

XXXXX Presbyterian Church

Policy Statement

This policy regarding sexual misconduct by persons in positions of religious leadership including ordained clergy, commissioned lay pastors, elders, deacons, trustees, inquirers, candidates, seminarians, all paid employees, and volunteers [hereafter Presbyterian leaders], is written out of awareness that the Presbyterian Church (U.S.A.) has been given a public and spiritual trust. Sexual misconduct is a violation of scriptures and human dignity, and is NEVER permissible.

This policy offers guidelines to assure appropriate intervention in any alleged incidence of sexual misconduct, offers care to all parties involved, and provides information to help prevent further instances of abuse. The Church is also aware of the needs of survivors, alleged offenders, congregations, and those in ecclesiastical employment. The Church's concern is for a policy that will assist in healing, justice, and restoration of and for all persons.

Because work in the name of the Church implies a covenant relationship, a privilege and a trust, it is the responsibility of all persons covered by this policy to observe appropriate boundaries in all Church relationships.

Definition of Sexual Misconduct

Sexual misconduct is any of the following activities that occurs within the scope of Church activities, or that arises from the alleged perpetrator having a position of authority or power through the Church.

A. Abuse of Children is any contact or interaction between a child (under the age of eighteen years) and an adult, when the child is being used for sexual stimulation of the adult. Sexual behavior between a child and adult is always considered misconduct whether or not consented to by the child.

B. Illinois State law defines sexual assault as:

Sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent. (720 ILCS 5 Criminal Code of 1961 §12-13)

Illinois law defines sexual penetration as:

Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration (720 ILCS 5 Criminal Code of 1961 §12-12(f)).

C. Sexual Malfeasance is the broken trust resulting from unwelcome or irresponsible sexual contact by one or more parties working on behalf of the Church.

D. Sexual Harassment is defined in this Policy by Title VII of the Civil Rights Act of 1964:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment, when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

E. Production, distribution or use of pornography is defined by the General Assembly of the Presbyterian Church (U.S.A.) as follows: Pornography includes any sexually explicit materials (books, magazines, movies, videos, musical lyrics, TV shows, telephone services, live sex acts) produced for the purpose of sexual arousal by eroticizing violence, power, humiliation, abuse, dominance, degradation, or mistreatment of any person, male or female, and usually produced for monetary profit. Any sexually explicit material that depicts children is pornography. Pornography: Far from the Song of Songs. A study paper adopted by the 200th General Assembly. (1988)

Procedures for Handling Allegations of Sexual Exploitation or Harassment against Teaching Elders, Ruling Elders, Employees, and Volunteer Leaders

All allegations of sexual abuse, sexual harassment and sexual misconduct will be taken seriously. Every allegation will be received, investigated, and acted upon in accordance with the terms of this policy.

The protection of children and youth is a priority. Persons having reasonable cause to suspect sexual abuse of a child or young person will report it to the appropriate secular agency for immediate investigation.

The accused person is always presumed innocent until proven guilty. In the context of this policy, no adverse finding will be made public or revealed against an accused person except on a need to know basis until a full investigation is completed and it has been determined that the complaint has been properly substantiated.

I. Anyone suspecting or having knowledge of a violation of Sexual Exploitation or Harassment may report such violation to any teaching elder, to the clerk of session, or to one of the ruling elders. Any child or youth who suspects or has knowledge of a violation of sexual exploitation or harassment is invited to share the knowledge with any teaching elder, ruling elder, adult, or volunteer. Anyone who has knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities. Any person suspecting or having knowledge of a violation of Sexual Exploitation or Harassment with a minor must report such violation to civil authorities and any teaching elder, clerk of session, or one of the ruling elders.

II. If anyone is uncomfortable reporting a violation of Sexual Exploitation or Harassment locally, he or she may report it to the Presbytery of Southeastern Illinois' Executive Presbyter (217 – 620- 4943 or Stated Clerk (217-620-4263), or XXXXX Presbyterian Church's liaison with the Presbytery of Southeastern Illinois' Committee on Ministry.

