

## PEACE RIVER PRESBYTERY

### SEXUAL MISCONDUCT AND MINOR/VULNERABLE ADULT PROTECTION POLICY

#### 6.1310 Sexual Misconduct [and Minor/Vulnerable Adult Protection](#) Policy.

Introduction. In an effort to further the peace, unity and purity of the church through the prevention and remediation of sexual misconduct, [minor abuse and vulnerable adult abuse](#) 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. [This policy applies to all clergy, employees of the Presbytery and all volunteers working on Presbytery committees, projects and activities.](#) This policy defines sexual misconduct, [minor abuse and vulnerable adult abuse](#) and outlines procedures for reporting such misconduct to the Presbytery.

#### 6.1311 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.

- A. Sexual abuse occurs whenever a person in a position of trust engages in a sexual act or sexual contact with another person to whom (s)he owes a professional responsibility. Such abuse includes, but is not limited to, the following:
  - (1) Sexual acts or sexual contact with a minor.
  - (2) Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
  - (3) Sexual acts or sexual 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.
  - (4) Sexual acts outside the bounds of marriage.
  - (5) 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.
  - (6) Sexual acts or sexual contact arising from the administration of a drug or intoxicant which substantially impairs the reasoning or judgment of another.
  - (7) 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.
- B. Child sexual abuse includes, but is not limited to, any contact or interaction between a child or an adult lacking the mental capacity to consent 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.

- C. 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.
- D. 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. 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:
- (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 an institution.
  - (2) Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.
  - (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 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.

**6.1311 (a) Definition of Minor Abuse and Vulnerable Adult Abuse Not Involving Sexual Misconduct.**

Minor and vulnerable adult abuse includes, but is not limited to, any act or failure to act that results in the physical, psychological or emotional mistreatment, neglect or exploitation of a minor or vulnerable adult. Such abuse includes the use of technology and/or social media to harass or otherwise abuse a minor or vulnerable adult.

6.1312 Policy on Sexual Misconduct and Minor/Vulnerable Adult Abuse.

- A. Sexual misconduct and minor/vulnerable adult abuse 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).
- B. 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 minor/vulnerable adult abuse biennially and to sign a statement agreeing to comply with the policy. If unable to participate in the Presbytery-offered training, the minister shall work with Presbytery to find a suitable alternative. Failure to comply may result in investigation and discipline.
- C. Whereas this policy addresses sexual misconduct and minor/vulnerable adult abuse 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.

## 6.1313 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 [Peace River Presbytery Sexual Misconduct and Minor/Vulnerable Adult Protection 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. Resource Documents. The Book of Order requires all councils to adopt and implement a sexual misconduct policy (see G-3.0106). The responsibilities, structures, and procedures for responding to allegations of sexual misconduct are mandated in part by the Book of Order, such as the role of an Investigating Committee (see G-3.0307 and D10.0200).
- C. 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.
- D. 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.
- E. The following procedures shall be followed whenever the Presbytery sponsors an event involving minors and or vulnerable adults:
- a) all workers must have a criminal background check on file with their home congregation or with the Presbytery;
  - b) at least two non-related adults shall always be present in groups of minors and if both genders of minors participate in the event, the two adults shall be one of each gender;
  - c) when minors and workers are in a room together, there should be an unobstructed window in the door to the room or the door to the room shall be left open; and
  - d) workers will ensure that no other adults are using a restroom before allowing a minor to enter and the worker shall remain outside the restroom to assure that no other adults enter while the minor(s) is(are) using the facility.

## 6.1314 Pre-Employment Screening for Prospective Income Clergy

- A. Reference Checks. Pre-employment screening includes specific questions related to previous complaints of sexual misconduct [or minor/vulnerable adult abuse](#). 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 [or minor/vulnerable adult abuse](#). 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 [or minor/vulnerable adult abuse](#). 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 [or minor/vulnerable adult abuse](#) by the applicant.

Applicants shall be given an opportunity to correct or respond to information regarding sexual misconduct [or minor/vulnerable adult abuse](#) obtained from a reference check.

