

UPPER OHIO VALLEY PRESBYTERY SEXUAL MISCONDUCT POLICY AND PROCEDURE STATEMENT

We affirm the sanctity of persons as beings in their wholeness created after the image of God.

We affirm human sexuality as a gift of God's creation when expressed appropriately.

We affirm the role of Minister of Word and Sacrament as a unique role through which one called to ministry bears witness to the values of the Gospel of Jesus Christ, and the relationship of a Minister of Word and Sacrament to people as a distinctive relationship based on trust in a minister.

We affirm that sexual expression or contact within the pastoral relationship is inappropriate, out of conformity with the teaching of Holy Scripture, and is harmful to the Minister of Word and Sacrament, the victim, and the community of God's people in the Church and is a violation of both ministerial and professional ethics.

We affirm that as the Church in Upper Ohio Valley Presbytery, when a written allegation of sexual misconduct or harassment is made against a member of the Presbytery, such an allegation will be investigated promptly and thoroughly by an Investigating Committee and, in the event that such an allegation is found to have reasonable grounds, appropriate complaints may be filed in a timely fashion with the Permanent Judicial Commission, in accordance with the *Book of Order*.

We affirm that when an allegation of sexual misconduct or harassment is made publicly against a member of the Presbytery, and an investigation by an Investigating Committee reveals that no reasonable grounds exist for that allegation, with the concurrence of the accused, the Presbytery shall publicly establish that member's innocence, and if the allegation is shown to be motivated by malice, support an ecclesiastical complaint against the accuser.

We affirm that when reports of sexual misconduct or harassment are made, the Presbytery, through its Response Team, will strive to act openly, honestly, responsibly and pastorally to:

- a. assist the victim of the misconduct or harassment and his or her family to move towards physical, emotional and spiritual healing and wholeness, and to find a just response on the part of the Church.
- b. assist the Minister of Word and Sacrament accused of misconduct or harassment in being dealt with justly; seek to insure that if found guilty, that Minister of Word and Sacrament will be prevented as far as possible from victimizing others; and assist the Minister of Word and Sacrament and his or her family to move towards physical, emotional and spiritual healing and wholeness.
- c. assist the congregation or congregations affected by the allegation of misconduct or harassment to deal openly, honestly and justly with the painful effects of the violation of trust incurred by such behavior of their minister.

We affirm that when there is an allegation of sexual abuse of a child, such allegation shall be immediately reported to the appropriate civil authorities as required by law within the civil jurisdiction in which the alleged offense occurred.

This Presbytery Policy is most specific about Ministers of Word and Sacrament, who as members of presbytery are under the discipline of presbytery. Ruling elders and members are ordinarily under the discipline of local church sessions. However, more important than these ecclesiastical distinctions is the overriding fact that all Christians stand equal before God and equally subject to the standards of God. Therefore, a single standard of behavior is expected of all Presbyterians and anyone who participates in any activity of the Presbyterian Church.

Implementation

In order to implement the above affirmations, the Upper Ohio Valley Presbytery will:

Establish a Response Team, to be composed of four (4) members, each possessing expertise in one of the following areas: personal counseling, law, or pastoral care. Four reserve members shall also be appointed to serve if for any reason a member cannot participate in a given case. The Response Team may be able to draw upon the reserve members if a need arises. A member of the Response Team

shall be excused from serving should any party of the allegation be that member's pastor, a member of the same congregation, a family member, or a personal friend. The Response Team may need to self divide to meet separately with the accuser and accused.

The Response Team shall be a sub-committee of the COM, but all information regarding their involvement in counseling, mediation and care, will remain confidential. The Team will be responsible to train and educate the presbytery as to the issues, identification and intervention in sexual misconduct in the church. The COM is responsible to train and educate the team annually.

The Response Team shall elect from its number a convener, who shall serve for one year. The convener shall be responsible for coordinating contact with all parties and shall manage the Response Team for the accomplishment of its task. The Response Team is to serve a pastoral role and in such capacity should not be called as witnesses in a judicial process. A written record of all activities will be maintained and filed with the stated clerk.

