

SAFE BOUNDARIES
SEXUAL MISCONDUCT POLICY
FIRST PRESBYTERIAN CHURCH
Connersville, Indiana

A BRIEF OUTLINE OF GUIDING PRINCIPLES AND PROCEDURES

1. The goal of this Policy is to prevent instances of Sexual Misconduct and to provide an appropriate response when an instance of Sexual Misconduct occurs within First Presbyterian Church.
2. No sexual relationship between Clergy and their Parishioners or between Clergy and their staff is “consensual.” By virtue of their ordained office, Clergy are empowered in a manner that precludes equality in relationships with those to whom they minister. All Clergy have the responsibility to set appropriate boundaries in their relationships with others. Sexual expression with Parishioners or staff outside of the marriage contract is a violation of those boundaries and a breach of trust, and may also be a violation of the Book of Order. See Book of Order Rule G-6.0106b.
3. This policy governs all staff and volunteers who are employed by or engaged in any activity or function carried on by the First Presbyterian Church. This policy also governs teaching elders, commissioned ruling elders, ruling elders, and Christian educators. In addition, this policy applies to all members of user groups participating in events or utilizing facilities owned or operated by First Presbyterian Church. This policy shall not apply to the activities and functions carried on by members of the congregation except to the extent that such activities or functions are engaged in by a person who is governed by the policy as provided above.
4. All claims of Sexual Misconduct will be taken seriously. Initial reports, received from any source, in any form, will be responded to by the Session through its Safe Boundaries Team and by the Presbytery’s Committee on Ministry or their designees.
5. In most cases when there is an allegation of Sexual Misconduct, the person accused will be encouraged to take a voluntary leave of absence during the period of investigation and any proceedings that may follow. Such leaves of absence may be with or without pay and benefits, depending on the circumstances.
6. The Sexual Misconduct Response Team will arrange, in consultation with the Committee on Ministry, for the pastoral care of those persons involved, including the Victim and Victim's family, the Accuser and Accuser's family, the Accused and Accused's family, and the congregation and staff members of the Accused.
7. All Clergy, staff, and ordained positions at First Presbyterian Church will be required to sign a statement acknowledging that they have received a copy of this Policy, agree to abide by the Policy, and understand that First Presbyterian Church will adhere to the Policy. Volunteers and users of the facility or their agents will be required to sign a similar statement.

8. First Presbyterian Church will work with the Sexual Misconduct Response Team, the Committee on Ministry, and the Presbytery to take steps to prevent and avoid incidents of Sexual Misconduct.
9. This Policy shall be available to the public on the First Presbyterian Church website.

PART I. POLICY AND PROCEDURES

1.0 APPLICABILITY

- 1.01 Except as otherwise expressly provided, this policy governs all activities, proceedings, meetings, camps, retreats, worship services and other functions of any kind carried on by the First Presbyterian Church or on First Presbyterian Church property.

2.0 DEFINITIONS

- 2.01 "Accused" means the person against whom a claim of Sexual Misconduct has been made.
- 2.02 "Accuser(s)" means the person(s) claiming knowledge of sexual misconduct by a person covered by this policy. The Accuser may or may not be the victim of alleged sexual misconduct (i.e., the "Non Victim Accuser"). The Accuser need not be a person with firsthand knowledge of the alleged Sexual Misconduct. A person such as a family member, friend or colleague of the alleged victim may be the Accuser whose information initiates an inquiry.
- 2.03 "Child" means any person under the age of eighteen years.
- 2.04 "Child Sexual Abuse" means any contact or interaction between a child and an adult when the child is being used for the sexual stimulation or gratification 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 never consensual and is always considered forced or coercive.
- 2.05 "Church" means the congregation of First Presbyterian Church, a local church of the PCUSA.
- 2.06 "Clergy" means an ordained Teaching Elder and a Commissioned Ruling Elder and includes without limitation a pastor, associate pastor, co-pastor, interim pastor, or designated pastor and ministers serving specialized ministries.
- 2.07 "High Risk Occupation" means a position that calls for a person to work in close contact with those who are vulnerable and less capable of protecting themselves, such as with children, elderly persons, those who are wholly or partially incapacitated, or counseling clients having emotional or personal problems.
- 2.08 "Initial Response Team" means the Executive Presbyter, the Chair of the Committee on Ministry, and the Chair of the Sexual Misconduct Response Team or their designees.

