

Donegal Presbytery



# PREVENTION AND RESPONSE POLICY: SEXUAL MISCONDUCT

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The Presbytery of Donegal

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## Contents

Policy Statement .....	2
Theological Basis.....	2
Definitions.....	3
Education and Training .....	6
Participation in Mandated Education and Training Events .....	6
Requirements Related to Policy and Procedures.....	7
Pre-Employment Screening.....	7
Procedures in Situations of Possible Sexual Misconduct.....	8

## Policy Statement:

Ministry professionals in the Presbytery of Donegal shall not engage in sexual abuse, sexual harassment or sexual misconduct. Sexual misconduct in pastoral and other ministry relationships is an abuse of authority and power breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an exploitative and unjust manner.

This policy applies to Teaching Elders, Commissioned Ruling Elders; Certified Christian Educators, Certified Associate Christian Educators, presbytery officers and presbytery staff in the Presbytery of Donegal.

## Theological Basis:

God intends for the church to be a safe place for all to encounter God and grow into lives of service and fulfillment. We are called to be a holy community. "As the one who called you is holy, be holy yourselves in all your conduct." (1Peter 1:15)

All persons are created by God, in the image of God. (Genesis 1:27) The gospels tell stories of Jesus ministering to men, women and children, teaching and healing all who came to him, treating them with dignity and respect. Throughout the scriptures God calls us to honor the integrity of our neighbors, and their personhood.

God intends all persons to have worth and dignity in their relationships. We are one connected body, and when one part of the body is injured physically, emotionally or spiritually, the entire body is rendered less than God intended. Misconduct of a sexual nature of any kind violates a person's wholeness and is an unjust use of status and power. It is sinful behavior against God and the other person(s). The scriptures witness to a God whose love brings about justice, mercy and grace. The Church is called to express God's love in concrete actions of compassion and healing for all God's people.

## Definitions:

Term	Definition
Sexual Misconduct	<ul style="list-style-type: none"> <li>• A comprehensive term which includes, but is not limited to: <ul style="list-style-type: none"> <li>○ Rape or Sexual Assault</li> <li>○ Sexual Abuse of children or adults</li> <li>○ Viewing, storing or transmitting pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited to computers or cellular telephones</li> <li>○ Inappropriate sexualized behavior</li> </ul> </li> </ul>
Sexual Abuse	<ul style="list-style-type: none"> <li>• Occurs <ul style="list-style-type: none"> <li>○ Whenever a person in a position of trust engages in a sexual act, has sexual contact or creates a sexualized environment with any person to whom he or she owes a professional responsibility;</li> <li>○ When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom he or she owes a professional responsibility</li> </ul> </li> <li>• Such persons may include (and are not limited to) a congregant, staff member or counseling client.</li> </ul>
Examples of Sexual Abuse	<ul style="list-style-type: none"> <li>• Sexual touch and repeated 'accidental touch of sexual areas of the body</li> <li>• Tickling and playful aggression that seem uncomfortable to the recipient</li> <li>• A prolonged hug when a brief hug is customary behavior</li> <li>• Kissing on the lips when a kiss on the cheek would be appropriate</li> <li>• Pressing up against the body when hugging</li> <li>• An inappropriate gift</li> <li>• Sexual Intercourse</li> <li>• Sexual Abuse may also include verbal behavior, in person or by technological means, initiated by a person in a ministerial role when such behavior sexualizes a relationship, such as (but not limited to): <ul style="list-style-type: none"> <li>○ Innuendo or sexual talk</li> <li>○ Sexually suggestive comments, including tales of one's exploits or experiences</li> <li>○ Questions about the intimate details of another's relationships</li> <li>○ Looking for sympathy about his or her partner's sexual inadequacies.</li> </ul> </li> </ul>
Sexual Abuse of a Minor or One Lacks the Mental Capacity to Consent	<ul style="list-style-type: none"> <li>• Consists of any sexual contact between an adult and an individual under the age of eighteen or one who lacks the mental capacity to consent, including accessing, promoting, or pandering of child</li> </ul>

