

PRESBYTERY OF OHIO VALLEY

POLICY ON SEXUAL ETHICS AND BOUNDARIES PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT

I. PREFACE

Leadership within the Christian community is a privilege and a trust. 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, where we believe and proclaim that all persons are created by God, and in the image of God. Our sexuality is a divine gift, and when rightly expressed leads to the wholeness of life which God intends for all people. Inappropriate sexual behavior distorts the goodness of God's gift of sexuality, is destructive of relationships and is an abuse of power and trust. In setting forth this policy, the Presbytery of Ohio Valley acknowledges the sacred trust to which it has been called, and recommits itself to faithful, joyful service in the name of Jesus Christ.

II. PURPOSE

The purpose of this policy is:

1. To clarify the parameters of acceptable behavior for persons serving in leadership in the Presbytery of Ohio Valley.
2. To safeguard the members, congregants, and staff of the churches of the Presbytery of Ohio Valley, the members and staff of the Presbytery, and the people we serve, especially those who are vulnerable, against any form of sexual misconduct, particularly the disciplinary offense of sexual abuse, within the Presbytery of Ohio Valley.
3. To express our commitment to prevent sexual misconduct by creating an atmosphere in our Presbytery where acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice.
4. To obtain justice and compassion in cases that involve reports or written accusations of sexual misconduct within our Presbytery.
5. To promote healing for all persons, congregations, or entities in cases involving sexual misconduct.

6. To ensure the effectiveness of our Presbytery's judicial processes in cases of sexual misconduct so that the truth shall be determined, the rights of due process of those involved shall be honored, wrongdoing shall cease, and all shall be held accountable for their actions.

No part of this policy is to be construed as addressing mutually consensual expressions between married persons. Nor is this policy intended to interfere with single adult persons engaged in social or dating relationships. No part of the policy, likewise, implies the breaching of personal privacy or space. Personal space includes the living quarters of church professionals and others covered by this policy.

This policy is not intended to substitute for civil process in cases of violation of civil law. In particular, the Book of Order mandates the reporting of allegations of some forms of alleged abuse.

III. SCOPE OF APPLICATION

- A. Persons Covered:** The persons covered by this policy include those who serve within the Presbytery of Ohio Valley and are: Teaching Elders, Certified Christian educators, Certified Associate Christian educators, ruling elders commissioned to pastoral service, candidates, inquirers, and supply preachers who are approved by Presbytery, who serve within the Presbytery of Ohio Valley; officers and employees of the Presbytery of Ohio Valley; ministers of other denominations serving in pastoral relationships within the Presbytery of Ohio Valley; seminary students serving in local congregations; and officers and all others, paid or unpaid, serving on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs.
- B. Adaptation for Congregational Use:** The polity of the Presbyterian Church (USA) stipulates that the session is responsible for the mission and government of a particular church. Churches are responsible for the selection and supervision of officers, staff and volunteers engaged in the ministry. The Book of Order (2011-2013) directs that every council shall adopt and implement a sexual misconduct policy (G-3.0106). The Presbytery recommends that each session of its member churches consult denominational resources for the developing and implementing of this directive. (www.pcusa.org/sexualmisconduct). A congregational model for such a policy will be posted on the Presbytery website.

IV. EXPECTATIONS OF THOSE COVERED BY THIS POLICY

All persons covered under this policy:

1. shall exercise responsible sexual behavior and maintain the integrity of employment and professional relationships at all times;
2. shall not engage in sexual misconduct as defined in this policy; (See Definitions)
3. shall deal with allegations of sexual misconduct with seriousness;
4. shall report suspected violations of this policy to the appropriate Presbytery officials;
5. shall maintain confidentiality in recognition of the effects of reported sexual misconduct on the reputation and effectiveness of all involved;
6. shall respect the accused's presumption of innocence;
7. shall comply with all applicable civil and ecclesiastical laws;

V. DEFINITIONS AND STANDARDS

A. Types of Sexual Misconduct

1. *Sexual Misconduct* is the comprehensive term used in this policy to include, but is not limited to, child sexual abuse, sexual abuse of another person, sexual harassment, and production or distribution of pornography, all as more fully defined below.
2. *Child Sexual Abuse* is a subset of conduct falling within the more comprehensive term of "sexual misconduct". It includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for sexual stimulation. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (USA), the sexual abuse definition of a child is anyone under age 18. Mutual consent is not possible when one party is a clergy person or professional lay leader in a pastoral, counseling, employer or leadership position within the Church, related organization, or sponsored activity in which the other party is under the age of eighteen.

3. *Sexual Malfeasance/Harassment* is a subset of conduct falling with the more comprehensive term "sexual misconduct." 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, their continued status in an institution, or their continued participation in activities of the Church;
- 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 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.

4. *Use of Pornography as Prohibited in this Policy*

- a. **Definition of Pornography:** Pornography, as defined by the Presbyterian Church (U.S.A.), includes: any sexually explicit materials (books, magazines, movies, videos, musical lyrics, TV shows, telephone services, live sex acts) produced for the purpose of sexual arousal by eroticizing violence, power, humiliation, abuse, dominance, degradation, or mistreatment of any person, male or female, and usually produced for monetary profit. Any sexually explicit material that depicts children is pornography.
- b. **Prohibited Use of Pornography:**
 - i. Viewing, storing, transmitting, producing or distributing pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited to, computers or mobile telephones.
 - ii. Accessing, promoting, or pandering pornography on church property and/or with church-owned devices such as, but not limited to computers, mobile telephones or video equipment.
 - iii. Any activity involving child pornography.

