

**Graystone Presbyterian Church –
Sexual Misconduct Policy with Appendixes A, B & C**

1. PURPOSE

Since the issue of sexual misconduct has become an ever-more present reality, there is an emerging need to bring awareness to a wide variety of persons. Persons needing this specific awareness include; Employees, Pastors, Elders, Deacons, Volunteers and members of the congregation. As a result, a copy of this policy will be made available to these individuals.

We have a responsibility to our faith, our society and our local community to send a clear message that sexual misconduct, in any form, is not acceptable.

The purpose of this policy is to make clear Graystone Presbyterian Church's (the "church's") position regarding sexual misconduct and to establish the procedures to be followed in investigating and resolving instances where sexual misconduct is alleged to have occurred.

2. POLICY STATEMENT

It shall be the policy of the church that all church members, church officers, non-member employees, volunteers and governing bodies of the church are to maintain the integrity of the ministerial, employment and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture and also of the ministerial, pastoral, employment and professional relationship. It is never permissible or acceptable for a Pastor, Elder, Deacon, Employee, Volunteer or member of the congregation to ever engage in sexual misconduct.

3. THE BASIC PRINCIPLES GUIDING THIS POLICY:

a) Sexual misconduct is a violation of the role of Pastors, Elders, Deacons, Employees, Volunteers and members of the congregation who are called upon to exercise integrity, sensitivity and caring in a trust relationship. It breaks the covenant to act in the best interests of children, parishioners, clients, co-workers and students.

b) Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure and/or desire in an abusive, exploitative and unjust manner. If a child, parishioner, student, client or employee initiates or invites sexual content in the relationship, it is the Pastors', Elders', Deacons', Employees', Volunteers' and members of the congregation's responsibility to maintain the appropriate role and prohibit a sexual relationship.

c) Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel's call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

4. SEXUAL MISCONDUCT DEFINED:

Sexual Misconduct is the comprehensive term used throughout this policy to include any of the following:

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 gratification 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 whether or not consented-to by the child.

Sexual abuse is defined in the Book of Order: “any offense involving sexual abuse 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).

Sexual harassment is defined for this policy as follows: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1) 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;
- 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such an 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; or
- 4) an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade and/or sexually exploit men, women or children.

Rape or sexual contact by force, threat or intimidation.

Sexual conduct includes but is not limited to: offensive, obsessive and/or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling, touching of the sexual or intimate parts of a person for the purpose of arousing and/or gratifying sexual desire, or any other touching of another that is injurious to the physical or emotional health of another.

Misuse of technology is defined as the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. There is never an expectation of personal privacy when using technological equipment owned by the church or a church entity or within the context of ministry.

5. REPORTS OF SEXUAL MISCONDUCT:

If an allegation of sexual misconduct is made against a Minister of the Word and Sacrament, it shall be reported to the Clerk of Session who will refer the matter to the stated Clerk of the Presbytery. In the absence of the Clerk of Session, the report will be made directly to the Chairperson of the Personnel Committee who will refer the matter to the stated Clerk of Presbytery.

If an allegation is made against any Employee, Elder or Deacon, it shall be reported to the Church Protection Policy Official or “CPPO” (as defined in this Policy in the “Definition” section attached hereto).

If an allegation is made against a Volunteer, it shall be reported to the CPPO.

Should an allegation of sexual misconduct be made against any other member of the church or person on church property, it shall be reported to the CPPO.

A. Balancing Trust and Confidentiality (G-4.0301)

In the exercise of pastoral care, teaching elders (also called ministers of the Word and Sacrament) and ruling elders who have been commissioned by a presbytery to limited pastoral service (G-2.10), shall maintain a relationship of trust and confidentiality, and hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care.

When the person whose confidences are at issue gives express consent to reveal confidential information, then a teaching elder or a ruling elder commissioned to pastoral service may, but cannot be compelled to, reveal confidential information.

A teaching elder or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person.

B. Mandatory Disclosure (G-4.0302)

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil 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.

