



Sexual Misconduct Policy – 2017

I. POLICY

A. STATEMENT

It is the policy of the Presbytery of Cincinnati, Presbyterian Church (U.S.A.), (hereinafter referred to as the Presbytery) that all church members, church officers, nonmember employees, and volunteers are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Sexual misconduct is not only a violation of the principles set forth in Scripture, but also of the ministerial, employment, and professional relationship. It is never permissible.

B. DEFINITIONS AND UNDERLYING ASSUMPTIONS

1. TYPES OF MISCONDUCT

The above policy pertains to the following:

a. Sexual Harassment:

Employment issues--Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term of or condition of an individual's employment.

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

Such conduct has the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.

Non-employment issues--The above described misconduct is pertinent to ANY person, employed or non-employed, who is under Church jurisdiction.

b. Child Sexual Abuse: This 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 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. No definition of "child" has been given in this policy because it varies from state to state. Child sexual abuse is intended to be that recognized in the state in which the act was committed.

c. Adult Sexual Misconduct: These issues include rape or sexual contact by force, threat or intimidation, BUT ALSO INCLUDES adult sexual relationships which violate church codes of trust, misuse the authority and power of the church, or take advantage of those who are vulnerable within the church. The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church, because through these representatives is conveyed an understanding of God and of the gospel's good news. "Their manner of life should be a demonstration of the Christian gospel in the Church and in the world." (G-6.0106.)

2. PERSONS AFFECTED BY SEXUAL MISCONDUCT

- a. The victims of sexual misconduct and their families. It has sometimes been the case that the alleged victim or family is so angry and alienated from the Church that offers to help have been perceived as insincere or attempts at a cover-up. If the alleged victim or family at first refuses, the Church should continue to offer help. The extent of the damage to the alleged victims of sexual misconduct will vary from person to person, being influenced by such factors as the degree or severity of abuse, the age and emotional condition of the victim, personality dynamics, and the importance of religious faith. The governing body shall assume in all cases that the victim has been wounded by the experience. Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family are frequent injuries suffered by victims. It is important for all involved to be sensitive to the victim's pain and need for healing, and to act by making appropriate pastoral care available.
- b. The Congregation or Employing Entity. The governing body should be aware of the problems a congregation or employing entity may experience resulting from allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, and create serious internal problems. Efforts should be made to recognize and identify the problems and heal the damage done to the congregation or organization, if such has occurred.
- c. The Accused. The governing body will evaluate the need for pastoral care and may recommend treatment, where deemed appropriate, for the accused and the immediate family of the accused. If the accused is under Presbytery authority, the selection and approval of treatment (and who shall receive it), its monitoring, and its financing, is under the supervision of the Executive Presbyter or person delegated by him/her. It is important that the representatives of the governing body/entity do not make presumption of guilt or overreact to allegations. When a person is cleared of allegations, it is important that the governing body/entity see that the acquittal is appropriately communicated, unless requested not to do so. Confidentiality must be a concern in all proceedings.
- d. The Non-Victim Accuser. In cases where the victim is a minor or an adult who lacks mental capacity, the non-victim accuser is often the parent, guardian, or other advocate. Because of the child's minority status, an adult must file the action on behalf of the child. All officers of the church (i.e., ministers of the word and sacrament, elders, and deacons) are mandated to report incidents according to the Book of Order G-6.0204b, G-6.0304b and G-6.0402b. In addition, state laws may require non-officers to report; the laws of Indiana, Kentucky and Ohio differ from one another. In cases where the victim is an adult, the non-victim accuser shall observe the following guidelines:
 1. For their own protection, the non-victim accuser should have tangible evidence from the victim detailing the charges.
 2. The non-victim accuser should be certain that the victim is willing to come forward to testify or have strong evidence from another source.
 3. Some objective evidence of the sexual misconduct should be available to substantiate the charges (e.g., medical test results, motel receipts, proof of repeated telephone calls, etc.). Otherwise the victim and/or the non-victim accuser could be subject to a suit for filing a false charge which may damage a person's reputation and diminish his or her ability to obtain future employment. For this reason, it is not wise for a staff member of any governing body to be the accuser unless that person is also the victim.

II. PROCEDURES

The Presbytery of Cincinnati reaffirms its standing policy on sexual misconduct. Sessions and others under its care are to take appropriate steps to inform members, employees, and volunteers of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. Confidentiality is a key element. Governing bodies are reminded of their duty to cooperate with secular authorities in the investigation and prosecution of violations of law.

