

Silver Spring Presbyterian Church



Sexual Misconduct Policy

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“As [God] who called you is holy, be holy yourselves in all your conduct.”

1 Peter, 1:15

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SEXUAL MISCONDUCT POLICY

Silver Spring Presbyterian Church
PC (U.S.A.)

Policy Statement: It is the policy of Silver Spring Presbyterian Church (hereinafter referred to as SSPC or church) and the Presbyterian Church (U.S.A.) (hereinafter referred to as PC(USA)) that all members, officers, non-member employees, volunteers, sub-contractors, consultants, and entities 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. Such persons may be deemed in violation of the ministerial, pastoral and secular employment responsibilities under law. It is never permissible or acceptable for a member, officer, employee, or volunteer to engage in sexual misconduct, especially not in connection with the mission and ministry of SSPC. Authority: This policy is based on the recommended guidelines of the General Assembly of PC(USA). Distribution: Copies of this policy and its procedures shall be made available to all teaching elders, ruling elders, committees of Session, Christian educators and such other entities or individuals associated with SSPC as the Session shall determine. Standards of Conduct:... As [God] who

called you is holy, be
holy yourselves in all your conduct;
... Tend the flock of God that is in your charge, ...
not under compulsion but willingly, ...
not for sordid gain but eagerly ...
[do] not lord it over those in your charge,
but be examples to the flock.

... You know that we who teach will be judged with greater strictness.

1 Pet. 1:15; 5:2-3; Jas. 3:1, NRSV

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world." (Book of Order, G-2.0104a)

The basic principles of conduct guiding this policy:

Sexual misconduct is a violation of the role of pastors, elders, deacons, volunteers, counselors, supervisors, employees or any person called upon to exercise integrity, sensitivity and caring in a trust relationship. It breaks the covenant to act in the best interests of the congregation and any entity or individual associated with the church.

Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If a member, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, officer's, or supervisor's responsibility to maintain the appropriate role.

Sexual misconduct takes advantage of the vulnerability of persons, including children, who are less powerful to act for their own welfare. It is antithetical to the gospel 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.

- a. Definitions: Sexual Misconduct is the comprehensive term used in this policy to include: 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 stimulation or 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. In the PC(USA), the sexual abuse definition of a child includes anyone under age eighteen. Reference is also made to the SSPC Child and Youth Protection Policy. Sexual Abuse as defined in the Book of Order: "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 ordered ministry or position. *Sexual abuse is always contrary to the Scriptures and the Constitution of the [PC(USA)], and is therefore always an offense for the purpose of discipline.*" (Book of Order, D-7.0901 (emphasis original)).Sexual Harassment: Unwelcomed sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature constitute(s) sexual harassment when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment at SSPC, or their continued status in the institution;
- b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual at SSPC;
- c. 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 at SSPC; or
- d. an individual is subjected, at or in connection with SSPC, to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual images that insult, degrade, and/or sexually exploit men, women, or children.
- e. sexual conduct at or in connection with SSPC that is offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.

Sexual Assault: Defined for this policy as rape, sexual assault or any other crime of a sexual nature committed at or in connection with SSPC. Sexual Malfeasance: Defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship. Misuse of Technology: Use of technology at or in connection with SSPC that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by the church or church entity or within the context of ministry. It is never appropriate to view pornography on or in connection with the use of church property, equipment or technology.

Church Response to Allegations of Sexual Misconduct: In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

Jurisdiction: The PC(USA) has jurisdiction over its members, officers and employees such that if a member, officer or employee is alleged to have committed an offense against scripture or the PC(USA) constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer or employee and to ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against scripture or the PC(USA) constitution that trigger the disciplinary processes of PC(USA) set forth in the Book of Order. In the case of an active non-member who is employed or volunteers with the church, the individual will be covered by the procedures of the written policies of the Session of SSPC.

If the person accused of sexual misconduct is no longer a member, officer, or employee of SSPC, but the conduct occurred while the person was acting at, in connection with or on behalf of SSPC, the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm, if possible. The Session will appoint an investigating committee as set forth in this policy.

Reporting Requirements: A person needing to report that a member, officer, employee, or volunteer of SSPC has committed sexual misconduct is encouraged to seek guidance from a PC(USA) teaching elder or ruling elder regarding filing the report. Accused Member: If the person who is accused of committing sexual misconduct is a member, ruling elder, deacon, volunteer, or employee of the congregation, the report of allegations should be made to a teaching elder, the Clerk of Session, or a chair of the personnel committee. If the accused is a member or officer of the church, the church will respond by using the procedures set forth in the rules governing Church Discipline in the Book of Order. Accused Non-member: If the accused is a non-member employee or volunteer, the church will respond by using procedures set forth in the written policies of Session. Presbytery: If the person who is accused of committing sexual misconduct is a teaching elder and member of the presbytery, the report of allegations should be made to the Stated Clerk of the presbytery. If the report of allegations is placed in writing, the presbytery will respond by using the procedures set forth in the rules governing Church Discipline in the Book of Order. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee of the presbytery, the report of allegations may be made to any of the staff or volunteers of the presbytery. The presbytery will respond by using procedures set forth by policy or bylaws of the presbytery. Higher Council or Entity of the General Assembly: If the person who is accused of committing sexual misconduct is an employee or volunteer of a higher council or entity, contact the council or entity directly for the appropriate person to receive the report of allegations. The report of allegations may be made to any person with supervising capacity. The entity will respond by using procedures set forth by

policy or bylaws of the entity. Receiving Reports of Sexual Misconduct: Reports of allegations of sexual misconduct will occur in a variety of ways. Because Session cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with SSPC and may be made to a variety of officers or leaders within the church. It is the duty of these officers to see that any allegation of sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse. Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant to talk to “higher authorities,” the person who has received the initial report has a special pastoral responsibility to build trust with the accuser and a willingness to speak, lest the church be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of allegations of sexual misconduct should take reasonable steps to ensure that the allegations of offense are filed with the entity with jurisdiction over the person accused. This includes seeking advice from a teaching elder (if that teaching elder is not involved in the allegation) or Clerk of Session and may be done by the person alleging harm or by any member of the PC(USA).

