

DRAFT

SEXUAL MISCONDUCT MANUAL

_____ Presbyterian Church, _____, PA
Date: _____

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A POSSIBLE APPENDIX IS NOT ATTACHED:
PRESBYTERY OF THE PEAKS:
POLICY, PROCEDURE, SEXUAL MISCONDUCT COMMITTEE

_____ PRESBYTERIAN CHURCH, _____, PENNSYLVANIA

SEXUAL MISCONDUCT POLICY

“What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.” (Micah 6: 8)

A. Prohibition of Sexual Misconduct

_____ Presbyterian Church is committed to creating a worship and work community in which members, friends, staff, and volunteers can worship and work together in an atmosphere free of all forms of discrimination, harassment, exploitation, or intimidation. Specifically, all persons associated with _____ Presbyterian Church should be aware that the church is strongly opposed to sexual exploitation and harassment and that such behavior is prohibited by church policy. It is the intention and responsibility of the church to take whatever action may be needed to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

B. Ministerial Conduct

All persons engaged in the ministry of _____ Presbyterian Church (including elected ruling elders, employees, volunteers, and teaching elders) are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority. Sexual harassment or sexual exploitation of parishioners or other individuals by anyone engaged in the ministry of _____ Presbyterian Church is unethical and unprofessional behavior and shall not be tolerated within this congregation.

Because ministers (including elected or appointed Ruling Elders, employees, volunteers, and Teaching Elders) often deal with individuals who are emotionally and psychologically fragile or otherwise personally vulnerable, it is imperative that those engaged in the ministry of this church maintain their own psychological, emotional, and spiritual health and that they have adequate preparation and education for helping those individuals they seek to serve in ministry. It is the policy of _____ Presbyterian Church to encourage its Ruling Elders, Teaching Elders, employees, and volunteers to nurture safety within ministerial relationships by being attentive to self-care, education, and the importance of referring those in need to supportive and helpful resources. It is expected that active Ruling Elders, staff, and seminary students shall complete and submit a copy of the self-certification statement attached to this policy.

_____ Presbyterian Church is committed to creating a safe and healthy environment in which young people can learn about and experience God’s love. In order to ensure this, we expect that all people applying to be volunteers who work with minors shall have been members or friends of _____ Presbyterian Church for at least six months. It is the policy of the church to provide adequate supervision for all youth activities with an emphasis in maintaining at least two adults in the presence of minors.

While this may not always be possible, the members of _____ Presbyterian Church expect that all ministers, employees or volunteers who work with minors shall endeavor to provide safe places for the children and youth including striving to avoid instances where an individual minor is alone with an individual adult or older youth. We expect all ministers, employees or volunteers who work with minors to complete and submit a copy of the self-certification statement attached to this policy. All applicants for employment shall be asked to sign a release granting permission to the session, through its authorized agents, to make a thorough investigation of past employment, education, background, including possible criminal background, to identify those persons with a history of civil allegations and/or convictions of sexual exploitation and harassment. Officers, staff, employees, and volunteers shall be expected to participate in such occasional training on sexual exploitation and harassment as appropriate to their position and responsibilities.

C. Reporting Allegations

_____ Presbyterian Church shall publicize a procedure for reporting any prohibited actions and have copies available at all times in a public place. Anyone suspecting or having knowledge of a violation of sexual exploitation or harassment shall report such violation forthwith to any Teaching Elder, the clerk of session or to one of the Ruling Elders. Any child or youth who suspects or has knowledge of a violation of sexual exploitation or harassment is invited to share the knowledge forthwith with any minister of the Word and Sacrament, elder, adult or volunteer. Anyone who has shared knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities.

D. Adoption of the Presbytery of Redstone’s Sexual Misconduct Policy

_____ Presbyterian Church embraces, incorporates in this policy, and shall be guided by, where applicable to a local congregation, the Sexual Misconduct Policy of the Presbytery of Redstone.

