

APPENDIX 51

Model Policy on Sexual Misconduct and/or Abuse For Congregations

POLICY STATEMENT:

We believe that [Name of church] is a place where children, youth, adults, and the elderly can join together for worship, fellowship, service, and education in the name of Jesus Christ. Because of that belief and our baptismal promise, we must maintain a safe environment within our community, where people of all ages can be accepted and loved.

It is the policy of [Congregational Name] that all ordained persons, church members, employees and/or other volunteers are to maintain ethical sexual behavior and integrity within ministerial, employment and service relationships at all times. Sexual misconduct is a violation of the principles set forth in Scripture and is never permissible.

Religious leadership involves a covenant relationship that presumes the trustworthy exercise of power in behalf of those in our care. As teaching elders, ruling elders, and deacons, we take vows [W-4.4003i] to show the love and justice of Jesus Christ in our ministry; and the congregation equally vows to accept us, to respect our decisions, and to follow as we guide them, serving Jesus Christ, who alone is Head of the Church. As members of the congregation, we have taken vows to live responsibly in the personal and social relationships of life [G-1.0304], and at the baptism of children, the congregation as a whole assumes responsibility for nurturing the baptized person in the Christian life. By virtue of the vows we have taken, we have a solemn responsibility for the souls under our charge.

God has created us in God's own image and thus has made us equal in Christ. The Church, through the power of the Holy Spirit, was created and is meant to be a reflection of our relationship to one another and to God. The Church believes that God intends all men, women and children to have worth and dignity in all relationships.

PURPOSE:

1. To set and enforce standards of ethical sexual behavior consistent with Scripture and the Book of Order of the Presbyterian Church (U.S.A.)
2. To provide procedures for inquiry and response to allegations of sexual misconduct and/or harassment.
[See Appendix A for definitions.]

PERSONS COVERED:

Persons covered by this policy are Church Workers as defined as employees of the church or volunteers under the supervision of the church. Such persons would include those who are accused of sexual misconduct, sexual abuse, or sexual harassment under circumstances in which

1. access to an alleged victim is related to a church-sponsored activity, or
2. sexual misconduct, sexual abuse, or sexual harassment is reported in a church-related setting.

It is the understanding of this policy that the relationships we make within the church community carry over into the whole of our lives. This policy, therefore, does not consider that its provisions are binding only within church activities, but cover all of our lives, as indeed we in the church witness to the truth that God's gift of grace calls forth a response of faithfulness in all our relationships. [G-1.0301]

EXPECTATIONS OF CONDUCT

It is the expectation of [Congregational Name] that the ministry of every person in a leadership role in the [Congregational Name], whether on church property or not, shall be conducted in accordance with the following standards of sexual conduct.

Such persons shall not be involved in sexual misconduct, sexual harassment, sexual malfeasance, sexual abuse, or pornography.

The ministry of employees and volunteers shall strive to meet the following standards:

1. The ministry shall strive to reflect the quality of life demonstrated by the Lord Jesus Christ, by honoring and respecting all other persons as children of God.
2. The ministry shall strive to reflect the Scriptural teaching that religious leadership is a covenantal relationship with God, calling for the trustworthy exercise of ministerial skills and authority for the wholeness and well-being of other persons.
3. The ministry shall strive to reflect the reality that persons in positions of religious leadership in Presbytery are given a spiritual trust by the people and churches of Presbytery and by their colleagues in the Ministry of the Word and Sacrament.

TRAINING

This policy is intended for the protection of all parties, both children and adults, participants and leaders.

In recognition of the realities of the society in which the church lives and witnesses and the responsibility of [Church Name] to provide appropriate oversight, all persons covered by this policy shall be given a copy of this policy and shall be required to sign a written acknowledgement (*See Form, Appendix B, p x*) indicating that he/she has received a copy of this Sexual Misconduct Policy and covenants to abide by its provision. A copy of the signed policy shall be submitted to [Name of appropriate authority] prior to entering into employment, office, ministry, or leadership role.