- 2.09 "Investigating Committee" means the committee formed by the Presbytery pursuant to Book of Order Rule of Discipline D-10.0201.
- 2.10 "Misuse of Technology" means the use of technology that results in sexually harassing or abusing another person, or emotionally abusing any child, including texting or emailing suggestive messages and images to persons. It is never appropriate to view pornography on First Presbyterian Church property. If pornography 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 First Presbyterian Church.
- 2.11 "Parishioner" means any member of the Church that the Clergy is serving, any person who is relating to the Clergy as a pastor or minister, and all individuals who are in a counseling relationship with the Clergy person. For Clergy serving in specialized ministries, "Parishioner" means any person receiving the benefit of the Clergy's exercise of the office of ministry (such as by way of example and not limitation, patient/hospital chaplain, pastoral counselor/client or campus minister/student).
- 2.12 "PCUSA" means the Presbyterian Church (U.S.A.).
- 2.13 "Presbytery Personnel" means all staff employed by the Presbytery of Whitewater Valley and any person, whether Clergy or elder, serving in any official capacity for the Presbytery on any of its committees, councils, commissions, task forces, teams, or otherwise.
- 2.14 The Safe Boundaries Team ("SBT") is a group of people elected by the Session of First Presbyterian Church to work in conjunction with Presbytery and local authorities.
- 2.15 "Secular Law" means the body of municipal, state, and federal laws, whether civil or criminal, that relates to the matters addressed by this Policy.
- 2.16 "Sexual Harassment" means unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct, that is offensive or objectionable to the recipient. Sexual and sex-based Harassment may include, and is not limited to, requests for sexual favors; unwanted physical contact, including touching, pinching, or brushing the body; verbal harassment, such as derogatory or suggestive comments, slurs or gestures, sexual innuendoes, jokes of a sexual nature, sexual propositions, and threats; non-verbal conduct, such as display of sexually suggestive objects, poster, cartoons, pictures, drawings or clothing, leering, whistling, or obscene gestures; and acts of physical aggression, intimidation, hostility, threats, or unequal treatment based on sex (even if not sexual in nature). No person, male or female, should be subject to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical. Sexual Harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that is demeaning and that undermines the integrity of employment or faith-based relationships.
- 2.17 "Sexual Malfeasance" means conduct by Clergy or directed toward Parishioners, their subordinate staff, or others that involves unwanted physical contact and particularly

contact involving the genitals, breasts, buttocks, or pubic areas; inappropriate hugging, kissing, neck rubs, massages, and so on; inappropriate discussion or comments of a sexual nature or sexually-oriented topics. Sexual Malfeasance is inappropriate activity. It does not include relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate or marital relationships outside of their relationships with Parishioners and their subordinate staff.

- 2.18 "Sexual Misconduct" is the comprehensive term used in this policy to mean any unwanted and nonconsensual activity between Clergy and Parishioner, and may include any and all of the following: Child Sexual Abuse; rape, sexual assault or battery, or any activity of a sexual nature deemed illegal under Indiana Secular Law; Sexual Abuse as that term is defined by Book of Order Rule D-10.0401c; sexual contact with another person by force, threat, intimidation, duress or other nonconsensual means; Sexual Harassment; Sexual Malfeasance; or viewing or use of matter of sexual or pornographic nature on Church premises or property or by means of use of a Church computer.
- 2.19 The Sexual Misconduct Response Team ("SMRT") is a group of people elected by the Presbytery to aid it and the Committee on Ministry to respond quickly and objectively to reports of sexual misconduct and to assist the Presbytery and its member Churches in activities aimed at the prevention of Sexual Misconduct.
- 2.20 "Victim" means the person alleged to have been injured by Sexual Misconduct.

PART III. PRINCIPLES AND STANDARDS OF CONDUCT

As God who called you is holy,
be holy yourselves in all your conduct

Tend the flock of God that is 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
shall be judged with greater strictness.

Peter 1:15; 5:2; James 3:1, NRSV

- 3.01 The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church because it is through these representatives that 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 the world. See Book of Order, Rule G-6.0106.
- 3.02 Sexual Misconduct is a breach of trust and a violation of the roles Clergy are called upon to exercise. Sexual Misconduct calls into question the integrity, sensitivity, and fitness for office of any person who engages in such Misconduct.

- 3.03 Sexual Misconduct is a misuse of authority and power that is a breach of Christian ethical principles. It misuses a relationship of trust to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. Even if the Victim initiates or invites sexual content in his or her relationship with Clergy, it is always the responsibility and duty of the Clergy to maintain the appropriate role boundaries and prohibit a sexual relationship. When there is any structured relationship of superior/subordinate between two people, sexual expression outside of marriage between the two is an abuse of that relationship.
- 3.04 Sexual Misconduct takes advantage of the vulnerability of children and persons who are less able to act for their own welfare. Those serving in High Risk Occupations have a special duty to avoid Sexual Misconduct. Sexual Misconduct is contrary to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. Sexual Misconduct violates the mandate to protect the vulnerable from harm.