	<p>pornography on church property and/or with church-owned devices such as computers or cellular telephones.</p> <ul style="list-style-type: none"> <li>• Sexual abuse of a minor 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 person or of a third party. The behavior may or may not include touching.</li> <li>• Sexual abuse of a minor is a crime in all states and must be reported to civil authorities. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring may be a mandated reporter. See the Presbytery of Donegal Child Protection Policy for more detailed explanation and definitions in this category.</li> </ul>
Sexual Harassment	<ul style="list-style-type: none"> <li>• Sexual Harassment includes behavior in the workplace which may affect an individual's employment, unreasonably interfere with an individual's work performance or creates an intimidating, hostile or offensive work environment.</li> <li>• Sexual Harassment includes sexualized behavior which may affect a congregant, or counseling client's ability to find sanctuary in the worship environment and/or pastoral relationship.</li> </ul>
Examples of Sexual Harassment	<ul style="list-style-type: none"> <li>• Unwelcome sexual advances</li> <li>• Requests for sexual favors</li> <li>• Sexually oriented jokes or humor</li> <li>• Sexually demeaning comments</li> <li>• Verbal suggestions of sexual involvement or sexual activity</li> <li>• Questions or comments about sexual behavior</li> <li>• Unwelcome or inappropriate physical contact</li> <li>• Graphic or degrading comments about an individual's physical appearance</li> <li>• Any verbal or physical conduct of a sexual nature</li> <li>• Display of sexually suggestive objects or pictures</li> <li>• Repeated requests for social engagements after an individual refuses</li> </ul>
Accused	<ul style="list-style-type: none"> <li>• The person against whom a claim of sexual misconduct is being made.</li> </ul>
Accuser/Victim	<ul style="list-style-type: none"> <li>• The person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct.</li> <li>• The victim is the person alleged to have been subjected to sexual misconduct by a person covered under this policy.</li> </ul>
Advocate	<ul style="list-style-type: none"> <li>• A person trained by the Connecting Our Ministry Commission in the issues of sexual misconduct. The Advocate provides support,</li> </ul>

	<p>and emotional and physical presence to the person for whom they are advocating.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The role of an advocate is not to speak for the party for whom he or she is advocate but to inform that party of his or her rights within the investigative process. The advocate shall not give advice regarding civil remedies. If requested by the party for whom she or he is advocate, the advocate may accompany that person to meetings of NCP entities when that party is testifying.</li> </ul>
Initial Response Team (IRT)	<ul style="list-style-type: none"> <li>• The Initial Response Team responds to initial reports of sexual misconduct). The IRT shall consist of the Executive Presbyter, the Stated Clerk, the Convener of the Connecting Our Ministry Commission, and one other COM representative. The IRT appoints the Response Coordination Team (RCT).</li> </ul>
Response Coordination Team (RCT)	<ul style="list-style-type: none"> <li>• The Response Coordination Team (RCT) provides for the pastoral care of affected persons including, but not limited to, the alleged victim and the alleged victim's immediate family, the accuser and his/her immediate family, the accused and his/her immediate family, and the congregation.</li> </ul>
Mandated Reporter	<ul style="list-style-type: none"> <li>• According to the statutes of the Commonwealth of Pennsylvania mandated reporters include: <ul style="list-style-type: none"> <li>○ Clergy members, including ministers and other spiritual leaders</li> <li>○ An individual, paid or unpaid, who on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child. These individuals include those serving at youth camps or programs, sports or athletic programs, outreach programs, enrichment programs, troops, clubs, or similar organizations</li> </ul> </li> <li>• All suspected child abuse must be reported. Rape or sexual assault is a crime in every state and shall be reported to civil authorities and to the Stated Clerk.</li> </ul>
Meaningful Consent	<ul style="list-style-type: none"> <li>• An unmarried Church Professional seeking a romantic relationship can do so outside their own congregations.</li> <li>• If a Church Professional becomes interested in a dating or romantic relationship with a member of his or her congregation, the ministerial relationship between the religious leader and other person must be severed before ethically pursuing a relationship of this nature.</li> </ul>