1. The Presbytery shall respond to initial reports of sexual misconduct through an Initial Response Team (IRT). The IRT shall be led by the Stated Clerk and consist of the Executive Presbyter, the Moderator of the Committee on Ministry, and one other COM representative. The purpose of the IRT is to receive and evaluate initial reports of sexual misconduct and coordinate the response of the Presbytery. This response will often involve the simultaneous appointment of an Investigating Committee (IC) in accordance with the Rules of Discipline, and a Sexual Misconduct Response Team.
2. In the Presbytery of Cincinnati the Initial Response Team (IRT) is responsible to appoint investigating committees (ICs) for all situations governed by the Rules of Discipline, including written allegations of sexual misconduct.
3. The Presbytery is committed to providing a safe space for those who have been subjected to sexual abuse, sexual misconduct, and sexual harassment. Confidentiality and safeguards against retaliation will be implemented in all circumstances.
4. When a verbal report of a situation involving possible sexual misconduct, sexual abuse or sexual harassment by a person subject to this policy reaches an official of the Presbytery, this shall be reported to the Stated Clerk and the IRT will be convened. Depending upon the situation, the reporter or alleged victim shall be invited to explain the circumstances and the Stated Clerk will provide information on how to file a written statement of alleged offense.
5. When a written statement of alleged offense of sexual misconduct or abuse toward any person has been received by the Stated Clerk against a teaching elder or a commissioned ruling elder, the procedures in the Rules of Discipline shall be followed, including D-10.0106, regarding whether to impose administrative leave.
6. Written statements of alleged offense involving rape or sexual assault, or sexual abuse of children under the age of eighteen or one who allegedly lacks the mental capacity to consent shall be additionally reported to civil authorities.
7. The IRT shall work with the Executive Presbyter, the pastors (if not involved in the allegation) and other appropriate parties to provide a comprehensive pastoral response to the situation.
8. The Presbytery will respect the rights of all parties involved: accusers, victims, accused, and an involved congregation. These rights include:
 - a. To be heard and taken seriously. From the time that sexual misconduct is reported, all persons shall receive immediate attention and serious consideration from those representing the Presbytery. A reasonable attempt to identify and to locate the victim(s) will be made in the case of self-accusal.
 - b. To be informed about progress of procedures with regard to the accusation.
 - c. To obtain legal advice.
 - d. To be offered an advocate from COM. While the Presbytery proceeds to deal with the accusation, this includes the responsibility to provide each party involved moral support from an individual who is available to him or her or them.
 - e. To be assured that justice will be pursued through the procedures set forth in the Book of Order and this Policy.
 - f. To become engaged in work toward healing and reconciliation.
9. The Presbytery shall design a plan for provision of counseling or reimbursement of counseling fees for the victim(s) for a reasonable period of time, up to a maximum of one year.

A. PREVENTION

1. TRAINING

All ministers and commissioned lay pastors in the Presbytery shall receive a current copy of the Presbytery policy on sexual misconduct and shall sign a statement that they have received and read, understand and will abide by this policy. (Motion adopted 11/9/1999)

The Presbytery of Cincinnati's Committee on Ministry shall provide a course in Boundaries Training. Completion of this or a comparable course shall be required for all ruling elders commissioned to pastoral service and teaching elders serving with congregations. This course is also strongly recommended for all teaching elders (who are serving in other capacities), the Committee on Ministry, the Committee on Preparation for Ministry, the Permanent Judicial Commission, Directors of Christian Education, and Youth Directors. The Committee on Ministry shall offer this course at least annually and keep track of those who have completed it. (this paragraph amended 2/25/2017)

The Presbytery urges its sessions and congregations to provide similar training to their members.

2. LIABILITY AND INSURANCE

A governing body can be held liable for harm caused by sexual misconduct of a minister or employee based on a number of legal theories such as negligent hiring and supervision. Governing bodies must take such potential liability into consideration when establishing hiring and supervisory practices. Governing bodies should regularly inform their liability insurance carriers of the activities and programs they operate or sponsor, and of the duties and responsibilities of officers, employees, and volunteers. The standard insurance policy must be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs. It is also recommended that governing bodies obtain an endorsement to their general liability insurance policy specifically concerning sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the organization, its officers, directors, or employees.

B. RESPONDING TO ALLEGATIONS

Structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order. When child sexual abuse or other misconduct that violates criminal laws is alleged (under circumstances that do not prohibit disclosure), the secular authorities will immediately take control of the investigation and disposition of allegations against the accused. The role of the church is to be sensitive and supportive to the needs of all those involved (accusers, accused, and involved governing bodies) without interference in the civil process or prejudgment of outcome. Loving Christian support should be given to all those involved through the process to justice-making. The Presbytery will take no adverse action against any employee or volunteer who in good faith lodges an allegation of sexual misconduct and will work to protect such a person against reprisal by others. Disciplinary action, including dismissal when appropriate, will be taken where it is determined that sexual misconduct did occur. Disciplinary action may also be taken if a supervisor or officer of a congregation or Presbytery fails to report violations of this policy or any allegations of sexual misconduct by the appropriate means.

**OUR PRESBYTERY COMMUNITY DEPENDS ON TRUST.
A WILLINGNESS TO RECOGNIZE THE DIGNITY AND WORTH OF EACH PERSON IS ESSENTIAL TO OUR
MISSION.**

It is the responsibility of each person to respect the personal dignity of others. We expect members of the Presbytery community to demonstrate a basic generosity of spirit that precludes expressions of sexual misconduct.

**As God who called you is holy,
tend the flock of God that is in your charge,
be holy yourselves in all your conduct.
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.
1 Peter 1:15; 5:2-3; James 3:1, NRSV**