

# SEXUAL MISCONDUCT POLICY

\_\_\_\_\_ Presbyterian Church, \_\_\_\_\_, VA

Date: \_\_\_\_\_

“What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.” (Micah 6: 8)

## A. Prohibition of Sexual Misconduct

\_\_\_\_\_ Presbyterian Church is committed to creating a worship and work community in which members, friends, staff, and volunteers can worship and work together in an atmosphere free of all forms of discrimination, harassment, exploitation, or intimidation. Specifically, all persons associated with \_\_\_\_\_ Presbyterian Church should be aware that the church is strongly opposed to sexual exploitation and harassment and that such behavior is prohibited by church policy. It is the intention and responsibility of the church to take whatever action may be needed to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

## B. Conduct of Church Leaders, Staff and Volunteers

All persons engaged in the ministry of \_\_\_\_\_ Presbyterian Church, including elected or commissioned ruling elders, deacons, employees, volunteers, and ministers of the Word and Sacrament, are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority. Sexual harassment or sexual exploitation of parishioners or other individuals by anyone engaged in the ministry of \_\_\_\_\_ Presbyterian Church is unethical and unprofessional behavior and shall not be tolerated within this congregation. Because elected or commissioned ruling elders, deacons, employees, volunteers, and ministers of the Word and Sacrament, often deal with individuals who are emotionally and psychologically fragile or otherwise personally vulnerable, it is imperative that those engaged in the ministry of this church maintain their own psychological, emotional, and spiritual health and that they have adequate preparation and education for helping those individuals they seek to serve in ministry. It is the policy of \_\_\_\_\_ Presbyterian Church to encourage its

ruling elders, ministers of the Word and Sacrament, deacons, employees, and volunteers to nurture safety within ministerial relationships by being attentive to self-care, education, and the importance of referring those in need to supportive and helpful resources. It is expected that active ruling elders, staff, and seminary students shall complete and submit a copy of the self-certification statement attached to this policy.

\_\_\_\_\_ Presbyterian Church is committed to creating a safe and healthy environment in which young people can learn about and experience God's love. In order to ensure this, we expect that all people applying to be volunteers who work with minors shall have been members or friends of \_\_\_\_\_ Presbyterian Church for at least six months. It is the policy of the church to provide adequate supervision for all youth activities with an emphasis in maintaining at least two adults in the presence of minors. While this may not always be possible, the members of \_\_\_\_\_ Presbyterian Church expect that all ministers, employees or volunteers who work with minors shall endeavor to provide safe places for the children and youth including striving to avoid instances where an individual minor is alone with an individual adult or older youth.

We expect all ministers, employees or volunteers who work with minors to complete and submit a copy of the self-certification statement attached to this policy. All applicants for employment shall be asked to sign a release granting permission to the session, through its authorized agents, to make a thorough investigation of past employment, education, background, including possible criminal background, to identify those persons with a history of civil allegations and/or convictions of sexual exploitation and harassment. Officers, staff, employees, and volunteers shall be expected to participate in such occasional training on sexual exploitation and harassment as appropriate to their position and responsibilities.

### C. Reporting Allegations

The Book of Order of the Presbyterian Church (USA), at G-4-0302, requires the following of Ministers of the Word and Sacrament, ruling elders, deacons and certified Christian educators:

“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 legal 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.

The Rules of Discipline of the Book of Order provide detailed procedures to be followed in the case of allegations of sexual misconduct. In the case of a minister of the Word and Sacrament such allegations shall be reported to the Stated Clerk of the Presbytery through the Clerk of Session. In all other cases involving elders, deacons, members, or employees, the Moderator and the Clerk of Session should contact the Stated Clerk of the Presbytery for advice and guidance. All church members who have knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities.

#### D. Adoption of the Presbytery of the Peak’s Sexual Misconduct Policy

\_\_\_\_\_ Presbyterian Church embraces, incorporates in this policy, and shall be guided by, where applicable to a local congregation, the Sexual Misconduct Policy of the Presbytery of the Peaks.

#### E. Definitions

Sexual Misconduct is the comprehensive term including sexual exploitation, sexual harassment, and child sexual abuse.

1. 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 and includes display of private or sexual parts. Sexual behavior between a child and an adult is always considered forced, whether or not consented to by the child. The age of maturity is 18 years of age.

2. Sexual Abuse as defined in the Book of Order: “Sexual abuse of another person is any offense involving sexual conduct 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” (D-10.0401c).

3. Sexual Harassment as defined for this policy is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which constitute sexual harassment when:

a. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment or his/her continued status in an institution;

b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions such as continued employment, possible promotions or demotions, salary increases or decreases, affecting such individual; or

c. Such conduct or statements have the purpose or effect of unreasonable interference with an individual’s work performances by creating an intimidating, hostile, or offensive working environment and can be a series of acts or statements or one significant act or statement.

4. Rape as defined by the Code of Virginia (§ 18.2-61) is “If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child [as previously defined in this document].

5. Sexual Contact by force, threat or intimidation 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.

6. Sexual exploitation is sexual activity or contact (not limited to sexual intercourse) in which a person engaged in the ministry of the church takes

advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the person.

7. Sexual Malfeasance is defined by the broken trust resulting from sexual conduct within a ministerial relationship (e.g. clergy with a member of the congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member, a Minister of Word and Sacrament or a ruling elder). Sexual conduct includes conduct of a sexual nature even if mutually agreed, unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses.

8. Misuse of technology is 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. 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 a church or church entity or within the context of ministry.

**SELF – CERTIFICATION FOR  
OFFICERS / STAFF / EMPLOYEES / VOLUNTEERS**

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained\* or is pending\* against me for sexual misconduct; and (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct. I have been given a copy of \_\_\_\_\_ Presbyterian Church’s Sexual Misconduct Policy. If at any time my status changes regarding the above self - certification, I shall notify the Clerk of Session.

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Signature

Date

\*NOTE: If you are unable to make the above certification, you may instead give in the space provided a description of the complaint, termination or the outcome of the situation and any explanatory comments you care to add.