

## Sexual Misconduct Prevention Policy

**Section 1**      **Policy and Procedures on Sexual Misconduct Prevention** (December 6, 1994)  
(amended as of June 10, 2006)

### I. INTRODUCTION

Our sexuality is a gift from God and when rightly used helps lead to the wholeness of life which God intends for all people. Those who serve through the offices of the Church bear particular responsibility in making manifest the goodness of God's gift of sexuality.

SCRIPTURE states:

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

THE BOOK OF CONFESSIONS states:

The relationship between man and woman exemplifies in a basic way God's ordering of the interpersonal life for which God created humankind. Anarchy in sexual relationships is a symptom of our alienation from God, neighbor, and self. The Church, as the household of God, is called to lead persons out of this alienation into the responsible freedom of the new life in Christ. Reconciled to God each person has a joy in and a respect for one's own humanity and that of other persons... The Church comes under the judgment of God and invites rejection by people when it fails to lead men and women into full meaning of life together, or withholds the compassion of Christ from those caught in the moral confusion of our time. ("Confession of 1967", 9.47d)

The BOOK OF ORDER states:

To those called to exercise special functions in the Church - deacons, elders, and ministers of the Word and Sacraments - God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, natural and acquired, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Saviour and Lord. Their manner of life should be a demonstration of the Christian gospel in the Church and in the World. (Gifts and Requirements, G-6.0106)

The PRESBYTERY OF TRANSYLVANIA states:

We believe and proclaim that all people are created by God. God values all human life and intends that everyone - children, women, and men - have worth and dignity in all relationships.

We further believe in justice for all persons. Sexual misconduct is an abuse of power and trust, and is, therefore, unjust. Scripture asserts that religious leadership involves a covenant relationship that presumes the trustworthy exercise of power in behalf of those in our care. A betrayal of this is more than just a personal tragedy for the alleged victim. It reflects a tragic breakdown in the character of the abuser that seriously threatens, not only those immediately affected, but also the well-being of the Church itself.

The PRESBYTERY OF TRANSYLVANIA here proclaims that the Church can never be well served by overlooking an abuse of power and trust, that sexual misconduct is wrong and that charges of misconduct must be dealt with swiftly, fairly, and with compassion for both the accused and the accuser.

In doing so, we are to remember "...the purpose of church discipline is...to preserve the purity of the Church by nourishing the individual within the life of the believing community, to correct or restrain wrongdoing in order to bring members to repentance and restoration..." It is "...for building up the body of Christ, not for destroying it, for redeeming, not punishing. It should be exercised as a dispensation of mercy and not of wrath so that the great ends of the Church may be achieved..." (From the Preamble of "Rules of Discipline")

The purpose of this Policy is to make clear the position of THE PRESBYTERY OF TRANSYLVANIA on sexual misconduct and to establish the Procedures to be followed in investigating and resolving instances where misconduct is alleged to have occurred.

## II. POLICY STATEMENT

Minister members, Commissioned Lay Pastors (hereinafter CLPs), employees of Transylvania Presbytery and volunteers under its supervision, including those who serve on Presbytery committees, boards, and councils and in support of Presbytery programs, shall not engage in sexual misconduct as defined in this policy.

All procedures and activities under this policy shall deal with allegations of sexual misconduct with seriousness. In recognition of the fact that reports of sexual misconduct can impact the reputation and effectiveness of the accuser, the accused, the alleged victim and the Church, all persons involved in this process are directed to hold information received in strict confidence.

All persons are encouraged to report all accusations of sexual misconduct involving minister members, CLPs, employees and volunteers of Transylvania Presbytery to either the Moderator or General Presbyter of Presbytery and/or to civil authorities. In those instances where secular civil and/or criminal investigations of the same accusations are conducted, the Presbytery shall proceed carefully and with appropriate legal advice to avoid interference with the secular proceedings.

