



MENLO.CHURCH

MENLO PARK PRESBYTERIAN CHURCH

Policy and Procedures on Ethical Misconduct

Scriptural Basis

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, 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.

(1 Peter 1:15; 5:2; James 3:1; NRSV)

Biblical standards clearly provide that men and women are created by God in his image and are called to respect, honor and serve one another according to God's intentions for human relationships. God calls his people to honor and sanctify marriage as a covenant between one man and one woman. It is only within this bond that the full expression of sexual practice can rightfully glorify God and reflect his character.

God calls his people and the church to a high standard of purity in all areas of morality, including sexual conduct. This is particularly true for people in ministry who are to be examples to those they serve as well as to the watching world. Both clergy and lay leaders in the church are often in positions of trust and power with parishioners, whom they teach, advise and counsel. It is essential, therefore, that all ministers and lay leaders at MPPC (also known as Menlo Church) both establish and honor boundaries with all persons to whom they minister. Failure to do so is a violation of the trust that exists between parishioners and those who act as "shepherds of the flock."

MPPC is a member of the Evangelical Covenant Order of Presbyterians (ECO), and as such is governed by ECO Polity and Discipline. This policy document is intended to be consistent with ECO Polity and Discipline principles and processes.

Policy statement

This policy regarding ethical misconduct by persons in positions of religious leadership at MPPC is the result of a deeply held conviction that MPPC and, in particular, those in positions of leadership have been given a public and spiritual trust. Ethical misconduct, including that of a sexual nature, is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner.

Such misuse of power, is a violation of God's will and is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world.

MPPC desires to create and maintain a community of believers in which pastors, employees, parishioners and seekers can together work and develop a deeper understanding of God and his will for our lives. Accordingly, MPPC will not tolerate ethical misconduct by those in positions of leadership, including sexual misconduct, sexual harassment, or any other misconduct which undermines or violates any relationship of trust.

MPPC is further committed to preventing, investigating, and, when appropriate, taking disciplinary and other action in response to incidents of misconduct whether or not the incident appears to violate existing secular laws. This policy seeks to offer guidelines to assure appropriate intervention in any alleged incidence of ethical misconduct and to provide information to the MPPC community which will assist in preventing future instances of misconduct or abuse. MPPC's concern is principally for a policy that will protect the purity of God's ministry through the Church, but also one which will ensure discipline and justice, and assist in the healing and restoration of all persons involved.

Individuals Covered Under the Policy

This policy covers all pastors, employees, elders, deacons, teachers (paid or unpaid), members and lay leaders at MPPC.

Notification

Copies of this policy must be provided to all employees at time of hire, and a written acknowledgement of the employee's receipt of the policy and their agreement to be bound by it must be obtained and saved in their personnel records. Any change in this policy must be disseminated to all employees at time of the change.

Congregants shall each receive a written copy of this policy upon becoming a member of MPPC. Any lay leaders, or volunteers in Children's ministry must receive a written copy of this policy and sign an acknowledgement to agree to be bound by this policy as part of their onboarding and training process. If periodic training is delivered to a set of leaders, this policy shall be included in any training materials.

This policy shall be posted on the MPPC website in an easily navigable location.

Definitions

MPPC expects all individuals in positions of leadership to model a high standard in all areas of their personal lives and in their relationships with others, including areas of behavior which are specifically sexual in nature. The following definitions, therefore, should not be viewed as exhaustive. They represent only those which are most common and most clearly affect in a negative fashion the purity of MPPC's ministry to the community.

Ethical Misconduct:

While it is difficult to specify in detail that behavior which constitutes "ethical misconduct, all such conduct is perhaps best described by that behavior which fails to fall squarely within the framework of biblical morality and the standards generally associated with the evangelical church community. Such misconduct includes sexual misconduct and harassment (as defined below), but also includes acts of fraud, theft, dishonesty, criminal behavior, or other conduct which contravene God's mandate to be holy, as He is holy.

Sexual Misconduct:

This term is intended to be comprehensive and includes, but is not limited to:

- adultery
- sexual relations outside of marriage, including relations between consenting adults;
- all lewd, obscene, coercive, or inappropriate sexual behavior between persons of the same or opposite gender;
- utilizing a position of trust or power to engage in sexual contact, with or without consent, involving a person who is subject to the implicit trust relationship which the position conveys, including the broken trust resulting from sexual contact within a ministerial or professional relationship;
- rape, acts of sexual aggression, or sexual contact by force, threat, or intimidation;
- any form of genital sexual stimulation with a person of the same or opposite gender outside the marriage covenant;
- any behavior which sets up an improper sexual environment, including but not limited to, such as the use of sexually suggestive, lewd or indecent language or showing or providing obscene -or pornographic material to others; and
- sexual harassment.

