

**PEACE RIVER PRESBYTERY
PRESBYTERIAN CHURCH (U.S.A.)
CLERGY SEXUAL MISCONDUCT POLICY
APPROVED MAY 27, 2004**

INTRODUCTION

In an effort to further the peace, unity and purity of the church through the prevention and remediation of sexual misconduct within the church, Peace River Presbytery has developed the following policy. In preparing the document, attention was given to setting and providing for enforcement of standards of ethical behavior consistent with Reformed tradition and secular law. Requirements and protections guaranteed under the Form of Government and the Rules of Discipline were particularly noted. This policy document should help in assuring consistency of practice and action within the Presbytery, provide an information base for educating both minister members of Presbytery and lay persons, and serve as a model for local congregations in their development of personnel policies.

PART I

PURPOSE: To define ministerial sexual misconduct and to outline procedures for reporting such misconduct to the Presbytery.

A. Definition of Sexual Misconduct

Sexual misconduct is the comprehensive term used in this policy to include sexual abuse of children or adults, rape or sexual assault, and sexual harassment. Sexual misconduct is an abuse of authority and power. It breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an abusive, exploitative, and unjust manner. Categories of sexual misconduct are described below.

1. Sexual abuse occurs whenever a person in a position of trust engages in a sexual act or sexual contact with another person to whom he or she owes a professional responsibility. Such abuse includes, but is not limited to, the following:
 - a) Sexual acts or sexual contact with a minor.
 - b) Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
 - c) Sexual acts or contact between ministers, laity, or staff to whom they are not married and with whom they have a professional relationship. Such relationships are not acceptable even when consensual, and regardless of whether pastoral care is involved. The inherent imbalance of power between ministers and lay people or staff undermines the validity of such consent.
 - d) Sexual acts outside the bounds of marriage.
 - e) Sexual acts or sexual contact with a person who is incapable of appraising the nature of the conduct or is physically incapable of declining such activity.
 - f) Sexual acts or sexual contact arising from the administration of a drug or intoxicant which substantially impairs the reasoning or judgment of another.
 - g) Ministers are always responsible for considering the impact of their words and actions, and refrain from actions that create the appearance of an inappropriate relationship.

2. 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 of the adult or of a third person. The behavior may or may not involve touching and includes the display or use of sexually suggestive materials, objects, or pictures. Child sexual abuse between an adult and a child is always considered forced whether or not consented to by the child. Child sexual abuse is a crime in all states and must be reported to civil authorities and to the Stated Clerk of the Presbytery.
3. Rape or sexual assault is a crime in every state and should be reported to civil authorities and to the Stated Clerk of the Presbytery.
4. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature when any of the following circumstances prevail:
 - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in an institution.
 - b) Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.
 - c) 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 harassment can consist of a single intense or severe act or multiple persistent or pervasive acts. Sexual harassment may include, but is not limited to the following:

- sexually oriented jokes or humor;
- sexually demeaning comments;
- verbal suggestions of sexual involvement or sexual activity;
- questions or comments about sexual behavior;
- unwelcome or inappropriate physical contact;
- graphic or degrading comments about an individual's physical appearance;
- express or implied sexual advances or propositions;
- display or use of sexually suggestive materials, objects or pictures;
- repeated requests for social engagements after an individual refuses.

B. Policy on Sexual Misconduct

1. Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture as well as of ministerial, pastoral, employment, and professional relationships. Sexual misconduct by a minister violates the ordination vows of the Presbyterian Church (USA).
2. All ministers and ministerial inquirers and candidates shall be required to attend a seminar offered by the Presbytery on the issues of sexual misconduct and to sign a statement agreeing to comply with the policy. Failure to comply may result in investigation and discipline.
3. Whereas this policy addresses sexual misconduct by ministers, each congregation and organization in Peace River Presbytery is responsible for developing a policy for church professionals, officers, members, non-member employees, and volunteers which is consistent with this document.

PART II

RESPONSIBILITIES AND ROLES OF PEACE RIVER PRESBYTERY IN POLICY IMPLEMENTATION

A. AVAILABILITY OF POLICY AND PROCEDURES

1. All ministers shall be given copies of the policy and are required to sign an acknowledgment of receipt and agreement to comply.
2. Those being examined for membership in presbytery shall be furnished with a copy of this policy prior to the Committee on Ministry examination. They must sign the policy and be required to sign an acknowledgement of receipt and agreement to comply prior to being received.
3. This document shall also be available to all sessions and church members and to the public.
4. Presbytery employees shall receive this document as a supplement to the employee handbook.