III. A response team with no fewer than two members, one male and one female, will be established by the session of XXXXX Presbyterian Church each year at its first meeting, in preparation for the possibility of receiving an allegation of complaint under its adopted statement of policy. The response team will familiarize itself with the terms of this policy as well as the established procedures of XXXXX Presbyterian Church for dealing with complaint(s) of alleged sexual exploitation or harassment against any teaching elder, ruling elder, employee, or volunteer in leadership position(s) at XXXXX Presbyterian Church.

IV. To address incidents of alleged sexual exploitation or harassment:

- A. The complainant (if adult) may attempt to resolve the matter directly with the individual(s) accused of sexual exploitation or harassment; or
- B. The complainant may report the incident(s) to a teaching elder, clerk of session, or ruling elder of the church in an effort to resolve the matter.

V. The clerk of session, ruling elder, or teaching elder receiving the information is required to share the information within 24 hours with the response team.

VI. The response team shall do the following:

- A. If the report is against a teaching elder, the response team will, without further investigation, send a written statement of allegation to the Stated Clerk of the Presbytery that holds the teaching elder's membership.
- B. If the report alleges sexual abuse or harassment of a minor, the response team will:
 - i. immediately insure the allegation is reported to the civil authorities under state law;
 - ii. immediately take steps to remove the alleged offender (without implication of guilt or innocence) from contact with minors until an investigation is completed or until a resolution of the allegations has occurred;
 - iii. immediately notify the parents or guardian of the minor;
 - iv. notify the session of the allegation so that the session may take steps to insure that the accused does not have contact with minors until an investigation is completed or until a resolution of the allegations has occurred.
- C. If the report is against a ruling elder, the response team will notify the session that an allegation of offense has been received against a ruling elder that triggers the formation of an investigating committee under the Rules of Discipline of the Book of Order of the Constitution of the Presbyterian Church (U.S.A.).
 - i. The session will appoint an investigating committee according to the Rules of Discipline.
 - ii. The resulting investigating committee will initiate an investigation using the procedures described in the Rules of Discipline.
- D. If the report is against an employee of XXXXX Presbyterian Church, the response team will notify the person(s) or committee responsible for supervision of the

employee. The response team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.

- E. If the report is against a member, volunteer, or non-member of the congregation, the response team will request that the session appoint an investigating committee of three persons to initiate an investigation of the allegations as follows:
 - i. gather any statements of sexual exploitation or harassment from those making the report and any party to the exploitation or harassment.
 - ii. gather any information from the person who was accused of sexual exploitation or harassment.
 - iii. make determinations and take actions appropriate to resolve the matter. These may include:
 - a. Finding that sexual exploitation or harassment has occurred and that the appropriate body of the church is called upon to take action accordingly. Such action may include one or more of the following:
 - 1. Formal reprimand with defined expectations for changed behavior, including possible public notification;
 - 2. Recommending or requiring a program of growth that may include education and/or counseling;
 - 3. Temporary removal from ministry, with the terms of the temporary removal clearly defined;
 - 4. Dismissal from volunteer leadership position or limitation on participation in church ministry (that will provide protection for the person(s) exploited and/or harassed) and, in extreme cases, affiliation with, or membership in, the church.
 - b. Finding that no sexual exploitation or harassment occurred.
 - F. Provide pastoral counseling for the principal parties involved (accuser(s), possible victim(s), accused, family members).
 - G. Determine, with the pastoral staff, how ministry will be maintained in the church while this issue is being addressed, balancing the need of the community to discuss the issue of sexual exploitation and harassment with the rights of the individual accused not to be assumed guilty.
- VII. A written summary of any proceedings in such cases will be maintained.
- VIII. Any person bringing a sexual harassment or exploitation report or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged.

