

ABINGDON PRESBYTERY PRESBYTERIAN CHURCH (U.S.A.) CLERGY SEXUAL MISCONDUCT POLICY

INTRODUCTION

To further the peace, unity, and purity of the church through the prevention and remediation of sexual misconduct within the church, Abingdon 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 1

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, exploitive, 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. 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.

- c) Ministers are always responsible for considering the impact of their words and actions and must 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 unreasonable inferring within the 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.

- 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 of the Word and Sacrament violates the ordination vows of the Presbyterian Church (USA).
2. All ministers 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. Inquirers and candidates will sign the same statement.
3. Whereas this policy addresses sexual misconduct by ministers, each congregation and organization in 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 ABINGDON 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 the 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 acknowledgment 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 congregation 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

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 Office of the Executive 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 Executive 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 coordination 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 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.)

I have read the above policy and agree to abide by it. Please sign and return it to the presbytery office.

Printed Name: _____

Signature: _____ **Date:** _____