

SAMPLE FORMAT FOR SEXUAL MISCONDUCT HEARING

A G E N D A

A. Preliminaries

8:00 a.m. — 8:30 a.m. a. Welcome and Worship
 b. Assignment of Accuser(s), Accused, and Witnesses to
 Separate Rooms

8:40 a.m. — 9:30 a.m. Introductions and Orientation Meeting With Sexual Ethics
 Committee (SEC)

- a. Definition of Role of Sexual Ethics Committee
- b. Definition of the Parameters of Confidentiality
- c. Questions and Answers on Procedures

9:30 a.m. — 10:00 a.m. a. Review of Process to the Accuser(s)
 b. Review of Statement(s) from the Accuser(s)
 c. Answering Questions from the Accuser(s)*
 d. Formulation of Questions by Members of the SEC

10:00 a.m. — 10:30 a.m. a. Review of Process to the Accused
 b. Review of Statement(s) from the Accused
 c. Answering Questions from the Accused*
 d. Formulation of Questions by members of the SEC

B. Hearing

10:30 a.m. — 12:30 p.m. a. Statement from the Accuser(s)
 b. Questions from Committee Members
 c. Testimony of Witnesses

12:30 p.m. — 1:30 p.m. **LUNCH**

1:30 p.m. — 3:30 p.m. a. Statement from the Accused
 b. Questions from Committee Members
 c. Testimony of the Witnesses

3:30 p.m. — 5:30 p.m. a. Elaboration, Clarification, and Summary Questions
 b. Recalling Accuser(s), Accused, and Witnesses if necessary
 c. SEC Determination
 d. Reporting
 e. Concluding Remarks and Dismissal

See NAD Working Policy D 80 for complete policy on Sexual Misconduct and D 70 for complete policy Harassment. Please turn to the back page for more details on the hearing format.

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SAMPLE

Letter to the President or Disciplinary Committee Chair

January 14, 2002

Dear Elder Leader:

On January 9, 2001 at 9:00, a Sexual Misconduct Hearing was convened at the General Conference of SDA headquarters to consider the accusation of Janice Doe against John Somebody, who is an employee of the EastWest Conference. I am passing the finding of the Sexual Ethics Committee (SEC) on to you, as the President/Disciplinary Committee Chair.

As we are accustomed to concluding these processes in a timely manner, I trust that you will give the remaining steps your immediate attention.

Sincerely yours,

Mary Jane Candy, Facilitator

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(Conference)

Sample Confidentiality Statement

The purpose of the Sexual Ethics Committee is to conduct a thorough review of all information provided in response to allegations of sexual misconduct against denominational employees and volunteers.

In no case will any participant disclose any information regarding committee discussion, accused/accuser/witness information, testimony, or printed documentation outside of the meeting. The participant will not in any way divulge, copy, release, sell, loan, review, alter or destroy any confidential information except as properly authorized by the (Conference). The participant will not misuse confidential information or carelessly care for confidential information.

It is understood that participants have no right or ownership interest in any confidential information referred to in this Agreement. will continue after termination of service with the SEC.

The undersigned agrees to abide by the terms of this confidentiality policy.

Signature

Date

Printed Name

REPORT OF THE SEXUAL ETHICS COMMITTEE

Date Submitted

For Release As Specified in NAD Working Policy D-80 or Conference Handbook

- A. **THE INTRODUCTION:** On (date) at (time), a sexual misconduct hearing was conducted at (place) with (name of facilitator) presiding. A spiritual activity was engaged in by all participants followed by a hymn, a season of prayer, and a foundation for the procedures, scope, and parameters of the hearing. There were (number) participants: Janice Doe (the Accuser); John Somebody (the Accused); Mary Smith (Witness for the Accuser), etc.
- B. **THE ACCUSATION:** Janice Doe, a member of the Washaway SDA Church, accused John Somebody, director of the Nonexistent Department, of sexual misconduct onn four occasions when she was a volunteer as
- C. **THE RESPONSE:** John Somebody, director of the Nonexistent Department, denied that sexual misconduct took place on all four counts.
- D. **THE INVESTIGATION:** The SEC Panel engaged in 10 ½ hours of discussion of the written complaint and response and oral testimony of the Accuser, the Accused, and the 13 witnesses.
- E. **THE FINDING:** It is the unanimous finding of the Sexual Ethics Committee that the allegations set forth in the verified written complaint of the Accuser are:

MORE LIKELY _____ THAN _____

F. **THE SIGNATURES:**

_____ Moderator	_____ Date
_____ SEC Member	_____ Date
_____ SEC Member	_____ Date
_____ SEC Member	_____ Date
_____ SEC Member	_____ Date

SAMPLE OATHS

These oaths were prepared by the General Counsel of the General Conference of Seventh-day Adventists for use in this process. They are in harmony with E. G. White's writings according to *Testimonies for the Church*, vol. I, p. 21. If you desire a copy of our full research on this issue, please contact the Office of Human Relations directly.

1. OATH FOR MEMBERS OF THE SEXUAL ETHICS COMMITTEE

(Members of the SEC are to stand and face the other participants. Raise your right hand, and repeat after the Facilitator):

I/ (state your name) do solemnly declare before my peers/ and before my God/ that I will/ to the best of my skill and judgment/ diligently and faithfully/ without partiality or prejudice/ perform my duties as a member of the Sexual Ethics Committee/ so help me God.

2. OATH FOR THE ACCUSER

(Accuser to stand and face the SEC. Raise right hand and repeat after the Facilitator):

I, (state your name), do solemnly declare/ that the testimony that I present before this Sexual Ethics Committee/ and before my God/ will be the truth/ and nothing but the truth/ so help me God.

3. OATH FOR THE ACCUSED

(Accused to stand and face the SEC. Raise right hand and repeat after the Facilitator):

I, (state your name)/ do solemnly declare/ that the testimony that I present before this Sexual Ethics Committee/ and before my God/ will be the truth/ and nothing but the truth/ so help me God.

4. OATH FOR THE WITNESS (ES)

(Witnesses to stand and face the SEC. Raise right hand and repeat after the Facilitator):

I, (state your name) do solemnly declare/ that the testimony that I present before this Sexual Ethics Committee/ and before God/ will be the truth/ and nothing but the truth/ so help me God.

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SAMPLE AGREEMENT

(For the Accused and the Accuser Only)

I, _____, do hereby recognize that the Sexual Ethics Committee (SEC) is an ecclesiastical proceeding. As such, I agree that any findings, facts, documents, testimony, deliberations, questions, or any other evidence presented to the SEC for the hearing scheduled for (date) that neither I nor any of my attorneys or other representatives will attempt or otherwise cause to be introduced into evidence or used in any other way in pending or future litigation, or any other legal, equitable or administrative proceedings that may occur between the parties or their representatives or successors.

Signature Date

Printed Name

STATE OF
COUNTY OF

Subscribed and sworn to before me this _____ day of _____, Year _____

Notary Public

My commission expires: _____