All returned acknowledgements shall be kept [location]

REPORTING ALLEGATIONS OF SEXUAL MISCONDUCT

Reports of sexual misconduct and sexual abuse should never be taken lightly or disregarded, nor should they circulate without concern for the integrity and reputation of the accuser, the accused and of the church. Reports should be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below.

Any person who has reasonable cause to suspect that a violation of this policy has occurred shall report it immediately to the pastor, the clerk of session, or the person who has been trained in this policy and has been designated by the session to receive and make a response to the allegation. A victim experiencing abuse is strongly encouraged to report it immediately to the pastor, the clerk of session, or the person who has been trained in this policy and has been designated by the session to receive and make a response to the allegation. When an alleged incident has been reported, the individual who has received the report will immediately take the following steps:

1. If the accusation involves a child under the age of eighteen, under the care, supervision, guidance or training of that person, or of the organization with which the person receiving the report is affiliated, the recipient of the report, along side of the individual who has reasonable cause to suspect a violation of this policy, shall report immediately by telephone to ChildLine [(800) 932-0313] or TDD (866)-872-1677] and follow the instructions given.

2. Report all accusations, whether involving children or adults, to the Committee on Ministry of the Presbytery of Huntingdon and/or the stated clerk of the Presbytery of Huntingdon. [Phone number]
3. Inform the pastor if he/she has not already been notified.

ECCLESIASTICAL CONFIDENCE AND MANDATORY REPORTING REQUIREMENTS

In addition to any civil requirements, the following ecclesiastical rules apply:

1. [G-4.0301] “A teaching elder or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person.”
2. [G-4.0302] “Any member of this church engaged in ordered ministry [deacon or ruling or teaching elder] and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when
 - (a) such information is gained outside of a confidential communication as defined in G-4.0301,
 - (b) she or he is not bound by an obligation of privileged communication under law, or
 - (c) she or he reasonably believes that there is risk of future physical harm or abuse.”

RESPONSES TO ALLEGATIONS OF SEXUAL MISCONDUCT, SEXUAL ABUSE OR CHILD ABUSE

1. Responses to Victims of Abuse

- a. Victims and their families are often afraid and uncertain about reporting cases of sexual misconduct, sexual abuse or child abuse. Reasonable care will be taken to protect the privacy of the alleged victim. Pastoral care and communication about the steps taken to address the abuse or misconduct will be provided to the victim throughout the process. No one will be retaliated against for reporting sexual misconduct, sexual abuse or child abuse.
- b. The Session may choose, at its discretion, to offer professional and/or financial support to the victims of sexual misconduct, sexual abuse or child abuse by church staff or volunteers. The Session also may recommend that the offending church staff member or volunteer pay for the expenses of the victim as related to his/her offense. In all cases, the victim and her/his significant others will be referred to services at the nearest Rape Crisis Center or Child Advocacy Center.

2. Responses to Those Accused of Abuse

a. When Criminal Conduct is alleged

- (1). When sexual abuse or other misconduct that violates criminal laws is alleged, the civil authorities will immediately take control of the investigation and the disposition of charges against the accused. The Session shall cooperate with civil authorities in any civil investigation of sexual misconduct or sexual abuse, and it has a duty to make its inquiry and to enforce disciplinary procedures, if warranted, when it can be done without interfering with the civil authority or in cases when civil authorities have dropped action in the case.
- (2). If the alleged perpetrator of the sexual abuse or child abuse is a teaching elder or commissioned ruling elder of the Presbytery of Huntingdon, the stated clerk of the

Presbytery of Huntingdon shall immediately upon receipt of a written statement of an alleged offense, without undertaking further inquiry, shall report to the presbytery only that an offense has been alleged without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee. [Rules of Discipline, D-10.0103]

Any Church Worker alleged to be involved in sexual abuse or child abuse as defined by the Rules of Discipline, [D-10.0401c] [See Appendix A, Definitions] will be relieved of all responsibilities at the church until the civil authorities agree that there is no evidence of sexual abuse and the session agrees to reinstate that Church Worker. The procedures that will be followed will be those of the Rules of Discipline.

