



The Presbytery of  
**DONEGAL**

---

Sexual Misconduct  
Prevention and Response Policy

# Contents

Policy Statement: .....	2
Theological Basis: .....	2
Definitions: .....	3
Education and Training: .....	5
Participation in Mandated Education and Training Events: .....	5
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 misconduct, including sexual abuse, sexual harassment. 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 an advantage over another for personal gratification in an exploitative and unjust manner.

This policy applies to Teaching Elders, Commissioned Ruling Elders, Certified 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 people: adults and children, teaching and healing all who came to him and 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 a God whose love brings justice, mercy, and grace. The Church is called to express God's love in concrete actions of compassion and healing for all of God's people.

## Definitions:

Term	Definition
Sexual Misconduct	<ul style="list-style-type: none"> <li>A comprehensive term that 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 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>Definition: Sexual abuse is any offense involving sexual conduct in relation to any person under the age of eighteen years or anyone without the capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of an ordered ministry or position. Sexual abuse is contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A.), and is therefore always an offense for the purpose of discipline. (D-7.0901)</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 seems uncomfortable to the recipient</li> <li>A prolonged hug when a brief hug is a 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 their partner's sexual inadequacies.</li> </ul> </li> </ul>
Sexual Abuse of a Minor or One Who 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 eighteen or one who lacks the mental capacity to consent, including accessing, promoting, or pandering of child pornography on church property and with church-owned devices such as computers or cellular telephones.</li> <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.</li> </ul>

	<ul style="list-style-type: none"> <li>Pursuant to G-4.0302, the clerk shall report to civil legal authorities any knowledge of harm, or risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or adult lacking mental capacity.</li> </ul>
Sexual Harassment	<ul style="list-style-type: none"> <li>Sexual Harassment includes behavior in the workplace that may affect an individual's employment, unreasonably interfere with an individual's work performance, or create an intimidating, hostile, or offensive work environment.</li> <li>Sexual Harassment includes sexualized behavior that may affect a congregant or counseling client's ability to find sanctuary in the worship environment and 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 is 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 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 approved by the Connecting Our Ministry Commission on the issues of sexual misconduct. The Advocate provides support and emotional and physical presence to the person for whom they are advocating. This person meets the requirements of D-7.0802.</li> <li>The role of an advocate is not to speak for the party for whom they are the advocate they are advocating, but to provide "support, consultation, and pastoral care." (D-7.0802). The advocate shall not advise civil remedies. If requested by the party for whom they are an advocate, the advocate may accompany that person to meetings of the Presbytery of Donegal entities when that party is testifying.</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> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ An individual, paid or unpaid, accepts responsibility for a child based on the individual's role as an integral part of a regularly scheduled program, activity, or service. These individuals include those serving at youth camps or programs, sports or athletic programs, outreach programs, enrichment programs, troops, clubs, or similar organizations</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 the Stated Clerk.</li> </ul>
Meaningful Consent	<ul style="list-style-type: none"> <li>• A Church Professional may not enter a romantic relationship with a member or constituent of their congregation.</li> <li>• If a Church Professional becomes interested in a dating or romantic relationship with a congregation member, the ministerial relationship between the religious leader and the 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 sexual misconduct prevention and response, and the protection of children, youth, and vulnerable adults
- 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:

### ***G-3.0106 Administration of Mission***

*All councils shall adopt and implement the following policies: a sexual misconduct policy, a harassment policy, a child, youth, and adults with vulnerabilities protection policy, and an anti-racism policy. Each council's policy shall include requirements for boundary training, which includes the topic of sexual misconduct and child sexual abuse prevention training for its members at least every thirty-six months.*

At the Presbytery level, all Teaching Elders serving in congregations, validated ministry positions, or on the pulpit supply list; all Commissioned Ruling Elders; all Certified Christian Educators; All Presbytery officers and Presbytery staff are required to participate in regular Presbytery training for the prevention of sexual misconduct and the maintenance of healthy boundaries every three years, as mandated by G-3.0106.