B. MANAGEMENT OF ALLEGATIONS OF SEXUAL MISCONDUCT BY MINISTERS

1. Resource Documents
The responsibilities, structures, and procedures for responding to allegations of sexual misconduct are mandated in part by the Book of Order, such as the roles of the Committee on Ministry and an Investigating Committee (see G-11.0502 and D-10.0200).
2. Liability and Insurance
The Presbytery and its congregations shall periodically obtain from their insurance agents, confirmation that their liability insurance policy covers sexual misconduct liability for their programs and activities.
3. Record Keeping
Peace River Presbytery will include in every employee's personnel file, including files for ministers, the application for employment, any employment questionnaires, reference responses, and other documents related to this policy including a signed receipt for receiving the sexual misconduct policy and agreement to comply.

C. PRE-EMPLOYMENT SCREENING FOR PROSPECTIVE INCOMING CLERGY

1. Reference Checks
Pre-employment screening includes specific questions related to previous complaints of sexual misconduct. The Presbytery reviews Sexual Misconduct Information of the Presbyterian Church (USA) Personal Information Form when interviewing persons seeking ministerial calls.

The General Presbyter is responsible for making reference checks through the appropriate Presbytery Executive, or other authorized persons to ascertain whether incoming clergy have any history of sexual misconduct. The General Presbyter reports to the Committee on Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct. A written record of conversations and correspondence with references will be kept in the minister's/employee's personnel file.

The person within the Presbytery authorized to give a reference is obligated to give truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct by the applicant.

Applicants shall be given an opportunity to correct or respond to information regarding sexual misconduct obtained from a reference check.

2. Background Checks

Pre-employment screening for prospective incoming clergy also includes a mandatory National Criminal History Background Check, requested and paid for by Presbytery. This should take place prior to the candidate being examined by the Committee on Ministry.

D. MAINTENANCE OF A SEXUAL MISCONDUCT RESPONSE TEAM

The Response Team is responsible for providing ongoing education and resources, and for coordinating professional care for all involved. The Response Team will not investigate an allegation or in any way usurp the role of the investigating team.

PART III

POLICY ON RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT BY MINISTERS

1. Known or suspected sexual misconduct by a minister shall be reported to the Peace River Presbytery Stated Clerk per D-10.0103.
2. In addition to the above, known or suspected sexual misconduct involving children shall be reported to civil authorities.
3. A written complaint to the Stated Clerk alleging sexual misconduct by a minister member of the Presbytery subjects that minister to any Committee on Ministry policy on administrative leave in effect. (A recommended policy will be provided by the Committee on Ministry.)

<p>I have read the above policy and agree to abide by it. Please sign and return to the Presbytery Office.</p> <p>Name _____</p> <p>Print your name _____</p> <p>Date _____</p>

APPENDIX

Glossary of Terms

ACCUSED - The person against whom a claim of sexual misconduct is being made.

ACCUSER - The person claiming knowledge of sexual misconduct by a person covered by this policy or a person claiming to have been the subject of sexual misconduct by a person covered under this policy.

ADMINISTRATIVE LEAVE - The temporary removal from office of an accused individual, during which period the person is entitled to personal compensation but not continuing education or professional benefits.

ADVOCATE - A person trained by the Response Team in the issues of sexual misconduct and qualified to provide support and emotional and physical presence, to the alleged victim(s) and their family, the accused, family members of the accused, or the congregation involved in a sexual misconduct case. The advocate also provides clarification of the investigative process of the church and the judicial process of the church to the person(s) with whom he or she works. The role of an advocate is not to speak for the party for whom he or she is advocating but to inform that party of his or her rights within the investigative process. The advocate shall not give advice regarding civil remedies. When requested by the party for whom she or he is advocating, the advocate may accompany that person to meetings of Presbytery entities when that party is testifying.

CHILD SEXUAL ABUSE - Includes but is not limited to any contact or interaction between a person under 18 years of age (a minor) and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. Such behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child.

CONFIDENTIALITY - The withholding of information from all those except those who need to know as determined by the Sexual Misconduct Response Team.

MANDATED REPORTER - A person who is required to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. State laws vary from defining mandated reporters as "all persons having knowledge" to specifying a very limited list of professions whose members are required to report child abuse.

RESPONSE - The action taken by the governing body or entity when an accusation of sexual misconduct is received. The intent of this policy is to assure a swift and pastoral response for all persons affected by accusations of sexual misconduct.

SEXUAL MISCONDUCT - A misuse of authority and power which breaches Christian ethical principles by misusing a trust relationship to gain advantage of another for sexual pleasure in an abusive, exploitative and unjust manner. Even if someone else initiates or invites sexual content in the relationship, it is always the responsibility of the member or officer of the Presbytery to maintain the professional role.

SEXUAL MISCONDUCT RESPONSE TEAM - The body constituted by Presbytery to facilitate and oversee the process of providing guidance, support, and pastoral care to individuals and groups affected by allegations of sexual misconduct.