ANY ALLEGATION OF SEXUAL MISCONDUCT WHICH ALLEGES THAT A CHILD IS THE VICTIM OF THE ALLEGED MISCONDUCT MUST BE REPORTED USING THE PA DEPARTMENT OF WELFARE STATEWIDE TOLL-FREE TELEPHONE HOTLINE NUMBER, COMMONLY KNOWN AS "CHILDLINE," AT 1-800-932-0313.

6. RESPONSE TO REPORT OF SEXUAL MISCONDUCT:

Following receipt of a report of alleged sexual misconduct, the Pastor or CPPO shall immediately constitute a Response Team and offer pastoral care to the victim and family. The Response Team is encouraged to consult with legal counsel to ensure appropriate action is taken.

The Pastor or CPPO shall select four members of Session, two men and two women, as potential members of a Response Team should an allegation of sexual misconduct be reported. One man and one woman from this group, along with the Pastor or CPPO and one member as selected by the Pastor or CPPO from the Personnel Committee, shall serve as the Response Team (4 members total). The Response Team will take all precautions not to do anything which might compromise either a civil, criminal, or ecclesiastical investigation.

The sequence of actions taken by the Response Team will vary according to each situation, and the responsibilities of the Response Team may include, if appropriate, some of the following:

- Although it is recognized that false accusations may sometimes be made, the Response Team shall not assume any accusation(s) to be false.
- In the event the sexual misconduct alleges that a child may be the victim, the church shall report and/or refer the matter as required by law to the proper civil, criminal and/or church authority for investigation and adjudication.
- Notifying the church's legal counsel that an allegation of sexual misconduct has been made.
- Notifying the church's insurance carrier that an allegation of sexual misconduct has been made.
- Engaging Resource Persons (as defined in this Policy in the "Definition" section attached hereto).
- Maintaining and preserving all information gathered in a confidential manner with the exception of such information to be forwarded and/or disclosed to the appropriate investigative authorities.
- Meeting with the reported victim, his/her family and any witnesses and making a timely and thorough inquiry into the circumstances of the alleged offense, gathering detailed information related to the allegation. One member of the Response Team shall be designated to keep accurate documentation of all interviews conducted by the Response Team.
- Informing the victim that regardless of any action taken, or not taken, by the church, a victim retains the right to file a complaint of alleged abuse directly with civil or criminal authorities, and in such instance, the church will cooperate fully with any investigation.
- Inquire if the victim may benefit from and/or need any type of additional support and/or professional counseling.
- Determining if the accused should immediately be suspended from his/her position based upon the gravity of the situation. The Pastor, or CPPO acting as team leader, shall have the authority to suspend any non-ministerial Employee, Elder, Deacon or Volunteer from his/her position. Any suspension must be reported to Session for review and final disposition.
- If necessary, meeting with the accused to notify him/her of the accusation made, to impose a suspension of duties if warranted, and to provide appropriate spiritual support.
- If a meeting with an accused occurs, at the beginning of each and every meeting with the person against whom an allegation has been made, the accused shall be informed of his/her right to remain silent and to be represented by his/her own counsel or designated representative.

- If such a meeting occurs, the accused shall be advised that the allegation has been or will be reported to the appropriate legal authorities and that the church will cooperate fully with any investigation(s).
- If appropriate, designate a Spiritual Support Team (“SST”) (as defined in this Policy in the “Definition” section attached hereto).

7. PREVENTION AND RISK MANAGEMENT

a) Implementation:

It shall be made clear that sexual misconduct is a violation of work rules and that all are strongly encouraged to report incidents of sexual misconduct. The church should take appropriate steps to inform ministers, elders, deacons, employees, volunteers, members and students of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct.

b) Liability Insurance:

The church may be held liable for harm caused by sexual misconduct of an officer, minister or employee based upon a number of legal theories. Such potential liability should be taken into consideration when establishing hiring and supervisory practices.

The church should regularly inform their liability insurance carrier of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. The standard insurance policy should usually be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs.

c) It is also recommended that the church obtain an endorsement to its general liability insurance policy specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the church, its officers or employees.

