

# Sexual Misconduct Policy

Holly Presbyterian Church  
approved by session 28-Oct-2014  
amended by session 18-Aug-2015

## STATEMENT OF PURPOSE

The purposes of this policy are:

1. To safeguard from abuse through any form of sexual misconduct the church's staff, members, children and others who attend our services, participate in our programs and use our facilities
2. To ensure that all clergy (teaching elders [also known as ministers] and commissioned ruling elders), ruling elders, deacons, other church officers, church school teachers, youth leaders, employees, members, and others using church facilities clearly understand the policy.
3. To describe the steps to be taken when employing or using the services of the above.
4. To seek justice, protecting the innocent and dealing appropriately with those who victimize others.
5. To assist in the healing of all persons when sexual misconduct has occurred.

## THEOLOGICAL BASIS

God intends for the church to be a safe place for all to encounter God and grow into lives of service and fulfillment. We are called to be a holy community. "As the one who called you is holy, be holy yourselves in all your conduct." (1Peter 1:15) All persons are created by God, in the image of God. (Genesis 1:27) The gospels tell stories of Jesus ministering to men, women, and children, teaching and healing all who came to him, treating them with dignity and respect. Throughout the scriptures God calls us to honor the integrity of our neighbors, and their personhood. God intends all persons to have worth and dignity in their relationships. We are one connected body, and when one part of the body is injured physically, emotionally or spiritually, the entire body is rendered less than God intended. Misconduct of a sexual nature of any kind violates a person's wholeness and is an unjust use of status and power. It is sinful behavior against God and the other person(s). The scriptures witness to a God whose love brings about justice, mercy and grace. The Church is called to express God's love in concrete actions of compassion and healing for all God's people.

## POLICY

**Sexual misconduct is an abuse of power and trust, and is a violation of the teachings of Jesus and of the policy of this church. It is never permissible.** We seek to provide a sexual harassment-free environment for all employees and to be a place of personal safety for all children and adults who use our facilities and participate in our programs. All participants in the work and activities of the church or those who use the facilities of the church shall conduct themselves in an honorable and ethical manner and shall not engage in sexual misconduct.

This policy applies to the officers and members of this church, all persons working under its supervision, all persons serving in the program and activities of the church as volunteers or paid employees and all those who have been given permission to use the facilities of the church for their independent activities. Clergy are covered by the Lake Huron Presbytery Sexual Misconduct Policy.

The responsibility for maintaining appropriate sexual boundaries belongs to the clergy, employees, volunteers, and other leaders. For reporting purposes, to the church, this policy recognizes no statute of limitations as to when sexual misconduct may have occurred for reporting purposes.

This policy will be reviewed annually. It shall be a part of the training for church school teachers, youth leaders, and church officers referred to below under Preventive Measures. Copies of this policy shall be available to all persons and shall be filed with the church insurance carrier.

## DEFINITIONS

**Sexual Misconduct** is a comprehensive term used in this policy to include any and all of the following:

***Child sexual abuse***, including, but 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. In the Presbyterian Church (U.S.A.) [hereafter referred to as PC(USA)] the sexual abuse definition of a child is anyone under age eighteen.

***Sexual abuse*** as defined in the PC(USA) *Book of Order*, D-10.0401c): “Sexual abuse of another person is any offense involving sexual conduct in relation to:

- a. any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or
- b. any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position”

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

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or their continued status in an institution;
- b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
- 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; or
- d. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.

***Rape or sexual contact*** by force, threat, or intimidation.

***Sexual conduct*** (such as 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 malfeasance***, as 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 any communications technology that results in sexual harassment or abuse of another person, including, but not limited to, the Internet, telephones and smartphones, computers and tablets, cameras and other electronic recording/playback media or devices to send or receive suggestive messages or 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.

### **Persons and Groups**

***Accused***: the person against whom a claim of sexual misconduct is made.

**Accuser:** a person claiming the knowledge of sexual misconduct by someone covered by this policy. The accuser may be the victim of alleged sexual misconduct, a family member or other caregiver, friend or colleague of the victim or anyone who observes an act of sexual misconduct.

**Advocate:** a person chosen by the accused, the accuser or the alleged victim to accompany him or her at any or all stages of the process. In this policy “advocate” does not denote legal representation. An advocate may be a colleague, friend, family member, counselor, etc. The advocate must be a member of PC(USA).

**Clergy:** teaching elders (ministers) and commissioned ruling elders.

**Incident Manager:** the person to whom the incident is to be reported, and who is to keep a confidential record of all communications regarding the incident, both at the time of the incident and in the future. The Incident Manager will normally be the Clerk of Session. If the Clerk of Session is allegedly involved in the incident (as either the accused or the accuser), then the Incident Manager will be the Pastor. If both the Clerk and the Pastor are allegedly involved, then another member of the church’s clergy will be the Incident Manager. If the Clerk and all of the church’s clergy are allegedly involved, then the Incident Manager will be the chair of the Personnel Team.

**Investigating Committee:** A team of 3 to 5 persons appointed by the Session of the church. The Investigating Committee does fact-finding, works with the parties involved, reports finding and recommendations to the Session within one year, and is available to continue the process if deemed appropriate. The Investigating Committee must also be available to prosecute the case if it comes before the Session upon the Investigating Committee’s recommendation.