## III. DEFINITIONS

- A. ACCUSED: The person against whom an allegation of sexual misconduct is made.
- B. ACCUSER: The person reporting alleged sexual misconduct by a member, employee or volunteer of Presbytery.
- C. ADVOCATE: A person chosen by the accused, the accuser or the alleged victim to accompany him/her at any/all stages of this process.
- D. ALLEGED VICTIM: The person allegedly injured by sexual misconduct or against whom the sexual misconduct was directed.
- E. GOVERNING BODY: A representative body of elders and ministers having governing authority in the Presbyterian Church (U.S.A.) as defined in the Book of Order. The Session of a church has original jurisdiction in disciplinary cases involving members of that congregation (D-5.0010(1)(b).) The Presbytery has original jurisdiction in disciplinary cases involving minister members of the Presbytery (D-5.0010(1)(c).)
- F. INQUIRY: The term used in the "Rules of Discipline" to determine whether or not charges should be filed based on allegations of an offense received as stipulated in Book of Order D-7.0200.

- G. PERSONS COVERED: Minister members and employees of Transylvania Presbytery, CLPs serving in the Presbytery, lay members of the Presbyterian Church (U.S.A.) and non-member persons who are volunteers under the supervision of Transylvania Presbytery, including officers, those serving on its committees, boards and councils and support of its programs.
- H. SEXUAL MISCONDUCT may (1) occur in connection with a Presbytery-sponsored program or activity, or (2) occur in a non-church-related setting giving rise to questions of character and effectiveness of members, employees or volunteers of Presbytery. This is a comprehensive term which includes:
1. Child sexual abuse: Any conduct of interactions between a person of any age and a minor where the minor or the conduct with the minor is used for the sexual stimulation or gratification of the adult or of a third person. The behavior may or may not include touching. No defense of consent by the minor shall be recognized. Child abuse must be reported to the civil authorities in accordance with state law.
  2. Rape or sexual contact by force, threat or intimidation.
  3. Sexual harassment: Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature of harassment of an individual because of the individual's gender constitute sexual harassment when submission to such conduct is made, either implicitly or explicitly, a condition of the individual's employment, or is used as the basis for employment decisions affecting the individual, or creates an intimidating, hostile or offensive working environment.
  4. Sexual impropriety: Inappropriate verbal or physical sexual conduct, other than that defined above, toward those under one's supervision or for whose spiritual and physical welfare one is responsible by reason of one's position in the Church. This term includes, but is not limited to, abuse of a position of trust and exploitation or manipulation of persons who are emotionally, psychologically, physically or spiritually vulnerable.

#### IV. PROCEDURES FOR GOVERNING BODY RESPONSE

##### A. REPORTING ACCUSATIONS

- (1) Any person with information of sexual misconduct by any member, employee, or volunteer of Transylvania Presbytery should immediately inform either the Moderator or the General Presbyter of Presbytery. The accuser shall be told what the next steps are in the procedure.
- (2) The one receiving the information shall immediately inform the other official of its receipt. It is not incumbent upon the persons receiving the information to probe the details of the circumstances of the accusation. (Exhibit A may be used by the accuser to document the accusation.)
- (3) Original jurisdiction shall be determined by those receiving the information and the relevant procedures followed.
- (4) If either the Moderator or the General Presbyter is the accused, the Chairperson of the Committee on Ministry shall take that person's place as recipient of the information.
- (5) The Moderator or General Presbyter shall see that appropriate insurance carriers are notified of any accusations.

## B. RESPONSE TEAM

- (1) The Moderator, the Stated Clerk, and Chairperson of the Nominating Committee shall appoint periodically a Response Team pool composed of four members of the Presbyterian Church (U.S.A.) to serve as a resource to the Presbytery and local churches in situations of alleged sexual misconduct. They shall be persons trained to respond to accusations of sexual misconduct and must be familiar with legal, administrative and disciplinary procedures of the Church, including those stated in this Policy.
- (2) When a Response Team is assigned to deal with a particular accusation of alleged sexual misconduct, it shall be composed of two members from the pool with both genders represented.
- (3) The Response Team shall execute its responsibilities with sensitivity, confidentiality, and loving care.
- (4) The Response Team shall be called into service to deal with a particular accusation of alleged sexual misconduct by the General Presbyter and Moderator as specified in Section IV (C - F) below. The purpose is to listen to the accuser and advise the person on the range of alternatives available from which he/she may choose for redressing the injuries caused by the alleged misconduct cited in the accusation. Some possible alternatives for redress are:
  - a. Tell story to Response Team as representatives of the Presbytery and state what outcome is expected.
  - b. Write a letter to the General Presbyter or the Moderator of Presbytery requesting that the difficulty be resolved short of a formal disciplinary process through mediation.
  - c. Write a letter to the Stated Clerk of Presbytery containing "a statement of the alleged offense, together with supporting information". This triggers the formal ecclesiastical disciplinary process (See "Rules of Discipline", Chapter 7).
  - d. File civil or criminal charges.
  - e. Other suggestions or variations on the above.
- (5) The Response Team shall not engage in any of the following:
  - a. Advocate for any party involved.
  - b. Act as legal counsel for any party involved.
  - c. Provide pastoral care or counseling to any party involved.
  - d. Perform functions of the Committee on Ministry, the Staff Services Committee, the Session, or a Investigating Committee.
  - e. Determine the guilt or innocence of the accused.
  - f. Enforce a specific remedy or disciplinary action.
- (6) The Response Team may be available as resource to local sessions which adopt Sexual Misconduct Policies addressing accusations of sexual misconduct arising at the local congregation level, upon request for assistance by the Session.