“An allegation shall be submitted in writing to the clerk of session or stated clerk of the council with jurisdiction over the individual who is accused.

- (1) If the allegation is against a member of a congregation not serving as a commissioned pastor at the time of the alleged offense, the allegation shall be sent to the clerk of session with jurisdiction over the accused member.
- (2) If the allegation is against a minister member of a presbytery or a commissioned pastor in a validated ministry at the time of the alleged offense, the allegation shall be sent to the stated clerk of the presbytery with jurisdiction over the accused member of the presbytery or commissioned pastor.” (Book of Order, D-7.0104(d))

Mandatory Reporting of Child Abuse: All ruling elders, deacons, Certified Christian Educators, and teaching elders are required to report knowledge of child abuse to the civil and ecclesiastical authorities according to the Book of Order. Reference is also made to the SSPC Child and Youth Protection Policy for mandatory reporting and other requirements

Responding: The appropriate council or entity response will vary according to the relationship of the PC(USA) with the person who is accused of sexual misconduct. Church members, and officers are subject to inquiry and discipline (censure and correction) under the Book of Order.

Church non-member employees and volunteers are subject to oversight and correction by the Session or entity that employs them. The response to any allegation of sexual misconduct shall be in accordance with the rules governing Church Discipline in the Book of Order

Recommended Best Practices Record Keeping: The Session should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. In Case# 208-6, the General Assembly Permanent Judicial Commission (GAPJC) interpreted the rules governing Church Discipline in the Book of Order to say that a Session or entity may share the contents of inquiry reports with other Sessions or entities of the PC(USA) when necessary. The Clerk of the Session will maintain the records while the inquiry is in process. Implementation: The Book of Order requires that all Sessions adopt and implement a sexual misconduct policy (G-3.0106). The General Assembly urges all Sessions to establish policies and procedures that make it a violation of the employer's work rules to engage in sexual misconduct and encourage reporting of sexual misconduct. Sessions are strongly encouraged to take appropriate steps to inform members, employees, volunteers, and students of the church's sexual misconduct policy, the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. Liability and Insurance: A church and/or Session can be held liable for harm caused by sexual misconduct of an officer, teaching elder or employee based on a number of legal theories. Session should take such potential liability into consideration when establishing hiring and supervisory practices. Session will 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 be enhanced by endorsements covering specific exposures such as camps, preschools, day-care, shelters and out-reach.

It is also recommended the Session include in the general liability policy provisions specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgements in civil suits brought against the Session, SSPC, its officers and employees.

Employment Practices: The Personnel Committee of Session should follow SSPC's personnel policies. Awareness: Since the issue of sexual misconduct has become an ever more present reality, there is an emerging need to inform and create awareness among a wide variety of persons. Such persons include: teaching elders, ruling elders; volunteers; officers; non-professional and professional staff; ministerial candidates; professionals who will be working with this issue within the denomination and members of the congregation. Much of a congregation's education currently happens in response to an actual case of sexual misconduct. However, it is recommended that the Session be as proactive in this area as possible offering education in a variety of settings. There already are numerous resource materials available that could be adapted to a congregation's setting.

The Session needs to make sure all SSPC employees are well acquainted with, understand, and abide by the SSPC policy and procedures. Session shall provide for

boundary training as required by the Book of Order. Session should also offer additional training and resources, such as: a workshop during a staff meeting, a lunchtime discussion group, books, etc.

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

Accuser is a 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.

Church refers to SSPC, unless otherwise specified.

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

Council is a representative body composed of ruling elders and teaching elders, such as a session, presbytery, synod or General Assembly. A council may establish entities such as day-care centers, conference centers, preschools, camps, or homes for the aged. A council may have both church members and non-members as employees.

Employee is the comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.

Entity is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by a council.

Inquiry is the term used in the rules governing Church Discipline in the Book of Order to determine whether charges should be filed based upon allegations of an offense received by council. (Book of Order, D-7.0501)

Mandated Reporter includes a person under the PC(USA) constitution or state law who is mandated to report to the civil authorities any suspected incident of child abuse. Reference is also made to the SSPC Child and Youth Protection Policy.

Persons Covered by this policy includes church members, church officers, teaching elders, and non-members who are employees or volunteers of SSPC.

Response is the action taken by the council or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for victims and their families and others and (4) pastoral care and rehabilitation for the accused and care for their families.

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.

Victim is a person claiming to have been harmed and/or abused who is covered under this policy.

Volunteer is the term used for those who provide services for SSPC. Volunteers include persons selected or appointed to serve on boards, committees and other groups. For purposes of this policy, volunteers are treated the same as an employee.