b. When Non-Criminal Sexual Misconduct is alleged

- (1). When non-criminal sexual misconduct is alleged (sexual harassment or other sexual misconduct) to have been committed by a teaching elder or commissioned ruling elder of the Presbytery of Huntingdon, the stated clerk of the Presbytery of Huntingdon shall immediately upon receipt of a written statement of an alleged offense, without undertaking further inquiry, shall then report to the presbytery only that an offense has been alleged without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee. [Rules of Discipline, D-10.0103]
- (2). If the alleged perpetrator of the misconduct is an employee, volunteer, or member of [Name of Church] other than a teaching elder or commissioned ruling elder, the clerk of session shall inform the session that an offense has been alleged without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee composed of three to five persons not related to the issues. The investigating committee may include members from another Presbyterian church, if appropriate. The clerk of session should consult the Committee on Ministry and/or the stated clerk of the Presbytery of Huntingdon about best practices.

3. Responses to the Congregation

- a. Following an allegation of either criminal abuse or non-criminal misconduct, the resources of the Presbytery will be available to the local congregation, including, but not limited to, the assistance of the General Presbyter and the Committee on Ministry in providing pastoral care and support to the congregation.
- b. The Presbytery will assist the congregation in providing pastoral care and support to all parties involved including identifying resources available to victims, perpetrators and significant others as the individuals involved move toward healing and wholeness.
- c. The Presbytery will assist the congregation in reflection on and the establishment of processes that encourage repentance, accountability and, as appropriate, forgiveness in ways that prioritize the healing and safety of victims, but also lead to reconciliation.

SEXUAL MISCONDUCT AND SEXUAL ABUSE PREVENTATIVE PROCEDURES

A. In order to provide a safe environment for minors and Church Workers at [name of church], the following preventative procedures are required:

1. Church workers at [Name of church] must complete the Criminal History and Child Abuse questionnaire [Or choose other name] before hiring or acceptance, which includes the statement “Have you ever been arrested, charged or convicted of any offenses?”
2. [Criminal background & child abuse check] will be conducted on all Church Workers, including, but not limited to, all individuals working with minors. The cost of the Child Abuse Clearance and the criminal background check will be borne by the applicant.
3. If one or more of the checks has a positive response, the session will follow a process similar to the process outlined in the Presbytery of Huntingdon Criminal Background Check Policy, A-42.3000 “Evaluation of Reports.”
4. Church Workers who refuse to comply with the application procedure or whose offenses or behaviors that are reported and confirmed include any of the prohibited sexual behaviors listed above, physical sexual conduct with or physical abuse of a child, or child pornography will be excluded from interactions involving children and may be subject to discipline or discharge if an employee.
5. Individuals seeking to volunteer at [Name of church] must be members of [name of church] for at least six months prior to placement in any program of the church involving minors.
6. All individuals seeking to volunteer at [name of church] will participate in a short interview before any placement in a program of the church involving minors.
7. Session must approve any exceptions to this policy.

B. Congregations wishing to use best practices in the prevention of sexual abuse, sexual misconduct and child abuse should consider adding the following to their policies.

1. It is the expectation that a child or minor interacting with adults in church programs will when possible always be in the presence of at least two adults.
2. Recognizing that one-on-one relationships are important for spiritual growth, any one-on-one interactions between children and adults will occur in public or open spaces.
3. Sunday School or other activities involving children and youth that do not occur in spaces which have windows or glass doors will occur with the doors open and the rooms will be accessible.
4. Parents and church staff will be encouraged to participate and visit programs and activities.
5. All those working with children and youth will attend training on appropriate boundaries and child abuse prevention annually.