PART IV. RISK MANAGEMENT

4.0 INTERFACE WITH OTHER RULES AND LAWS

- 4.01 Where specific provisions of the Book or Order mandate a particular response to an allegation of Sexual Misconduct, those provisions will control. For example, the responsibilities of the Committee on Ministry (Book of Order Rules G-11.0502i-j) and of an Investigating Committee in Disciplinary process (Book of Order Rules D-10.0101 et seq.) will control the actions of such entities.
- 4.02 In some cases Secular Laws impose additional requirements (such as requirements for reporting of child abuse). In the case where there is a criminal law proceeding against the Accused under Secular Law, the Church will follow the Rules of Discipline, to delay its proceedings until criminal law proceedings have been concluded. The Church will also take note of any pending civil law proceedings, and in consultation with its attorney, will accord deference as appropriate to any such proceedings. In all cases where criminal or civil law actions are pending concurrently with procedures under this Policy, the SBT shall consult with the Presbytery's attorney and coordinate their actions accordingly and in a manner consistent with the Book of Order for adhering to or suspending ecclesiastical time requirements.

5.0 EDUCATION AND TRAINING

- 5.01 The SBT shall be trained for its task and may take advantage of programs and training events as offered by Presbytery.

6.0 INSURANCE

- 6.01 First Presbyterian Church should work with its respective liability insurance carriers to help minimize the risk of Sexual Misconduct and to obtain appropriate insurance coverage against potential liability.

7.0 EMPLOYMENT PRACTICES

- 7.01 Pastor Nominating Committees are responsible for contacting references for prospective Clergy. A written record of conversations or correspondence with references shall be kept in the Clergy personnel file.
- 7.02 Paid staff and unpaid volunteers who work with children or others in High Risk categories shall be screened and supervised in a manner consistent with the Church's Child Protection Policy as implemented.

8.0 CONFIDENTIALITY AND MEDIA CONTACT

- 8.01 Matters involving Sexual Misconduct should be treated with sensitivity and with consideration for the privacy interests of those involved. The Accused is presumed innocent until proven guilty. The Victim, the Victim's Family, the Accuser, the Accused's family, and the Church have interests in maintaining appropriate levels of confidentiality consistent with their interests and the stage at which a proceeding may be. After an adjudication of guilt, the Accused has no privacy interest in the matter, but others concerned may wish to continue to keep certain information private.
- 8.02 The privacy interests of any person should never cause the Church or others to give false information in the context of employment matters or in any other context where there is an obligation of truthful and accurate disclosure.
- 8.03 Throughout the process of dealing with an incident of Sexual Misconduct, those involved should avoid discussing the matter with those who have no need to know information about the matter.
- 8.04 Particular individuals involved in an incident of Sexual Misconduct may have special confidentiality obligations, such as those in a counseling relationship, the attorney-client relationship and so on. Nothing in this policy is intended to countermand such special confidentiality obligations.
- 8.05 Nothing in this policy is intended to violate confidentiality requirements of the Book of Order or to violate requirements for the reporting of child abuse.
- 8.06 Inquiries from the public, the press or the media for information about a matter involving Sexual Misconduct shall be referred to the Executive Presbyter or his or her designee. No member of the SBT should respond to inquiries from the public, press or media.

PART V. RESPONSE TO AN ALLEGATION OF SEXUAL MISCONDUCT

9.0 PASTORAL RESPONSE TO THOSE INVOLVED IN AN INCIDENT OF SEXUAL MISCONDUCT

- 9.01 The SBT should take steps to minister to the needs of those persons most directly involved in an incident of Sexual Misconduct. The particular needs for pastoral care and counseling will vary in each instance, but it is the SBT's responsibility to respond to the Victim and the Victim's family, the Accuser and the Accuser's family and the Church by offering pastoral care. In some cases, others, such as co-workers of the Accused, may also need pastoral care. In most cases, the SBT will notify the Executive Presbyter of a pending matter and the need for pastoral care for one or more persons.
- 9.02 The needs of a Victim of Sexual Misconduct will vary and may be influenced by such factors as the degree or severity of abuse, the age and emotional condition of the Victim, personality dynamics, and the Victim's religious faith. Victims frequently suffer from feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, alienation from God and the religious community, alienation from self or family. The SBT should strive to be sensitive to the Victim's pain and need for healing, and strive to make appropriate pastoral care available. The SBT is not responsible for providing professional counseling, but will act in a supportive role for those involved in an instance of Sexual Misconduct.
- 9.03 The SBT will offer pastoral care for the Accused and the family of the Accused. The goal of church discipline is to build up the body of Christ, not destroy it; to redeem it, and not to punish it. See Book of Order, Preamble to the Rules of Discipline. The SBT should strive to provide for pastoral care of the Accused and the family of the Accused with this goal in mind, and should not prejudge the Accused.
- 9.04 The SBT may recommend to the Presbytery that it provide additional assistance to any person involved in an incident of Sexual Misconduct based on the specific circumstances in a particular case.
- 9.05 If the SBT believes that professional counseling is needed for one of the persons involved in an instance of Sexual Misconduct, it may refer the that person to a professional counselor trained to deal with issues of Sexual Misconduct.
- 9.06 The SBT should keep a complete and accurate record of all the offers for pastoral care, referrals, and any pastoral care provided. Such records shall be considered confidential. The chair of the SBT will assist those providing such pastoral care in maintaining an appropriate record.

