

Sexual Misconduct Policy

The Synod of the Trinity PC(USA)

Adopted October 25, 2016

It is the policy of the Synod of the Trinity (hereinafter referred to as SOT) that all church members, persons in ordered ministries (hereinafter referred to as POM) persons in ordered ministries, non-member employees and volunteers of SOT are to maintain the integrity of the ministry, employment and professional relationships at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture and also of the ministry, pastoral, employment and professional relationships. It is never permissible or acceptable for a synod officer, employee, elected representative, contracted person or volunteer to engage in sexual misconduct.

This policy and its procedures shall be made available to all persons involved in the life of SOT, to those who accuse others of misconduct and to those who are or claim to be victims of sexual misconduct and their families. It is intended as guidance and policy for the SOT.

Standards of Conduct

... As [God] who called you is holy,
be holy yourselves in all your conduct;
... Tend the flock of God that is in your charge, ...
not under compulsion but willingly, ...
not for sordid gain but eagerly. ...
not lord it over those in your charge,
but be examples to the flock.

... You know that we who teach will be judged with greater strictness.

1 Pet. 1:15; 5:2-3; Jas. 3:1, NRSV

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world" (Book of Order, G-2.0104).

The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of all who are called upon to exercise integrity, sensitivity and caring in a trust relationship.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principle by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative and unjust manner. It is the responsibility of all persons to maintain the appropriate roles, boundaries and relationships.

3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world and violates the mandate to protect the vulnerable from harm.

Definitions

Sexual Misconduct is the comprehensive term used in this policy to include:

Child sexual abuse; including, 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 it is consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.

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" (Book of Order, D-10.0401c).

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 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 synod 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 the Synod or synod entity or within the context of ministry.

Church Response to Allegations of Sexual Misconduct

Principles

In responding to allegations of sexual misconduct, synod officer, employee, elected representative, contracted person or volunteer members, shall seek healing and assure the protection of all persons.

Where possible, the privacy of persons should be respected, and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, synod officer, employee, elected representative, contracted person or volunteer of the SOT should seek to uphold the dignity of all persons involved. This includes persons who are alleging harm, persons who are accused of sexual misconduct, the families of each and the communities of each.

The SOT has jurisdiction (shared with the Councils of membership) over its members, officers, employees, elected representatives, contracted persons and volunteers such that if any of these is alleged to have committed an offense against Scripture or the PC(USA) Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the Book of Order. In the case of an active non-member who is employed or volunteers with the synod, the individual will be covered by the procedures of the written personnel policies of the governing body or entity.

If the person accused of sexual misconduct is no longer a member, officer or employee of the SOT, but the conduct occurred while the person was acting on behalf of the SOT, the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The appropriate governing body may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The SOT will take measures to reduce the risk of harm through education and policy.

Reporting Requirements

Reports of allegations of sexual misconduct will occur in a variety of ways.

Because a council or entity cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees and persons highly visible to synod members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the PC(USA) and may be made to a variety of officers or leaders within the PC(USA). It is the duty of these officers to see that any allegation of sexual misconduct

is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused and the church.

Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling or a therapy session. If the victim is hesitant to talk to "higher authorities," the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person making the report of alleged sexual misconduct may be the person alleging harm or any member of PC (USA). The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PC(USA) and shall make sure that the allegations of offense are filed with the counsel having jurisdiction over the person accused.

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(USA) alleging another member or officer of the SOT committed an offense must be acted on according to the Rules of Discipline of the Book of Order. If a clerk or stated clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging another member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the Book of Order. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will automatically trigger the Rules of Discipline of the Book of Order.

In addition, if the person accused of sexual misconduct is a member, officer, employee or volunteer of the SOT, a report shall also be made to the Synod Stated Clerk or Synod Executive.

Mandatory Reporting of Child Abuse

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 out 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. (G-4.0302) These provisions of the Book of Order attempt to balance conflicting moral duties for persons in ordered ministry of the SOT. The SOT, a

registered corporation in the Commonwealth of Pennsylvania, shall comply with the laws of the Commonwealth dealing with "mandatory reporting of child abuse."

Responding

The appropriate SOT response will vary according to the relationship of the SOT with the person who is accused of sexual misconduct. Church members and persons in ordered ministries are subject to inquiry and discipline (censure and correction) under the Book of Order. Non-church member employees and volunteers are subject to oversight and correction by the SOT.

When an allegation of offense of sexual misconduct has been received by the Stated Clerk of the Synod or Synod Executive, the clerk or executive will report to the Personnel Services Committee that an offense has been alleged.

Counsels and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

When the SOT receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the SOT will be guided by the written personnel policies of the SOT.

In all cases, the personnel committee shall prepare a written report, which shall be included in the accuser's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

All procedures shall follow the guidelines set forth by the SOT.