Sexual Harassment:

Such conduct is prohibited by law and includes unwelcome conduct of a sexual nature that has the purpose or effect of creating an intimidating, offensive or hostile environment (usually a work environment, that as used in this policy, includes the community of faith described above). In addition, requesting sexual favors in exchange for benefits, employment or otherwise, or creating an environment in which harassment is so severe or pervasive as to create abusive working, learning or worship conditions. Such harassment may also result from verbal, visual or physical contact. Such things as repeated and unwelcome touching, leering, sexual comments, sexual jokes, and sexual pictures are also examples of types of conduct which may constitute sexual harassment. Finally, both men and women may be victims of sexual harassment. One person may be sexually harassing another person and not be aware of it. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the context in which the alleged conduct occurred.

Reporting of Misconduct

While MPPC encourages individuals who believe that someone in a position of leadership at MPPC (whether a pastor, employee, elder, deacon, teacher or lay leader) has engaged in ethical misconduct to firmly and promptly notify the offender that his or her behavior is unethical, unbiblical and/or unwelcome, MPPC also recognizes that power and status disparities between an alleged offender and the individual may make such a confrontation difficult or impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even when such communication has occurred, the individual is urged to report the alleged misconduct to the MPPC Ethical Misconduct Committee (the Committee). The Committee is a standing committee comprised of the Chair of Session, and the Chairs of the Compensation, Finance and Audit, and Governance Committees. The Chair of Session is the primary contact point for the Committee

If the individual prefers to report the alleged ethical misconduct to someone on Pastoral Staff,

MPPC's Director of Operations, the Compensation Committee (which oversees personnel decisions) of Session or any other member of Session, he or she should feel free to do so. In all cases, whoever receives the complaint shall promptly notify the Chair of Session, who will notify the members of the Committee, and the Senior Pastor, unless the complaint involves allegations against those individuals in some way. The Committee may involve other members of Session or staff as required to assure an effective and efficient investigation.

The Clerk of session shall also be notified of any charge forwarded to the Committee. If the charge references an ECO ordained pastor, or a deacon or elder, the Clerk shall notify the Stated Clerk of the Presbytery, forward the complaint, and have the Stated Clerk determine the appropriate jurisdiction for investigation and adjudication, consistent with the processes and procedures as outlined in the ECO Rules of Discipline.

If a Presbytery Judicial Commission is deemed the proper authority for investigation and adjudication, MPPC shall fully cooperate with the Judicial Commission and that process becomes the official process for MPPC to resolve the complaint.

The important thing is that the alleged misconduct be reported. The report may be made initially either orally or in writing.

Investigation and Charge Resolution Procedures

Every charge of ethical misconduct will be investigated thoroughly and promptly, and MPPC will attempt to keep the investigation confidential to the extent possible. When a charge has been made, the Committee will initiate an investigation of the alleged ethical misconduct within ten working days of notification. If any member of the Committee is the subject of the investigation, the investigation will be conducted by the remaining members of the Committee.

The Committee's investigation will generally consist of the following steps:

- interviewing the individual making the charge, including making an inquiry as to what steps he or she would like MPPC to take as a consequence of the alleged misconduct;
- advising the individual charged with ethical misconduct of the nature of the allegations and, where possible, conducting an interview with that person;
- where an interview with the person alleged to have engaged in ethical misconduct is possible, explaining to that person that further investigation might be necessary, advising him or her that there should be no retaliation for any report of alleged misconduct, and that there should be no repetition of the alleged misconduct;
- conducting further interviews as necessary to objectively gather facts, including any other identified witnesses;
- identifying and interviewing other possible victims or injured parties;
- documenting the investigation;
- ensuring fairness in the investigation process to both the individual making the charge, as well as the accused;
- informing Session of the results of its investigation, including any follow-up actions to be taken and any suggestions as to appropriate disciplinary action to be taken;

Post-Investigation Action

Upon the completion of the Committee's investigation, and upon receipt of its report, Session, with the consultation of the Senior Pastor, where appropriate, shall make a determination as to what, if any, action is necessary. Such action will depend on the particular facts, but may include written or oral warnings, probation, reassignment of responsibilities, removal of teaching or leadership privileges or responsibilities, suspension and termination. Where feasible, Session's determination shall be made not later than fifteen working days following the submission of the Committee's report.

Upon Session making its determination, the Committee shall inform the parties directly involved in the charge of Session's findings and the remedial action to be taken by Session, if any.

Records and Confidentiality

Once the Committee completes its responsibilities and Session has taken any necessary action, all documents pertaining to the Committee's investigation and the results thereof shall be delivered to MPPC's Director of Operations, and every effort shall be made to keep such matter confidential. Where necessary, such records will be provided to Presbytery or others with a need to know such information. MPPC shall otherwise seek to comply with all applicable law pertaining to confidentiality and records retention.

Retaliation Prohibited

MPPC prohibits retaliation and will not in any way retaliate against an individual who makes a charge of ethical misconduct (or those participating in the investigation of such a charge), nor permit any of its employees from engaging in such retaliation. Any such retaliation should be reported to the Committee immediately. Any person found to have retaliated against another individual for making a charge of ethical misconduct will, where appropriate, be subject to the same disciplinary action provided for those found to have violated this policy.