See also the Presbytery of Huntingdon Safe Sanctuaries Policy, A-48 on the presbytery website, for further information:

COMPLIANCE AND DISTRIBUTION

1. In part, the structures and procedures for responding to allegations of sexual misconduct sexual abuse are mandated by the *Rules of Discipline* of the Presbyterian Church (USA), Chapter VII, Disciplinary Cases and the “Sexual Conduct Policy” adopted by the Presbytery of Huntingdon. The [Name of church] policy and procedures are intended to be harmonious with both. Where there is a direct conflict in procedural requirements, the *Rules of Discipline* will prevail.
2. When sexual abuse or other misconduct that violates criminal laws is alleged, the civil authorities will immediately take control of the investigation and the disposition of charges against the accused. The Session shall cooperate with civil authorities in any civil investigation of sexual misconduct or sexual abuse, and it has a duty to make its inquiry and to enforce disciplinary procedures, if warranted, when it can be done without

interfering with the civil authority or in cases when civil authorities have dropped action in the case. Any Church Worker alleged to be involved in suspected sexual abuse or misconduct will be relieved of all responsibilities at the church until the civil authorities agree that there is no evidence of sexual abuse and the session agrees to reinstate that Church Worker. In all cases the session shall provide for the pastoral care of the victim, their families, and the accused.

3. This policy shall be reviewed by all boards and staff at the beginning of each program year.
4. The Session shall take appropriate steps to ensure Church Workers understand the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. Copies of this policy shall be distributed to, and are intended for use by [Name of church] Church Workers, including officers, employees, and volunteers. A copy of the policy shall be made available to persons who accuse others of sexual misconduct sexual abuse, including those who are or claim to be victims of sexual misconduct sexual abuse and their families, and to the accused. The policy will be presented to the Congregation at the annual meeting on a triennial basis.
5. Upon receipt of a copy of this policy, Church Workers of [Name of church] shall sign a written acknowledgment of receipt and understanding. This acknowledgment shall be kept on file.
6. This document does not create an employment contract or admission to volunteer position.

I have read the [Name of Church] Policy and Procedures Relating to Sexual Misconduct, understand it and agree to comply with it.

NAME

Signature

Date.

APPENDIX A: DEFINITIONS

Church Workers are defined as employees of the church or volunteers under the supervision of the church.

Child Sexual Abuse includes the rape of a child, child molestation, and sexual misconduct with a minor, all as defined by the PA Legal Definitions of Child Sexual Abuse Chapter 3490.4 and 23 Pa. Cons. Stat. § 6303 including its future amendments. Child sexual abuse further includes any sexual contact or interaction between a child, below the age of 18 years, and an adult, 18 years of age or older, when the child is used for the sexual stimulation of the adult or of a third person. The behavior between a child and an adult is always considered to be non-consensual on the part of the child for the purposes of this policy. The behavior may or may not involve touching.

Sexual Abuse: The Presbyterian Church (U.S.A.) Constitution, Rules of Discipline [D-10.0401c] states: “Sexual abuse of another person is any offense involving sexual conduct in relation to

- a. Any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or
- b. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position.”

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or his/her continued status in the church, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive working environment.

Sexual Malfeasance is defined as an abusive act in which trust is broken within a ministerial (e.g., clergy with a member of the congregation) or professional relationship (e.g., counselor with a client, lay employee with a church member). This definition is not meant to cover relationships between spouses, nor to restrict church professionals or workers from having normal mutual, social, intimate, or martial relationships.

Sexual Misconduct is the comprehensive term used in this policy to include:

1. Child sexual abuse as defined above
2. Sexual harassment as defined above
3. Sexual malfeasance as defined above
4. Sexual abuse, as defined above

Child Abuse under Child Protective Services Law [23 Pa. C.S.A. #6303] is:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury, serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age
2. Any recent act, failure to act or series . . . by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
3. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

Perpetrator: A perpetrator is a person who has committed child abuse and is the parent of a child, a person responsible for the welfare of a child, an individual, fourteen years of age or older, residing in the same home as a child, or a paramour of a child's parent.

Perpetrator who is a person responsible for the child's welfare is "A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control."

Ecclesiastically-mandated Reporters: Apart from the responsibilities mandated by civil law, the Presbyterian Church (U.S.A.) requires in Form of Government, G-4.0302 that any member of this denomination engaged in ordered ministry [all ruling and all teaching elders, all deacons] and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when

1. such information is gained outside of a confidential communication as defined in G-4.0301
2. She or he is not bound by an obligation of privileged communication under law, or
3. She or he reasonably believes that there is risk of future physical harm or abuse.