## C. MINISTER MEMBER and/or CLP OF PRESBYTERY

If the accused is a minister member or CLP of Presbytery, including those ordained employees whose job placement has been established and must be dissolved by Presbytery, then

- (1) The persons who have received the accusation shall inform the Response Team within five days that the accusation has been received and along with any documentation presented by the accuser.
- (2) The Response Team shall meet as soon as possible, but no later than fourteen (14) days after receiving the notification of the accusation. A plan of action with assigned responsibilities and dates of action shall be agreed upon.

- (3) The Response Team shall meet only with the accuser and that person's advocate, if requested by the accuser.
- (4) If the accuser chooses an alternative that involves mediation, the Response Team may recommend such action to the General Presbyter and the Moderator for referral.
- (5) If the accuser chooses to file an accusation under the "Rules of Discipline", the procedure specified under D-7.0300(3.a) shall be followed.
- (6) If the accuser chooses not to file an accusation under "Rules of Discipline", Chapter 7, the Response Team, based on the seriousness of the alleged offense, information presented to them, and the potential health and safety of the individuals involved, may request an inquiry as provided for in D-7.0400.
- (7) It is within the context of the inquiry provided for in D-7.0800 that the Investigating Committee, to the extent feasible, conduct confidential meetings with the accuser, the accused, the alleged victim, and other parties with personal knowledge of the alleged misconduct.
- (8) During the course or at the close of its proceedings, the Investigating Committee may confer with the Chairperson of the Committee on Ministry to determine if further actions may be necessary in accordance with the Book of Order, which may be beyond the responsibilities of the Investigating Committee. This may include initiatives for healing, pastoral care, administrative leave, or other actions that could bring justice and peace to the parties.

#### D. NON-MINISTER EMPLOYEE OF PRESBYTERY

If the accused is a non-minister employee of Presbytery, then

- (1) The persons who have received the accusation shall inform the Chairperson of the Staff Services Committee that the accusation has been received along with any documentation presented by the accuser.
- (2) The Staff Services Committee shall deal with the matter in accordance with Presbytery Personnel Policies without resorting to any other aspects of this policy. It may call on the services of the Response Team by making a request to the General Presbyter and the Moderator.

#### E. PRESBYTERY VOLUNTEER/MEMBER OF LOCAL CONGREGATION

If the accused is a volunteer in Presbytery and a member of a congregation of the Presbyterian Church (U.S.A.), then

- (1) The persons who have received the accusation shall inform the Moderator of Session that the accusation has been received along with any documentation presented by the accuser.
- (2) The Moderator takes the information about the accusation to Session which may either establish its own Response Team or make a request of the General Presbyter and the Moderator to provide a Response Team to assist the Session in this matter.
- (3) The Response Team shall then proceed in accordance with Sections B..... (2) - (6) above. In Section B. (4) above, add the Moderator of Session at the point where reference is made to General Presbyter and the Moderator.
- (4) The Session, being the governing body of jurisdiction, may establish an Investigating Committee, if needed, as provided for in the Book of Order. If charges are filed, it shall be done in accordance with The Book of Order. The Session shall then determine if it will try the case or refer it to the

Presbytery.

- (5) Sections B (7) (8) above also apply in this procedure.