Appendix A

DEFINITIONS

Accused - the term used to represent a person against whom a claim of sexual misconduct is made.

Accuser - the term used to represent 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. A person such as a family member, friend, or colleague may be the accuser.

Adult - any person 18 years of age or older.

Child - any individual who has not yet reached the chronological age of eighteen (18) years.

Church Protection Policy Official or “CPPO” – the Pastor shall act as the designated church representative member to whom all reports of alleged sexual misconduct, as defined herein, are made. In the event of a conflict or if the Pastor is unavailable, the Associate Pastor or the Chairperson of the Personnel Committee shall act as the designated church member to whom all reports of sexual misconduct are to be made.

Church - when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled in the lower initial refers to Graystone Presbyterian Church. The word congregation is used loosely for members and participants.

Civil/legal (secular) authorities - are the governmental bodies, whether city, county, state, or federal who are given the responsibility to investigate, criminally prosecute, and/or bring charges against individuals accused of sexual crimes or offenses against adults and children.

Civil/legal (secular) law - is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.

Employee – any person who is hired for a wage, salary, fee or payment to perform work for the church. However, this definition shall not include independent contractors.

Resource Persons – individuals whose services would be valuable to a church in the context of sexual misconduct, for example, a trained pastor, a committee on ministry representative knowledgeable in polity and the effects of sexual misconduct, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, an insurance agent who can advise the church about its exposure to liability or coverage, or any other individual whose experience and expertise may be beneficial.

Spiritual Support Team or “SST” – a team appointed by the Response Team. Its purpose will be to attempt to address and aide the specific spiritual and emotional needs of the victim(s) and their families (if any), the accused and his/her family (if any) and the congregation. The SST shall **not** investigate the allegation(s) or in any way function as an investigating team.

Volunteer - any person who freely undertakes or performs services and/or duties on behalf of the church without being under any legal obligation to do so and without being promised (or receiving) any remuneration for his/her services, this definition to include Administrative and Program Volunteers.

Appendix B

Form to Report Suspected Sexual Misconduct

Reported by (name): _____
Title or position: _____
Address: _____
City, State, and Zip: _____
Telephone and email address: _____
Date of Report: _____

Person suspected of misconduct:

Name: _____
Title or position: _____
Address: _____
City, State, and Zip: _____
Telephone and email address: _____

Other person(s) involved (witnesses or victims):

Name: _____ Title or position _____
Age: _____ Gender _____
Address: _____
City, State, and Zip: _____
Telephone: _____

On the reverse side of this form, provide a written description of the incident(s) of suspected sexual misconduct, including date(s), time(s), location(s). Provide contact information for any eyewitnesses to the incident(s), if available.

Appendix C

Graystone Presbyterian Church's Policies in regard to Sexual Misconduct and Child Safety are to be made known to its members, Pastors, Employees, Elder, Deacon, and Volunteers. The church provides a separate form to document that such individuals have agreed to conduct themselves in accordance with the policies. Public notice should be provided on a regular basis in publications available to all.

Suggested content of public notice:

God has created us in God's own image and thus made us equal in Christ. The Church, through the power of the Holy Spirit, was created and is meant to be a reflection of our relationship to one another and to God. The Church believes that God intends all men, women and children to have worth and dignity in all relationships. Graystone Presbyterian Church believes that the increase in incidents of sexual misconduct and child abuse in the larger church and in our society threatens the community. We recognize that we have a responsibility to our faith, our society, and our local community to send a clear and firm message: Sexual misconduct and/or child abuse, in any form, are not acceptable. Graystone Presbyterian Church has a firm policies opposing sexual misconduct, sexual harassment and/or child abuse. Written procedures have been established to be followed in reporting, investigating and resolving instances in which misconduct and/or abuse is alleged to have occurred and to demonstrate our absolute and unwavering commitment to the physical safety and spiritual growth of all, especially children. A copy of Graystone Presbyterian Church's written policies and reporting procedures are available in the church office.