Definitions

Minister: a person engaged by the church to carry out its ministry. Minister includes elected or appointed Ruling Elders of the church, employees, and volunteers, as well as Teaching Elders.

Teaching Elder: a person who holds ordained ministerial standing or has been commissioned or licensed by the Presbyterian Church (U.S.A.).

Ministerial relationship: the relationship between one who carries out the ministry of the church and the one being served by that ministry.

Sexual Misconduct: the comprehensive term including sexual exploitation, sexual harassment, and child sexual abuse.

Sexual exploitation: sexual activity or contact (not limited to sexual intercourse) in which a person engaged in the ministry of the church takes advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the person.

Sexual harassment: repeated or coercive sexual advances toward another person contrary to his or her wishes. It includes behavior directed at another person's sexuality or sexual orientation with the intent of intimidating, humiliating, or embarrassing the other person, or subjecting the person to public discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition or circumstance of instruction, employment, or participation in any church activity;
- Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or church-related decisions affecting an individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in church activities or creating an intimidating, hostile, or offensive work or church environment.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones, particularly:

- Written contact, such as sexually suggestive or obscene letters, notes or invitations;
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits or sexual orientation, sexual propositions;
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

Sexual harassment also includes continuing to express sexual interest after being informed directly that the interest is unwelcome and using sexual behavior to control, influence, or affect the career, salary, work, learning, or worship environment of another. It is impermissible to suggest, threaten, or imply that failure to accept a request for a date or sexual intimacy shall affect a person's job prospects, church leadership, or comfortable participation in the life of the church. For example, it is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, to suggest that a poor performance report shall be given because a person has declined a personal proposition; or to hint that benefits, such as promotions, favorable performance

evaluations, favorable assigned duties or shifts, recommendations or reclassifications, shall be forthcoming in exchange for sexual favors.

Child Sexual Abuse: includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation or gratification of the adult person or of a third person. The behavior may or may not involve touching and includes display of private or sexual parts. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. The age of maturity is 18 years of age.

_____ PRESBYTERIAN CHURCH
_____, PENNSYLVANIA

PROCEDURES FOR HANDLING ALLEGATIONS OF
SEXUAL MISCONDUCT AGAINST

TEACHING ELDERS, RULING ELDERS, EMPLOYEES AND VOLUNTEER LEADERS

All allegations of sexual abuse, sexual harassment and sexual misconduct shall forthwith be taken seriously. Every allegation shall be received, investigated, and acted upon forthwith in accordance with the terms of this policy.

The protection of children and youth is a priority. Persons having reasonable cause to suspect sexual abuse of a child or young person shall forthwith report it to the appropriate secular agency for immediate investigation.

The accused person is always presumed innocent until proven guilty. In the context of this policy, no adverse finding shall be made public or revealed against an accused person except on a need to know basis until a full investigation is completed and it has been determined that the complaint has been properly substantiated.

- A. Anyone suspecting or having knowledge of a violation of sexual exploitation or harassment may report such violation forthwith to any minister, to the clerk of session, or to one of the Ruling Elders. Any child or youth who suspects or has knowledge of a violation of sexual exploitation or harassment is invited to share the knowledge forthwith with any minister, elder, adult or volunteer. Anyone who has knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities. Any person suspecting or having knowledge of a violation of sexual exploitation or harassment with a minor must report such violation to any minister, clerk of session, or one of the ruling elders, and to civil authorities.
- B. A response team with no fewer than two members, one male and one female, shall be established by the session of _____ Presbyterian Church each year at its _____ meeting, in preparation for the possibility of receiving an allegation of complaint under its adopted statement of policy. The response team shall familiarize itself with the terms of this policy as well as the established procedures of _____ Presbyterian Church for dealing with complaints of alleged sexual exploitation or harassment against any minister of the Word and Sacrament, elder, employee, or volunteer in leadership positions at _____ Presbyterian Church.
- C. To address incidents of alleged sexual exploitation or harassment:
 - 1) The complainant (if adult) may attempt to resolve the matter directly with the individual/s accused of sexual exploitation or harassment; or
 - 2) The complainant may report the incident to a minister, clerk of session, or elder of the church in an effort to resolve the matter.
- D. The clerk of session, elder, or minister receiving the information is required to share the information within 24 hours with the response team.

