

## **THE PRESBYTERY OF SCIOTO VALLEY**

### **SEXUAL MISCONDUCT POLICY AND PROCEDURE STATEMENT (Adopted May 18, 1999, and Amended September 17, 2002, November 18, 2003, April 18, 2006, and June 8, 2007, Approved November 27, 2018)**

#### ***I. INTRODUCTION***

*As God who called you is holy,  
be holy yourselves in all your conduct.*

\* \* \* \* \*

*Tend the flock of God that is your charge,  
not under compulsion but willingly,  
not for sordid gain but eagerly.  
Do not lord it over those in your charge,  
but be examples to the flock.*

\* \* \* \* \*

*You know that we who teach  
shall be judged with greater strictness.  
(I Peter 1:15; 5:2; James 3:1, NRSV)*

The Presbytery of Scioto Valley states its position that when sexual misconduct occurs, it is:

- an offense against the law of God;
- a dishonoring of the gospel of Jesus Christ;
- a serious breach of the fellowship which the Holy Spirit builds in the church;
- a violation of professional ethics;
- a misuse of the power of position or person;
- in many applicable circumstances, a violation of secular law;
- a violation of the trust of a person seeking the ministry of the church.

#### ***II. POLICY***

It is the policy of the Presbytery of Scioto Valley that all members, non-member employees, volunteers, and officers of the Presbytery are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Sexual misconduct is not only a violation of the principles set forth in Scripture, but also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable. Therefore, it is the policy of the Presbytery to address immediately and fairly any allegation of sexual misconduct against any employee, member or officer of the Presbytery, recognizing the presumption of innocence which exists in our system of civil law and church discipline.

### **III. PURPOSE AND APPLICATION**

The purposes of this policy are:

1. to prevent, and minimize sexual abuse within the Presbytery of Scioto Valley;
2. to safeguard the church's members, staff, and the community from abuse through any form of sexual misconduct;
3. to seek justice by assuring effectiveness of the church's administrative, investigative, and judicial process in determining truth, protecting the innocent, and dealing with both the accused and the accuser in a prompt and compassionate manner;
4. to promote proper healing of all persons and congregations where sexual misconduct has occurred.

This policy is adopted by Presbytery of Scioto Valley for use in its governance, and as guidance for its member churches.

### **IV. DEFINITIONS**

*Sexual Misconduct* is the comprehensive term used in this policy to cover the following:

- **Inappropriate sexual conduct** may include language, visual contact, touching or other behavior judged by the person to be injurious to his or her physical or emotional health.
- **Child sexual abuse** includes, but is not limited to, any contact or interaction between a child (under 18) and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced.
- **Sexual abuse** as defined in the Book of Order: "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (Book of Order, D-10.0401c).
- **Rape or sexual contact** by force, threat, intimidation, or coercion
- **Sexual harassment** is unwelcome sexual advance, verbal or physical conduct, or display of sexually related material when:
  - submission is explicitly or implicitly made a condition of future employment, service or care;
  - such conduct could reasonably be expected, because of its content, context, or pervasiveness, to affect morale or performance of the individual or others involved in the situation; or
  - persons in the work setting claim to find the material offensive.

- **Sexual malfeasance** is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.
- **Misuse of technology** includes use of technology that results in sexually harassing or abusing another person, including sending and/or receiving suggestive messages and images to or from persons with whom one has a ministerial relationship. It is never appropriate to view pornography on or using church property. When images viewed or sent include a person under the age of eighteen, it is considered child abuse and falls under mandatory reporting provisions. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

## **V. PROCEDURE UPON RECEIPT OF A REPORT OF MISCONDUCT**

The Presbytery will not ignore allegations of sexual misconduct. Because of the serious nature of any allegation of sexual misconduct, any or all of the formal procedures of Presbytery and the *Book of Order* will be invoked. A written statement submitted in accordance with D-10.0102 received by any employee or officer of the Presbytery must be referred immediately to the Stated Clerk for processing.

For the following procedures to be used, the accused must be a member, non-member employee, volunteer, or officer of the Presbytery. In such a case, the Presbytery declares its intention to deal clearly and fairly with the alleged sexual misconduct when experienced by any person while involved in any professional or volunteer relationship with the Presbytery. Due to the serious nature of an allegation, it cannot be kept in total confidentiality. It will, however, be handled with appropriate discretion.

### **A. Reporting an Incident of Sexual Misconduct**

#### **1. Reporting Obligations of Members, Officers and Employees**

Ministers of Word and Sacrament, Commissioned Lay Pastors, Ruling Elders and Deacons are reminded of their obligations as set forth in the *Book of Order* (G-4.0301) to report information they receive regarding alleged sexual misconduct. A Minister of Word and Sacrament or Commissioned Lay Pastor who feels an obligation to clergy confidentiality must determine whether there is "imminent risk of bodily harm," and report accordingly, unless the victim is a minor or adult lacking capacity for consent (see below). In all cases of clergy confidentiality, the counselee shall be urged to self-report.

#### **2. G-4.0302. Mandatory Reporting of Abuse of a Minor or Adult Lacking Capacity for Consent**

Any member of this presbytery engaged in ordered ministry, any presbytery employee, or any certified Christian educator employed by this presbytery's

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.