B. Additional Standards

1. Dating and/or romantic relationships within the context of one's professional and ministerial role are, by their very nature, problematic. Such relationships compromise the integrity of the ministerial relationship, not only with the other party, but also with the entire congregation. Should a relationship begin to develop between a Church Professional and a congregant or staff member, it is the responsibility of the Church Professional to inform the Executive Presbyter, Stated Clerk, or the Committee on Ministry Moderator. Failure to initiate this discussion is a violation of this policy. The presbytery official who has been so informed shall inform at least one of the other two named persons. The church professional shall, in addition, be available for counsel and accountability concerning the relationship.
2. It is the responsibility of any person covered by this policy to report sexual misconduct or reasonable suspicion of such misconduct. It is, further, the responsibility of all persons covered by this policy to report to the appropriate civil authority any allegation or reason to believe that the sexual abuse of a minor has transpired. Failure to make appropriate reports is a violation of this policy.

VI. INTERVENTIONS AND COORDINATION

A. Training of Persons Covered

All persons covered by this policy will be oriented to the policy and will agree to abide by the expectations of this policy. New teaching elder members of presbytery, certified Christian educators, and any person serving in a pastoral relationship will receive an orientation to the policy within three months of the beginning of service, and will be required to attend a more comprehensive training within the first year. In addition, the Presbytery Mission Council will determine the criteria, schedule and means of orientation and training for others covered by this policy.

Renewal of training for teaching elder members of presbytery, certified Christian educators, and any person serving in a pastoral relationship will be required at least every three years. The Stated Clerk shall maintain a record of persons in compliance with the training requirements of this policy, and shall report this annually to both Presbytery and the Committee on Ministry. Failure to comply with the training requirements of this policy may be used by the Commission on Ministry as criteria in making decisions about contracts, changes in terms of call and other decisions.

All members of the congregations of the Presbytery are welcomed and encouraged to access the training offered by the presbytery for this policy.

B. Acknowledgement of Policy

Persons covered by this policy will submit to the Stated Clerk formal acknowledgement that they have received, reviewed and understand the policy.

C. Reporting

Those who have reason to believe that there has been a violation of the policy are encouraged to make a report to the appropriate Presbytery official as outlined below. Persons covered under this policy are required to make such a report.

- 1. Primary Points of Reporting:* The primary points for reporting suspected violations of the sexual misconduct policy are the Executive Presbyter and the Moderator of the Committee on Ministry. When a report is made to either the Executive Presbyter or Committee on Ministry Moderator, that person shall promptly inform the other. If it is not possible or prudent to do so, that person shall inform the Stated Clerk, the moderator of the personnel committee or the moderator of presbytery
- 2. Additional Points for Initial Reporting:* A Teaching Elder or other church officer, a member or Moderator of the Response Team, or other person known to have a formal relationship to the presbytery may be the first person to hear a report of possible violation of this policy. It is the responsibility of any of these persons, or any person covered by this policy, to immediately convey the report to the Executive Presbyter or the Moderator of the Committee on Ministry.

D. Disciplinary / Judicial Process

The Rules of Discipline describes a separate and independent process for dealing with sexual misconduct. That process is initiated when a formal allegation of misconduct is received by the Stated Clerk. In this event, the judicial process of the church will begin immediately. No part of this policy shall be interpreted to substitute for or replace the process of the Rules of Discipline.

E. Response Team

A response team of six members will be elected by the Presbytery Mission Council upon nomination by the Executive Presbyter, Stated Clerk and Committee on Ministry Moderator. The members of this team will serve for a term of three years.

The team will be available to work with all parties involved in issues or allegations of sexual misconduct. The mission of the Response Team is to provide care and support to any persons involved at any level in an allegation of sexual misconduct. The response team's responsibilities are pastoral.

The response team has no investigative function or responsibility.

The response team has the responsibility to report additional issues as they may be revealed. The response team coordinates with the Committee on Ministry to carry out necessary pastoral care for both individuals and congregations. The Committee on Ministry has a more inclusive mission than the limited goal of pastoral care. Therefore, the Committee on Ministry may define, focus and direct the work of the Response Team as individual cases necessitate.

The response team may discover additional information regarding an allegation of sexual misconduct. Such discoveries are to be reported to the Presbytery Executive, Moderator of the Committee on Ministry. They are not to be investigated by the Response Team.

F. Administrative Leave

Administrative Leave is defined by D-10.0106, and, may be indicated in some instances of allegation of sexual misconduct.

The Rules of Discipline mandate a policy for the determination of the need for Administrative Leave. “When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a teaching elder, the stated clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission. The moderator of the permanent judicial commission shall within three days designate two members, who may be from the roster of former members of the permanent judicial commission, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter.”

In other instances, the Executive Presbyter and Committee on Ministry Moderator may also consult with designated members of the permanent judicial commission in the manner described above, to determine the necessity of administrative leave.

G. Revisions to this Policy

Revisions to this policy are to be approved by the Presbytery of Ohio Valley upon recommendation by the Presbytery Mission Council.