**Mandated Reporter:** Is a person who is required by law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. The policies of the PC(USA), as defined in section G-4.03, state that “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.” Rape and sexual assault are crimes in every state and shall be reported to civil authorities and to the Incident Manager.

**Victim:** the person alleged to have been injured by sexual misconduct.

## **PREVENTIVE MEASURES**

### **A. Implementation**

Copies of this policy shall be distributed to all clergy, officers, employees, church school teachers, youth leaders, and to each inside and outside organization using the facilities of the church. As new persons come into these positions and new organizations use the facilities, they too shall receive copies of this policy. Reference to this policy shall be made at least twice a year by publication in the weekly announcements. This Policy shall also be listed and made available on the Church’s website. A copy of this Policy shall be available upon request from the Church Office.

### **B. Liability and Insurance**

The church shall carry adequate liability insurance.

### **C. Employment Practices**

The church shall maintain a personnel file on all employees. The file shall contain the application for employment and/or resume, an annually-signed copy of the “Church Policy Notification and Acceptance” form (which can be found later in this document), and any other relevant documents.

### **D. Rules for Church School and Vacation Bible School (Adult and Children)**

1. Persons who are known to have committed a previous act of sexual misconduct are prohibited from teaching or supervising students either on a paid or volunteer basis.
2. Annually, the Christian Education Team shall inform session of all teachers and staff that are working with children.
3. Persons who are hired as full or part time staff will be interviewed by ruling elders and the pastor, and shall provide proof of Michigan’s Department of Human Services clearance. Any prospective employee shall sign the “Church Policy Notification and Acceptance” form (which can be found later in this document).
4. Classrooms will have open access and be subject to observation.
5. No child shall be subjected to demeaning discipline or isolation from the group with a single supervisor.
6. Teachers and staff will attend an annual training meeting at which this policy will be reviewed and discussed. Teachers and staff must annually sign the “Church Policy Notification and Acceptance” form (which can be found later in this document),

### **E. Youth Fellowship Activities**

Youth Fellowship activities and their leaders are subject to the rules for the Church School and to these additional provisions:

1. There shall be at least two adults present before, during, and after for all activities.
2. At no time will an adult and a youth be isolated from the group.

### **F. Other Activities in the Church.**

Any inappropriate behavior shall be reported immediately. (See “Complaint Procedures”.)

## **COMPLAINT PROCEDURES**

1. The church shall respond promptly to all reports of sexual misconduct with concern for all parties involved. Any person receiving an initial report of sexual misconduct shall immediately inform the Incident Manager in writing.
2. Any person who has reason to believe that s/he has been subjected to sexual misconduct, who has witnessed acts of sexual misconduct committed upon others or has been told by a child that she/he has been subjected to such behavior will report, in writing, the incident to the Incident Manager. All complaints of sexual misconduct shall be taken seriously and investigated promptly.
3. Once a written complaint is received the matter shall be referred immediately to an investigating committee appointed by the session of the church. In all cases the PC(USA) *Book of Order* (chapters D-10.00 through D-14.00 ) shall be followed.
4. All records of actions including conversations with the Accuser, Accused and Victim shall be kept confidential and maintained permanently by the Incident Manager in a file separate from any public records.

## **DISCIPLINARY AND REMEDIAL ACTION**

1. In cases involving clergy found in violation of this policy, disciplinary action shall be handled by the Presbytery of Lake Huron.
2. In cases involving anyone else, associated with this church, found in violation of this policy, disciplinary action shall be taken commensurate with the degree of misconduct. Disciplinary and remedial action may be progressive in nature and include, but is not limited to the following:
  - a) An apology and direction to cease the misconduct.
  - b) Referral to counseling or mediation.
  - c) Reassignment or change of work schedule to minimize contact between parties.
  - d) Demotion.
  - e) Suspension (with or without pay)
  - f) Termination.
  - g) Referral to civil authorities and/or the criminal justice system.

# Church Policy Notification and Acceptance Form

Holly Presbyterian Church  
approved by session 28-Oct-2014

The attached policies reflect our commitment to provide protective care of all children, youth, volunteers, and workers who participate in church sponsored activities.

**Please Answer Each Question, Your Response Will Be Kept Fully Confidential.**

1. As a church volunteer or worker, do you agree to observe all church policies regarding working with youth and/or children?  
 Yes  
 No
2. Have you ever been convicted of or pleaded guilty to a crime?  
 Yes (please describe on a separate sheet of paper)  
 No
3. Were you a victim of physical or mental abuse while a minor?  
 Yes  
 No

If you prefer, you may refuse to answer question number three (#3), or you may discuss your answer in confidence with a pastor or the Personnel Team rather than answering it on the form. Answering “yes”, or leaving the question unanswered, will not automatically disqualify an applicant for children or youth work.

**I have read the attached Holly Presbyterian Church’s “*Sexual Misconduct Policy*” and “*Child Protection Policy for All Children’s and Youth Ministries*”, and I agree to adhere to the requirements stated therein. I also understand that sexual relationships with minors can lead to a felony conviction. I further understand that this includes, but is not limited to, sexual relationships taking place between consenting individuals or when involving a minor, volunteer/worker, and another minor. (This form must be signed every year.)**

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Signature

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