## Education and Training:

The presbytery will provide training in the following areas:

- Training and conversation on the maintenance of healthy boundaries
- Peer conversations on the ethical implications of “sticky” situations
- Development of policies required by the Commonwealth of Pennsylvania and the PC(USA) in child protection and sexual misconduct prevention and response
- Recognition of forms of sexual misconduct, sexual abuse, and sexual harassment
- Training in pastoral and disciplinary response procedures

## Participation in Mandated Education and Training Events:

All Teaching Elders serving in congregations, validated ministry positions, or on the pulpit supply list; all Commissioned Ruling Elders; all Certified Christian Educators; all Certified Associate Christian Educators; all paid youth leaders and educators in congregations, all Presbytery officers and Presbytery staff will be required to participate in regular Presbytery training for the prevention of sexual misconduct and the maintenance of healthy boundaries.

This requirement may be satisfied by:

- a. Attendance at a Presbytery of Donegal training event within one year of beginning a position governed by this policy. A certificate of attendance will be provided at the conclusion of the training event. The certification must be renewed every three years.
- b. Youth leaders, educators, and teaching elders whose primary service is with those under the age of 18, are encouraged to attend a specialized training event offered by the presbytery on Sexual Abuse Prevention, Maintaining Healthy Boundaries and Navigating the World of Social Media in Ministry with Minors.
- c. If those governed by this policy serving in congregations do not attend a training event within one year of beginning a position, (or initially following the adoption of this policy), a letter will be sent to the person and the session encouraging their attendance. The session will be asked to pay \$50 to cover the cost of training if not completed in the first year or a certification year. If training has not been completed by the end of the second year, administrative leave will be imposed until training has been completed.
- d. For those serving in validated ministry positions, a certificate of completion of a Sexual Misconduct Prevention training course may be submitted to the Connecting Our Ministry for a decision on whether the alternate training meets the requirement.
- e. Those on the pulpit supply list must complete the training within the first year to remain on the list.

Any person subject to this policy may be required by the Connecting Our Ministry Commission to attend additional training/events or may be referred for counseling when such a provision is recommended by COM, or when directed by an Administrative Commission elected to deal with matters at a church. It may also be required as part of censure and restoration in a disciplinary case.

Records of sexual misconduct training and certification shall be maintained by the Stated Clerk and shall be available for public inspection.

### Requirements Related to Policy and Procedures:

1. All Teaching Elders and CREs, as a prerequisite for approval of a call within the Presbytery of Donegal, will be required to sign a statement acknowledging receipt of this policy, and acknowledging responsibility to comply with it. Upon initial adoption, continuing members of the presbytery and presbytery staff will be required to sign a similar statement.
2. This policy shall be distributed to members and staff of the Presbytery, those serving on Presbytery committees, commissions, task forces, Investigating Committees, Administrative Commissions, and the Permanent Judicial Commission. The policy will be posted on the Presbytery web site and available to all church members, any accuser of sexual misconduct, the accused, and the alleged victim(s) of sexual misconduct and their families.
3. The sessions of congregations are required to adopt a Sexual Misconduct Prevention and Response Policy for their congregations, which must be approved by the Overtures, Amendments and Review Committee. The presbytery will provide samples of policies for sessions and will assist in the development of training models for sessions to train their leaders.
4. The Presbytery of Donegal and its congregations shall periodically obtain from their insurance agents confirmation that their liability insurance policy covers sexual misconduct liability for its programs and activities.

### Pre-Employment Screening

#### 1. Reference Checks

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

The Executive Presbyter and/or the Stated Clerk are responsible to conduct presbytery to presbytery reference checks. See the presbytery website for the Reference Check script. Part of this check ascertains whether prospective teaching elders have any history of sexual

misconduct. The results of the reference check are reported to the Connecting Our Ministry Committee.