F. NON-MEMBER VOLUNTEER OF PRESBYTERY

If the accused is a non-member volunteer of Presbytery, then

- (1) The persons who have received the accusation shall inform the Chairperson of the Staff Services Committee that the accusation has been received along with any documentation presented by the accuser.
- (2) The Staff Services Committee shall deal with the matter in a manner that it deems appropriate. It may call on the services of the Response Team by making a request to the General Presbyter and the Moderator.
- (3) If the accusations have merit, the accused will be excluded from the program and property of Presbytery.

V. COMMUNICATIONS AND TRAINING

- A. The Presbytery shall encourage all local Sessions to establish similar policies, procedures and practices related to sexual misconduct.
- B. Local Sessions should inform members, employees, volunteers, inquirers, and candidates of the Presbyterian Church (U.S.A.) of standards of conduct and the Presbytery's Policy and Procedures with respect to sexual misconduct.
- C. The Committee on Ministry shall be responsible for developing educational programs regarding sexual misconduct and the Presbytery's Policy and Procedures.
- D. Inquiries from the media regarding an alleged incident of sexual misconduct shall be referred to the General Presbyter.
- E. All minister members of Presbytery, active and at large, all CLPs, all employees of the Presbytery and members of presbytery committees are required to sign the following acknowledgment that they have received and read the Presbytery's Policy on Sexual Misconduct Prevention. The signed receipt shall be kept in the personnel files of Presbytery.
- F. In order that all who work in the Presbytery shall be kept aware of issues relating to sexual misconduct, the General Presbyter is directed to make arrangements for one-half (½) day training sessions to be periodically conducted in a number of convenient locations around the Presbytery.  
Said sessions shall cover:
  - (1) The definition of sexual misconduct.
  - (2) Ways to recognize when sexual misconduct might be occurring.
  - (3) Appropriate boundaries.
  - (4) Techniques for minimizing the risk of sexual misconduct.
  - (5) Discussion of the issues surrounding mandatory reporting requirements.
  - (6) The role of the Church in preventing misconduct.
  - (7) A review of Presbytery policy.
- G. All minister members of Transylvania Presbytery, all Commissioned Lay Pastors and all paid presbytery staff members shall be required to attend one such session at least every five years. Each such person shall sign an acknowledgement evidencing his/her attendance at the training session. The Presbytery Stated Clerk shall maintain a list of those who have attended and periodically alert the Committee on Ministry of persons who have failed to attend a session within

the last five years. Proof of attendance at a similar session conducted by a different governing body within the last five years may be accepted in the discretion of the Stated Clerk.

In addition, individual congregations are urged to develop their own plans to prevent sexual misconduct.

- H. The Director of the Burnamwood Camp and Conference Center shall insure that all paid staff and volunteers at Burnamwood have received appropriate training in the prevention of sexual misconduct. The director shall ensure that the above mentioned persons have signed a document which acknowledges receipt of this training. Said acknowledgements shall be kept on file.

**ACKNOWLEDGEMENT OF RECEIPT**

I have received and read "The Presbytery of Transylvania Policy on Sexual Misconduct" (12-6-94)  
*(amended as of June 10, 2006)*

Signature  
Position  
Dated



**Exhibit A**  
**REPORT OF ALLEGED SEXUAL MISCONDUCT**

DATE OF REPORT:

ACCUSER:                      Name and Title

Address

City, State, and Zip Code

Telephone

ALLEGED VICTIM:              Name and Title

Address

City, State, and Zip Code

Telephone

CIRCLE ONE:                  ADULT                      MINOR CHILD

ACCUSED:                      Name and Title

Address

City, State, and Zip Code

Telephone

**REPORT OF ALLEGED SEXUAL MISCONDUCT (Page 2)**

**Describe incident(s) of alleged sexual misconduct including date(s), time(s), and location(s):**

**Identify eyewitnesses to the incident(s) including names, addresses, and telephone numbers:**

**Cite other information or evidence which might be helpful in an inquiry of this accusation:**

**I agree that this report and the information related to it, may be released to the appropriate officers or committees of the Presbytery of Transylvania.**

**SIGNED \_\_\_\_\_ DATE**

**WITNESS \_\_\_\_\_ DATE**