- B. Background Checks. Pre-employment screening for prospective incoming clergy also includes a mandatory National Criminal History and Financial Background Check, requested and paid for by the church. This should take place prior to the candidate being examined by the Committee on Ministry. (See section 6.1425 [21])

#### **6.1315 Maintenance of Sexual Misconduct Response Team.**

The Sexual Misconduct Response Team will be responsible for the following:

- A. Providing for Presbytery-wide training on preventing sexual misconduct and on the Presbytery's policy for addressing potential misconduct situations.
- B. Identifying, in consultation with the General Presbyter and the Stated Clerk, those ordained officers within the Presbytery who may be appropriate to serve as liaisons to the victim, the accuser, the accused, and the affected congregation(s), and training liaisons for their role when notified of a report of potential sexual misconduct.

#### **6.1316 Policy on Response to Allegations of Sexual Misconduct [or Minor/Vulnerable Adult Abuse](#) by Ministers**

- A. Known or suspected sexual misconduct [or minor/vulnerable adult abuse](#) by a pastor shall be reported to the Peace River Presbytery Stated Clerk per D-10.0103.
- B. In addition to the above, known or suspected sexual misconduct involving children shall be reported to civil authorities.
- C. A written complaint to the Stated Clerk alleging sexual misconduct [or minor/vulnerable adult abuse](#) by a minister member of the Presbytery subjects that pastor to any Committee on Ministry policy on administrative leave in effect. (A recommended policy will be provided by the Committee on Ministry.)
- D. Allegations of sexual misconduct or minor/vulnerable adult abuse should be made as promptly as possible. The ability of the Presbytery to respond quickly and justly to sexual misconduct or minor/vulnerable adult abuse is related in part to the opportunity to receive allegations and to gather evidence soon after the occurrence. This policy, however, recognizes the special problems sometimes related to the discovery and recognition of certain forms of sexual misconduct. For example, child sexual abuse may not be recognized until the victim of abuse reaches the age of awareness or recognition, or fear may deter a victim from coming forward. Therefore, reports of certain forms of sexual misconduct may be delayed for many years. Reports should be taken seriously and responded to appropriately, even if a period of time has elapsed before the report is made.
- E. Importance of Confidentiality: Allegations of sexual misconduct or minor/vulnerable adult abuse should never be taken lightly or disregarded or allowed to circulate without concern for the well-being, integrity, and reputation of the accuser, the accused, and the Church. Allegations should be dealt with as matters of highest confidentiality, before and after they have been submitted to appropriate authorities.
- F. Role of Sexual Misconduct [or Minor/Vulnerable Adult Abuse](#) Response:  
In responding to accusations of sexual misconduct, the Church should seek healing and assure the protection of all persons. Where possible within the limits of the process contemplated under this policy, the privacy of all persons involved should be respected. The Book of Order assures all persons

of fair procedures in the disciplinary process, and all persons involved should be informed of these procedures at the outset.

When the Stated Clerk of the Presbytery receives a verbal report or a written statement of an alleged offense, the Stated Clerk shall immediately notify the Chair of the Presbytery's Sexual Misconduct Response Team.

A fundamental principle in responding to an accusation of sexual misconduct or minor/vulnerable adult abuse is to ensure that the actions of the Sexual Misconduct Response Team promote and enhance the process of reconciliation and healing by effectively supporting those affected, without compromising or disrupting (1) any investigation by civil authorities and due process or (2) inquiry or judicial process that may be undertaken by the governing body.

## **6.1317 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 (s)he works. The role of an advocate is not to speak for the party for whom (s)he 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**

Refer to Book of Order G-4.0302. Florida law defines mandated reporters as all persons having knowledge of or reasonable cause to suspect abuse.

### **MINOR**

[A minor is any child or youth between the ages of 0 to 17 years old.](#)

## **RESPONSE**

The action taken by the governing body or entity when an accusation of sexual misconduct is received. The Presbytery should respond swiftly and justly to allegations of sexual misconduct. The response has two dimensions:

- 1) a pastoral response and
- 2) a judicial or disciplinary response.

Both are key elements in accomplishing the goals of justice and compassion.

## **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 Sexual Misconduct Response Team is responsible for;

- 1) regular education about the Presbytery Sexual Misconduct Policy and training about Sexual Misconduct [and Minor/Vulnerable Adult Abuse](#) Prevention and
- 2) providing a pastoral response for those affected by allegations of sexual misconduct [or minor/vulnerable adult abuse.](#)

## **VULNERABLE ADULT**

Any person 18 years old or older without the cognitive capacity to consent.

## **WORKER**

Any adult who serves as a volunteer or a paid staff person given the responsibility of working with minors or vulnerable adults during Presbytery sponsored events.