The responsibilities of the Response Team will be:

1. To meet with the accuser and the victim (if different from the accuser) within 72 hours of receiving a report of misconduct. This visit is to determine pastoral, psychological and emotional needs and see that such needs are addressed. The Response Team will consult with the presbytery through the Stated Clerk to provide for necessary assistance and resources beyond that which the team can provide.
2. To advise the accuser and the victim (if different from the accuser) of their rights under the *Book of Order*, the steps of the process, and of the advisability of legal counsel.
3. To counsel with the accuser and/or victim (if different from the accuser) as to the proper form and process for filing a complaint should he or she so desire, and to assist in the preparation of written allegations if deemed appropriate.
4. To meet with the accused within seven (7) days of receiving a report of misconduct. This visit is to determine pastoral, psychological and emotional needs and see that such needs are addressed. The Response Team will consult with the presbytery through the Stated Clerk to provide for necessary assistance and resources beyond that which the team can provide.
5. To advise the accused of his/her rights under the *Book of Order*, of the nature of the process, and of the advisability of legal counsel.
6. To file a written report with the Stated Clerk no more than 60 days from the receipt of reported misconduct detailing the steps of the process that have been followed. This report is to be maintained in the Stated Clerk's confidential files.
7. Make recommendations to the Committee on Ministry concerning the advisability of administrative leave, especially if the offense is with a child.
8. Provide a yearly training for the presbytery to identify, address and intervene in sexual misconduct in the church.

**The Procedure by Which Our Presbytery Shall Deal with
Allegations of Sexual Misconduct and Sexual Harassment**

1. Should the Stated Clerk receive the allegation, he/she shall forward it to the convener of the Response Team. Should the convener of the Response Team receive the allegation, he/she shall immediately inform the Stated Clerk.
2. The Response Team will file a written report to the Stated Clerk within sixty (60) days of the receipt of the report of misconduct. This report shall include:
 - a. The nature and source of the allegation.
 - b. The pastoral response made by the Presbytery.
 - c. Recommendations for further action.

Once judicial process in accordance with the *Book of Order* (D-10.000) is initiated by the Presbytery, the Response Teams will continue to maintain pastoral contact with all parties of the action, advising the Presbytery, through the Stated Clerk, of the pastoral needs of all persons involved.

The Nominating Committee shall name a group of eight people who have agreed to serve as members of a Response Team if asked. On notification by the Stated Clerk, the Moderator of Presbytery in consultation with the General Presbyter and/or Stated Clerk, is empowered to appoint a Response Team.

DEFINITIONS

Accused - a member of the Upper Ohio Valley Presbytery against whom a report of misconduct or a written allegation has *been filed with the Response Team*.

Accuser - a person, not necessarily the victim, who alleges to have knowledge of sexual misconduct or harassment by a member of the Upper Ohio Valley Presbytery. A person such as a family member, friend, or colleague may be the accuser.

Administrative Leave - removal of the accused from office with pay to protect against further misconduct. This action implies guilt so should be considered only in extreme situations. It may, however, be necessary to prevent further offenses.

Allegation - a written statement alleging that a wrong has been done by a person covered under the policy of Sexual Harassment or Misconduct. An allegation requires no specific forms, but must include:

- a. the name of the complainant
- b. the name of the offended
- c. the approximate time frame within which the alleged misconduct or harassment took place
- d. a description of the alleged misconduct or harassment
- e. the date of the allegation
- f. the legible name, address and telephone number of the accuser
- g. the signature of the accuser

Child Sexual Abuse - 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 misbehavior between a child and an adult is always considered force whether or not consented to by the child. The upper age limit is intended to be that recognized in the state in which the act was committed.

Formal Complaint - see *Book of Order*, Appendix, forms for Judicial Process, Form No. 26-28, Accusation by Individual, D-10.0102.

Investigating Committee - responds to written allegations forwarded by the Stated Clerk, determines the merit of the allegation and evidence, files charges with the Permanent Judicial Commission, if appropriate, and prosecutes the case before the Permanent Judicial Commission.

Report of Misconduct - is a verbal or written accusation which triggers the action of the Response Team. This is not to be understood as a written allegation.

Response Team - defined in body of this Policy.

Sexual Harassment - unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when

1. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or their continued status in an institution.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or

3. 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.
4. The individual has requested the offensive verbal or physical conduct discontinue.

Sexual Misconduct - is the comprehensive term used in this policy and its procedures to include:

1. Child sexual abuse, as defined above.
2. Sexual harassment, as defined above.
3. Rape or sexual contact by force, threat, or intimidation.
4. Sexual conduct (such as offensive, obscene or suggestive language or behavior, repeated unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another.
5. Sexual Malfeasance defined as sexual conduct within a ministerial relationship (e.g. Minister of Word and Sacrament with a member of the congregation) or professional relationship (e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a lay person, a Minister of Word and Sacrament, or a ruling elder). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, mutual, social, intimate, or marital relationships.

Stated Clerk - is the official of presbytery specifically designated to receive written allegations, who then initiates the judicial process.

Victim - a person alleging to have been the object of sexual harassment or sexual misconduct by a member of the Upper Ohio Valley Presbytery.

Amended June 24, 1995 (adding four reserve members to the Response Team)

Amended September 27, 2011.

Language updated January 31, 2012

Language updated November 2, 2017 (teaching elder to Minister of Word and Sacrament)