10.0 RESPONSE TO THE CONGREGATION

- 10.01 At the invitation of the SBT, the Committee on Ministry may play a role in working to heal the damage to a congregation where there has been an incidence of Sexual Misconduct.

11.0 SPECIAL CIRCUMSTANCES OF THE NON VICTIM ACCUSER

- 11.01 In many cases the Non Victim Accuser is the parent, guardian or other advocate for a child who is the Victim of Sexual Misconduct. In other cases, the Non Victim Accuser

may be a colleague or friend of the Accused. When the Accuser is not the direct victim of the alleged Sexual Misconduct, the situation may be more complex, and special care shall be taken to respect the privacy and other interests of the persons involved.

- 11.02 In cases where the Victim is an adult, a Non Victim Accuser subject to this Policy should consider the following before making an allegation of Sexual Misconduct:
- a. The Non Victim Accuser should let the Victim know in advance that he or she is going to make a report of Sexual Misconduct, and should urge the Victim to make his or her own report.
 - b. When the Victim is unwilling or unable to make a report of Sexual Misconduct and a Non Victim Accuser proceeds to report, the Non Victim Accuser should take reasonable steps to respect the privacy interests of the Victim. In some cases, the Victim may want to keep his or her identity confidential.
 - c. When the Victim is unwilling to make a report of Sexual Misconduct and the Non Victim Accuser proceeds to report, the Non Victim Accuser should take reasonable steps to make certain that there is a reasonable factual basis for making the report. This does not mean that the Non Victim Accuser should initiate a private investigation of the matter or become a fact finder, but it does mean that the Non Victim Accuser should be sensitive to making false charges that could damage the reputations and well-being of the Accused, the Accused's family, the Victim, the Victim's family and the Church. In no case, shall the SBT file allegations as a Non Victim Accuser without first consulting the Church's attorney.

12.0 RECEIVING INITIAL REPORTS

- 12.01 Reports of Sexual Misconduct will occur in a variety of ways. Initial reports may be oral or written. Because the Church cannot control how a report will first be made or to whom a report may first be made, it is important that officers, employees, and persons highly visible to Church members and visitors understand how reports of Sexual Misconduct are channeled to the proper persons.
- 12.02 Reports of sexual misconduct should not be taken lightly or disregarded and should not be allowed to circulate without concern for the integrity, interests and reputation of the Accused, the Victim, the Accuser and the Church. Reports should be dealt with as matters of high concern at all times.
- 12.03 Since time is important, the Church shall begin its response to a report of Sexual Misconduct as soon as possible. Delays should be avoided whenever and wherever possible in this process.
- 12.04 The first person(s) to learn of a report of Sexual Misconduct shall not undertake any investigation or inquiry alone or question either the Accuser or the Accused. If the Accuser is reluctant to talk to others, the person receiving the initial report should

encourage the Accuser to speak out, lest the Church be unable to respond appropriately or on a timely basis.

- 12.05 The person receiving the initial report of Sexual Misconduct from the Accuser shall report the incident to the Pastor or to a member of the SBT. The Pastor and the SBT shall consult and determine whether the report does involve an allegation of Sexual Misconduct and how to proceed based on the information received. As noted above, persons receiving a report of Sexual Misconduct shall report as required and permitted to appropriate civil or criminal authorities in a manner consistent with the Book of Order (see Book of Order Rule G-14.0801f concerning privileged information) and applicable Secular Law.
- 12.06 When an initial report of Sexual Misconduct has been received, and at least two of the persons who are the Pastor and the SBT members concur that if the facts as presented were proved to be true that an incident of Sexual Misconduct will have occurred, the SBT will be asked to implement the procedures for Pastoral Response outlined in Part 9 above.
- 12.07 The SBT or the Pastor will contact the Executive Presbyter to further engage the help of Presbytery.

13.0 FALSE ACCUSATIONS

- 13.01 False accusations disrupt the peace, unity, and purity of the Church. Making a false accusation of Sexual Misconduct is a serious offense and may result in bringing disciplinary charges, civil action, and/or criminal prosecution.

Approved for First Presbyterian Church
700 Central Avenue
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Rev. Judith Fitchett
Moderator

Carla Beard
Clerk of Session