When providing a reference check on a teaching elder member of the presbytery, those authorized for reference checks are 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 teaching elders also includes provision of the clearances required by the Commonwealth of Pennsylvania. In addition, a comprehensive background screening shall be conducted prior to the Fit Between Person and Position Conversation hosted by the Connecting Our Ministry Committee.

The discovery of a detrimental record will not automatically exclude the person from entry into the presbytery. The use the COM makes of the criminal record background report will be determined on an individual case by case basis. The Executive Presbyter, Stated Clerk and the COM will counsel both with the prospective teaching elder and the search committee where appropriate. At the same time, the COM will take with full seriousness the failure of incoming prospective teaching elders to volunteer critically important information regarding criminal history.

The Executive Presbyter and the Stated Clerk shall ensure the confidentiality and appropriate retention of criminal record background reports. A minister who claims that the information in the report is inaccurate, false or incomplete shall have the right to dispute it with the investigative firm.

## **Procedures in Situations of Possible Sexual Misconduct**

1. The presbytery shall respond to initial reports of sexual misconduct through an Initial Response Team (IRT). The IRT shall consist of the Executive Presbyter, the Stated Clerk, the Convener of the Connecting Our Ministry Commission, and one other COM representative. The purpose of the IRG is to receive and evaluate initial reports of sexual misconduct and coordinate the response of the presbytery. This response will often involve the simultaneous appointment of an Investigating Committee (IC) in accordance with the Rules of Discipline, and a Sexual Misconduct Response Team.
2. In the Presbytery of Donegal the Initial Response Team (IRGT) is responsible to appoint investigating committees (ICs) for all situations governed by the Rules of Discipline, including written allegations of sexual misconduct.

3. The presbytery is committed to providing a safe space for those who have been subjected to sexual abuse, sexual misconduct, and sexual harassment. Confidentiality and safeguards against retaliation will be implemented in all circumstances.
4. When a verbal report of a situation involving possible sexual misconduct, sexual abuse or sexual harassment by a person subject to this policy reaches an official of the presbytery, this shall be reported to a member of the Initial Response Group. Depending upon the situation, the reporter or alleged victim shall be invited to explain the circumstances. They shall be provided by the Stated Clerk with information on how to file a written statement of alleged offense, and shall be provided by members of the IRT with information on any other requests or desired outcomes.
5. When a written statement of alleged offense of sexual misconduct or abuse toward any person has been received by the stated clerk against a teaching elder or a commissioned ruling elder, the procedures in the Rules of Discipline shall be followed, including D-10.0106, regarding whether to impose administrative leave.
6. Written statements of alleged offense involving rape or sexual assault, or sexual abuse of children under the age of eighteen or one who allegedly lacks the mental capacity to consent shall be additionally reported to civil authorities.
7. The Response Coordinating Team (RCT) shall work with the clerk of session, the pastors (if not involved in the allegation) and other appropriate parties to provide a comprehensive pastoral response to the situation.
8. The Presbytery of Donegal will respect the rights of all parties involved: accusers, victims, accused, and an involved congregation. These rights include:
  - a. To be heard and taken seriously. From the time that sexual misconduct is reported, all persons shall receive immediate attention and serious consideration from those representing the presbytery. A reasonable attempt to identify and to locate the victim(s) will be made in the case of self-accusal.
  - b. To be informed about progress of procedures with regard to the accusation.
  - c. To obtain legal advice.
  - d. To be offered an advocate trained by the COM. While the presbytery proceeds to deal with the accusation, this includes the responsibility to provide each party involved moral support from an individual who is available to him or her or them.
  - e. To be assured that justice will be pursued through the procedures set forth in the Book of Order and this Policy.
  - f. To become engaged in work toward healing and reconciliation.
9. The presbytery shall design a plan for provision of counseling or reimbursement of counseling fees for the victim(s) for a reasonable period of time, up to a maximum of one year.