- E. The response team shall do the following:
- 1) If the report is against a minister of the Word and Sacrament, the response team shall, without further investigation, send a written statement of allegation to the stated clerk of the Presbytery that holds the minister's membership.
 - 2) If the report alleges sexual abuse or harassment of a minor, the response team shall:
 - a) immediately insure the allegation is reported to the civil authorities under state law;
 - b) immediately take steps to remove the alleged offender (without implication of guilt or innocence) from contact with minors until an investigation is completed or until a resolution of the allegations has occurred;
 - c) immediately notify the parents or guardian of the minor;
 - d) notify the session of the allegation so that the session may take steps to insure that the accused does not have contact with minors until an investigation is completed or until a resolution of the allegations has occurred.
 - 3) If the report is against an elder, the response team shall notify the session that an allegation of offense has been received against an elder that triggers the formation of an investigating committee under the Rules of Discipline of the Book of Order of the Constitution of the Presbyterian Church (U.S.A.).
 - a) The session shall appoint an investigating committee according to the Rules of Discipline.
 - b) The resulting investigating committee shall initiate an investigation using the procedures described in the Rules of Discipline.
 - 4) If the report is against an employee of _____ Presbyterian Church, the response team shall notify the person/s or committee responsible for supervision of the employee. The response team shall request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
 - 5) If the report is against a member, volunteer, or non-member of the congregation, the response team shall request that the session appoint an investigating committee of three persons to initiate an investigation of the allegations as follows:
 - a) gather any statements of sexual exploitation or harassment from those making the report and any party to the exploitation or harassment.
 - b) gather any information from the person who was accused of sexual exploitation or harassment.
 - c) make determinations and take actions appropriate to resolve the matter. These may include:
 - i) Finding that sexual exploitation or harassment has occurred and that the appropriate body

of the church is called upon to take action accordingly. Such may include one or more of the following:

- ii) Formal reprimand with defined expectations for changed behavior, including possible public notification;
- iii) Recommending or requiring a program of growth that may include education and/or counseling;
 - Temporary removal from ministry, with the terms of the temporary removal clearly defined;
 - Dismissal from volunteer leadership position or limitation on participation in church ministry (that shall provide protection for the person/s exploited and/or harassed) and in extreme cases, affiliation with, or membership in, the church.
- d) Finding that no sexual exploitation or harassment occurred.

- 6) Provide pastoral counseling for the principal parties involved (accuser/s, possible victim/s, accused, family members).
- 7) Determine, with the pastoral staff, how ministry shall be maintained in the church while this issue is being addressed, balancing the need of the community to discuss the issue of sexual exploitation and harassment with the rights of the individual accused not to be assumed guilty.

- F. A written summary of any proceeding in such cases shall be maintained.
- G. Any person bringing a sexual harassment or exploitation report or assisting in investigating such a complaint shall not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.

SELF-CERTIFICATION
FOR
OFFICERS / STAFF / EMPLOYEES / VOLUNTEERS

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending* against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct. I have been given a copy each of _____ Presbyterian Church's Sexual Misconduct Policy and Procedures for Handling Allegations of Sexual Misconduct Against Teaching Elders, Ruling Elders, Employees and Volunteer Leaders. If at any time my status changes in regards to the above self-certification, I shall notify the Clerk of Session.*

Signature Date

*NOTE: If you are unable to make the above certification, you may instead give in the space provided a description of the complaint, termination or the outcome of the situation and any explanatory comments you care to add.