In addition, it is the policy of the Presbytery that all members, non-member employees, volunteers, and officers of the Presbytery who receive information that sexual molestation or abuse of a minor or an adult who lacks mental capacity to consent has been committed by any other employee, officer, member or volunteer of the Presbytery shall immediately notify local law enforcement and Children's Services officials, as well as the Executive Presbyter and Stated Clerk. Any employee who receives information that sexual molestation, abuse or harassment has been committed by any other employee, officer, member or volunteer of the Presbytery, regardless of the age of the victim, shall immediately report that information in writing to the Executive Presbyter and Stated Clerk.

Whenever a member or officer of the Presbytery has any information suggesting an incident of sexual misconduct has occurred, such information shall be reported immediately in writing to the Stated Clerk. If the allegations involve the Stated Clerk the incident shall be reported to the Executive Presbyter, who shall serve as acting stated clerk for purposes of carrying out the responsibilities described herein.

### **3. Responsibilities of the Stated Clerk**

Upon receipt of any allegations of sexual misconduct, the Stated Clerk (or the Presbytery Executive acting as the Stated Clerk) shall immediately take all steps necessary to cause an investigating committee to be created pursuant to the provisions of the Rules of Discipline and the Standing Rules of the Presbytery. If the allegations received allege an offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, the Stated Clerk shall further report the allegations to the moderator and clerk of the Permanent Judicial Commission in order that a determination may be made whether the accused should be placed on a leave of absence until resolution of the allegations.

When the Stated Clerk receives a written statement of an alleged offense from a person who is not a member of the Presbyterian Church (U.S.A.) that contains sufficient information to allow investigation and to suggest that an offense has been committed, the Stated Clerk shall follow the provisions of D-10.0103, report that an offense has been alleged, and refer the statement immediately to an investigating committee.

In addition, the Stated Clerk shall notify:

1. Insurance carriers to the extent the Presbytery's insurance policies require such notice be given;
2. Appropriate local, state, or federal authorities if the allegations involve the abuse of a minor child or other criminal behavior, and the Stated Clerk is unable to confirm that such reports have not been made.

#### **4. Responsibilities of Commission on Church Professionals and the Commission on Congregational Life**

*(a) When the Commission on Church Professionals (CCP) and/or the Commission on Congregational Life (CCL) receives information of conflict within a congregation or session as the result of rumors or the disclosure of allegations of sexual misconduct:*

- The CCL, in consultation with the Executive Presbyter, should contact the pastor and session and/or congregation (if a congregation is involved) in order to determine what resources are necessary to meet the session or congregation's needs.
- A representative (s) from CCL should make clear that it is not an investigating committee. Any person who indicates that they have evidence or information regarding an alleged offense should be referred to the Stated Clerk.
- CCL should seek to ensure that all involved understand the disciplinary process and the Presbytery's Sexual Misconduct Policy.
- They further should seek to ascertain whether conflict exists within the session or congregation and develop a plan for addressing such conflict to the extent possible while the disciplinary process proceeds.
- If the accused seeks pastoral care, representation or assistance, he or she should be referred to the Executive Presbyter and/or CCP.

*(b) When an alleged victim requests pastoral or counseling assistance from the Presbytery:*

- CCP and/or the Executive Presbyter should evaluate how pastoral or counseling services can best be provided to the alleged victim, and his/her family.

*(c) When a Minister of Word and Sacrament agrees to or is placed on a leave of absence during the pendency of charges of sexual misconduct:*

- CCL and/or the Executive Presbyter should contact the session in order to determine what resources are necessary to meet the session and congregation's needs. CCL should seek to ensure that the short and middle term pastoral needs of the congregation are filled.

- CCL should further seek to ascertain whether conflict exists within the session or congregation and develop a plan for addressing such conflict to the extent possible while the disciplinary process and leave of absence proceeds.

*(d) When a Minister of Word and Sacrament renounces jurisdiction or dies while charges of sexual misconduct are pending:*

- CCL should contact the session in order to determine what resources are necessary to meet the session and congregation's needs.
- CCP or CCL, in consultation with the Executive Presbyter, should seek to contact the accuser and/or alleged victims and family and determine what resources are necessary to meet their needs (e.g. referral to counseling, advocacy) for as long as necessary.
- If CCP or CCL determines that further information gathering is necessary to secure the healing of the congregation or alleged victims, it may engage in such information gathering or recommend that the Presbytery appoint an administrative commission to gather such information, but shall make clear to all that the purpose of such information gathering is to secure the resolution of conflict and healing of the congregation and victims, and not to determine the guilt of the accused.

## **5. Record Keeping**

CCP and CCL shall keep careful records of their proceedings, including accounts of actions, minutes of deliberations, and conversations with all affected persons, copies of the initial report, correspondence, and copies of reports to the governing body or entity. They will maintain the records until the matter has been resolved. At that time, the records shall be forwarded to the Stated Clerk where they will be marked "confidential" and securely stored. There shall be no separate or duplicate records kept of the material that has been turned over to the governing body as a result of CCP or CCL work.

## **VII. UPDATING SEXUAL MISCONDUCT POLICY AND PROCEDURE STATEMENT**

Annually, the Commission on Church Professionals, in consultation with the Commission on Congregational Life shall designate a task force to see that this Policy and Procedure Statement is in compliance with all constitutional requirements of the Presbyterian Church (U.S.A.), and all requirements of the laws of the State of Ohio. Any necessary changes shall be reported to CCP for submission to the Presbytery for approval.

Acknowledgement of Receipt of the Presbytery of Scioto Valley (PSV) Sexual Misconduct Policy and Procedure Statement

I hereby acknowledge that I have received a copy of "The Presbytery of Scioto Valley Sexual Misconduct and Procedure Statement," last amended and approved by the Presbytery of Scioto Valley November 27, 2018.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_