This requirement may be satisfied by:

- a. Boundary Training Level 1: Attendance at a Presbytery of Donegal training event is mandatory within one year of beginning a position governed by this policy. A certificate of attendance will be provided after the training event.
- b. If those governed by this policy serving in congregations do not attend a training event within one year of beginning a position, a follow-up letter will be sent to the person and the session to ensure their attendance. If special arrangements must be made to satisfy the mandatory certification requirements, then the session will be required to bear any additional costs to the presbytery. If the boundary training requirements still are not met, then the Connecting Our Ministry Commission may proceed to impose administrative leave until the training has been completed, with or without pay, at the discretion of the session.
- c. Boundary Training Level 2: Level 2 Boundary Training, mandatory 3 years after completing Level 1 training, is an interactive, case-based peer conversation on the “grey areas” of boundary situations that pastors encounter. Level 2 training includes a refresher and updates on laws and policies in the Commonwealth of PA and in the presbytery. It is NOT a “repeat” of the basic training in all policies and procedures.
- d. Boundary Training, Beyond Level 2: For those who have completed the Presbytery of Donegal Level 1 and Level 2 Boundary Training, those who must satisfy the denominational requirement for certification of training every three years may apply to complete an approved online training through a third-party provider, at their own expense.
- e. For those serving in validated ministry positions, the Connecting Our Ministry will work on an individualized basis to assess whether the alternate training meets the requirement for a decision on whether the alternate training meets the requirement. Validated Ministries, which have their own professional certification requirements, may submit a request to provide available documentation of the title of the training, content description, and verification of completion. COM recognizes that this will vary substantively for each TE/CRE in a validated position and, therefore, needs to evaluate the content for compliance with our requirements. COM may provide for individual consultation as necessary to cover presbytery-specific mandates.
- f. Those on the pulpit supply list must complete the training within the first year to remain on the list.
- g. Those who work with children, youth, and vulnerable adults are highly encouraged to obtain certification in Mandated Reporter Training, Social Media best practices, and other training as needed. Many insurance companies now provide specialized education related to areas included in liability insurance coverage.

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 COM recommends

such a provision 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 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 the responsibility to comply with it.
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 website 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 provided to the presbytery for review. The presbytery will provide sample policies for sessions and assist in developing 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 their programs and activities.

### **Pre-Employment Screening for Presbytery Employees**

#### **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 Discernment Profile when interviewing persons seeking ministerial calls.

The Executive Presbyter/Stated Clerk conducts presbytery-to-presbytery reference checks. See the presbytery website for the reference check process. Part of this check ascertains whether prospective teaching elders have any history of sexual misconduct. The reference check results are reported to the Connecting Our Ministry Commission. When providing a reference check on a teaching elder 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 allowed 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 the provision of the clearances required by the Commonwealth of Pennsylvania. In addition, a comprehensive background screening may be conducted before the Fit Between Person and Position Conversation hosted by the Connecting Our Ministry Committee.

Discovering 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 a case-by-case basis. The Executive Presbyter/Stated Clerk and the COM will counsel 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/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 a Sexual Misconduct Response Team. The SMRT shall consist of the Executive Presbyter/Stated Clerk, the Presbytery Associate/Associate Stated Clerk, the Connecting Our Ministry Commission Chair, and one other COM representative. Other Response Team members may be added as warranted by the situation.

The SMRT ensures appropriate legal and ecclesiastical actions are initiated and 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 their immediate family, the accused and their immediate family, and the congregation.

The SMRT evaluates initial reports of sexual misconduct and coordinates the response of the Presbytery. This response will often coordinate the beginning of the Church Discipline process, and with the work of the Sexual Misconduct Response Team.

2. In the Presbytery of Donegal, the Sexual Misconduct Response Team is not responsible for appointing an investigating committee (IC). This procedure is prescribed in the Presbytery's Manual of Administrative Operations and the Church Discipline section of the Book of Order. The SMRT may file a Church Discipline allegation if this has not occurred and the SMRT believes that filing an allegation is warranted.

3. The Presbytery is committed to providing a safe space for those 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 Sexual Misconduct Response Team. Depending upon the situation, the reporter or alleged victim shall be invited to explain the circumstances. The Stated Clerk shall provide them with information on how to file a written statement of the alleged offense. Members of the SMRT shall provide them with information on any other requests or desired outcomes.
5. When a written statement of the 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 Church Discipline shall be followed, including D-7.0902, regarding whether to impose administrative leave.
6. Written statements of an alleged offense involving rape or sexual assault, or sexual abuse of children under eighteen, or one who allegedly lacks the mental capacity to consent, shall be additionally reported to civil authorities.
7. The Sexual Misconduct Response Team shall work with the clerk of session (as necessary), 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 the involved congregation. These rights include:
  - a. To be heard and taken seriously. From the time sexual misconduct is reported, all persons shall receive immediate attention and serious consideration from those representing the Presbytery. A reasonable attempt to identify and locate the victim(s) will be made in the case of self-accusation.
  - b. To be informed about the 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 with moral support from an individual who is available to them.
  - e. To be assured that justice will be pursued through the procedures outlined 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 the provision of requested counseling or reimbursement of counseling fees for the victim(s) for a reasonable period of time.