from the survivors group of the Congo inquiry and other survivors whose allegations have been handled by the IARP, the Director of

WMD, and former ICI members. The GAC Executive Director's Office will maintain a nomination form to be used when there are vacancies on the IARP.

Where special expertise is needed for a short period, it may be appropriate to secure an expert consultant (See Staff and Budget). Where special expertise is needed for a long period, it may be appropriate to appoint that person as an IARP member.

The IARP members will be paid for their work. They will also be reimbursed for travel and meeting expenses. The GAC Executive Director's Office will enter into an appropriate Agreement of Service with each member of the IARP. The GAC Executive Director's Office is authorized to make changes in the Agreement of Service. In order to ensure continuity and efficiency in work, all IARP members serving as of November 1, 2006 and thereafter will be appointed to serve until the conclusion of the IARP on December 31, 2010.

## **VI. CONFIDENTIALITY:**

The IARP will conduct its work and meetings in strict confidence and seal the contents of all files it creates. After the IARP's work is concluded and it is dismissed, the IARP's files will become the property of the GAC Executive Committee with decisions regarding retention and access to be made by its Executive Director in consultation with the WMD Director. All of the sealed files will be deposited with the Presbyterian Historical Society. The September 2002 document titled "Guidelines for the GAC Executive Committee to Use in Considering Future Extraordinary Requests for Access to the ICI's Sealed Files" will serve as a guide for the retention of the IARP files. The IARP will recommend guidelines for the files it produces.

Where the IARP reaches a determination that abuse has occurred and reports that determination to a religious governing body with jurisdiction (see Process below), the IARP will fully cooperate with that governing body. As noted below, that cooperation includes but is not limited to providing any and all pertinent evidence to the governing body. In such instances, this Confidentiality provision shall be read so as to allow all pertinent evidence to be provided to the governing body.

## **VII. INDEPENDENCE:**

The IARP will function independently of the GAC, WMD, and those who have brought allegations. It will report to the GAC Executive Committee. The GAC and WMD will provide historical information, records, and staff support to the IARP. The GAC will also provide appropriate communication with the denomination, the mission community, and other interested parties. The IARP will also communicate with the mission community and others where necessary to accomplish its work.

## **VIII. STAFF and BUDGET:**

All GAC and WMD staff will cooperate with the IARP in the performance of its work. The IARP will be assisted by a GAC/WMD staff member. Among other things, this staff member will assist with meeting planning, research, IARP communications, and the like. As

circumstances require and finances allow, the IARP may request its own staff outside of the GAC/WMD. This request may arise because of the magnitude of the work involved, or the like. The IARP will make any such request to the GAC Executive Director's Office. The IARP may also request the assistance of an expert consultant where it finds such expertise necessary to complete its work. See the discussion of special expertise set out in Membership.

The GAC Executive Director's Office will establish an annual budget for the work of the IARP. The GAC/WMD staff member assigned to the IARP will monitor this budget. Where the IARP believes a budget increase is necessary due to the magnitude of the work involved, the need for special services, or the like, it will make its request to the GAC Executive Director's Office.

#### **IX. ANNUAL REPORT:**

The IARP will make an annual report to the GAC Executive Committee. This annual report will discuss generally the work of the IARP, the number of allegations it has received, how it has processed those allegations, recommended changes in the IARP charter (e.g., extended terms), recommended changes in the IARP budget, and the like.

#### **X. DURATION:**

Established in June of 2003, the IARP will exist until December 31, 2010. It is anticipated all allegations within the scope of the IARP will have been made and determined within this six-year period. In its 2008 annual report, the IARP shall make a specific recommendation regarding whether or not its term should conclude as set out in this paragraph or should be continued for a suggested number of years. If the IARP concludes its work prior to 2010, it will provide that information in its annual report for appropriate action by the GAC Executive Committee.

#### **XI. PROCESS:**

Where the IARP has received an allegation within its scope the IARP shall consider the allegation and serve as a fact-finding body. In its fact-finding role, the IARP will hear, review, and request testimony, files, reports, and affidavits from all appropriate sources. It will have access to all WMD files not restricted by law. It will conduct interviews and other appropriate activities. It will issue a final report to the GAC Executive Committee. This final report will be available to the public.

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.

If the IARP reaches a determination that abuse has occurred and the abuser is under the jurisdiction of any religious governing body (Presbyterian or other faith), the IARP will inform that religious governing body in writing so that body can pursue any disciplinary or other options it deems appropriate. As noted in this charter, the IARP does not have disciplinary authority.

When the IARP so informs a religious governing body that it has reached the determination abuse has occurred, the IARP will fully cooperate with that governing body in any disciplinary or other options the governing body decides to pursue. This cooperation by the IARP will include but is not limited to providing any and all pertinent evidence to the governing body.

If the IARP reaches a determination that abuse has occurred, the IARP may inform other organizations. The IARP will use its careful discretion in making these determinations.

## **XII. FORMS**

The IARP will use witness forms and other related documents as prepared by the GAC's Office of Legal Services.

## **XIII. COUNSELING**

Any counseling fees or related services to survivors will be provided at the sole discretion of the WMD Director or designee. The IARP may make recommendations in regards to this matter.