

Sexual Ethics Policy & Procedures
within the
Presbytery of Susquehanna Valley

Submitted by the Committee on Ministry
To the Presbytery September 25, 2001
[Revised following that meeting]
Submitted by the Committee on Ministry again and
Approved by the Presbytery
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Sexuality is central to our identity and a pervasive dimension of any human interaction. Sexuality can be used for good and creative purposes, but it can also become a basis for oppression, where trust relationships are breached and persons are abused. In response to our faith in Jesus Christ, which calls us to standards of responsible conduct in all of life, including sexual behavior, we affirm the following policy document.

I. Introduction

A. Preamble

We, the members of the Presbytery of Susquehanna Valley, the Presbyterian Church (U.S.A.), believe and proclaim that all human beings are created by God in the divine image. Therefore, every person, whether a child, woman or man, has inherent worth and dignity in the eyes of God. This God-given worth and dignity should be recognized and respected in all human relationships, especially in those relationships between persons in positions of leadership and authority within the church and those over whom they exercise this leadership and authority. To use the power and authority of a church office for any purpose other than to serve those who have been entrusted to one's care is an abuse of power, a betrayal of trust and God's love for each of us in Jesus Christ, and a denial of human worth and dignity. Such misconduct must not be tolerated.

In this belief, we enact the following policy on sexual misconduct in order that allegations of sexual misconduct may be seriously treated and dealt with promptly, justly and with compassion toward all affected parties.

B. Policy Statement

It is the policy of the Presbytery of Susquehanna Valley, the Presbyterian Church (U.S.A.), that all ministers of the Word and Sacrament, church officers, church members, non-member employees, and volunteers of governing bodies and entities of the Presbytery, are responsible for maintaining the integrity of pastoral, professional relationships at all times. Sexual misconduct is always a violation of such relationships and also of the principles of scripture and is never permissible. A workshop for

understanding sexual misconduct is mandatory for all clergy in the Presbytery and offered so others may participate.

All instances of sexual misconduct must be reported to the Presbytery of Susquehanna Valley as soon as there is an allegation or reason to believe that sexual misconduct may have occurred. Once a report is made, The Presbytery of Susquehanna Valley will promptly and in the case of those under the jurisdiction of the Presbytery, handle the matter. (Book of Order D-3.0101; D-3.0103; D-10.0101-02) In the case of those not under the jurisdiction of the Presbytery, the matter will be reported to an appropriate authority for handling by that authority.

Reports of sexual misconduct are serious matters and should never be taken lightly or disregarded. Each report must be referred to the Presbytery of Susquehanna Valley where it can be promptly, full and fairly investigated. At all times, confidentiality is imperative to protect the reporter, the alleged victim, and the alleged perpetrator.

Retaliation or reprisals against either a reporter or alleged victim of sexual misconduct will not be tolerated. Such retaliation or reprisals are misconduct in and of themselves, even if the allegation of sexual misconduct is ultimately determined to be unfounded.

C. Purposes

The Presbytery of Susquehanna Valley adopts this policy on sexual ethics and procedures for the following purposes:

1. To preserve high standards of professional and ethical conduct as stated in the Book of Order (see G-6.0101).
2. To promote the peace, unity, and purity of the church.
3. To serve as a guide for prevention of sexual misconduct.
4. To safeguard the church's members and staff from abuse through any form of sexual misconduct.
5. To seek justice by assuring the effectiveness of the church's administrative, investigative and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who victimize others.
6. To provide procedures for inquiry and effective response to allegations of sexual misconduct and to provide emotional, spiritual, and physical care and protection of involved persons (see specific procedure section of this policy).
7. To serve as a guide for the application of powers of the Presbytery and sessions under the Form of Government and the Rules of Discipline (see Book of Order D1.0101).

8. To support the healing of all persons and congregations in which sexual misconduct has occurred or been alleged.

II. Definitions of Sexual Misconduct

Child Sexual Abuse...includes any sexual advances *or* contact or interaction between an adult and any person under the age of eighteen years regardless of consent or anyone over the age of eighteen years without mental capacity to consent. Under the laws of New York State child abuse must be reported to the civil authorities.

- A. Rape or sexual contact by force, threat or intimidation.
- B. Sexual Malfeasance ...includes sexual contact (e.g. genital contact, contact with the breasts or buttocks, sexual intercourse) or sexual advances involving persons in positions of trust with persons entrusted to their care.
- C. Sexual Harassment ...includes conduct of a sexual nature, including jokes, comments and statements of a sexual nature that creates a hostile environment or conduct in the form of threats or detrimental action or promises of a benefit conditioned upon submission to sexual activity or advances.
- D. Sexual Impropriety ..includes sexual advances or contact between persons in positions of trust and persons entrusted to their care which continues after it has been made clear that the behavior is inappropriate or unwelcome. Such behavior may be verbal or physical conduct of an inappropriate sexual nature.
- E. See Appendix A for further definitions related to this policy.

III. Process

A. Initial Report

An initial report of sexual misconduct may be received verbally by appropriate representatives of the Presbytery of Susquehanna Valley. All such reports shall be taken seriously and dealt with pastorally. In order for formal disciplinary procedures to begin, such verbal allegations must be written using forms as indicated in the Rules of Discipline D-10.0102 and signed by one or more persons alleging specific incident(s) of sexual misconduct with any supporting information.

Reports of sexual misconduct may arise in a variety of ways. Because an individual church or the Presbytery cannot control to whom an accuser of sexual misconduct will first speak, it is important that all church leaders and employees understand how reports of incidents are to be channeled to the proper persons.

The Presbytery designates the Executive Presbyter, the Stated Clerk, and Moderator as a Report Coordinating Team. All written reports alleging sexual misconduct shall be submitted to any or all of these persons.

Upon receipt of a report of an alleged sexual misconduct the **Report Coordinating Team** shall:

1. Respond as quickly as possible;
2. Make sure that any civil or governmental laws or regulations covering the matter have been followed (particularly in cases of alleged child sexual abuse);
3. Initiate the appropriate procedures of this policy;
4. Prepare and place in the confidential files of the Presbytery a report on the matter. This report shall be retained in the confidential files of the Presbytery for one year after which time the Presbytery will destroy the report.

B. Investigating Committee (D10.0201 -.0202)

The **Investigating Committee** shall be comprised of individuals who are aware of and understand sexual misconduct cases. In every instance of preliminary procedure for discipline, Susquehanna Valley Presbytery will have a pool of individuals updated annually by the Committee on Ministry which includes lawyers with experience in sexual misconduct cases, and licensed counselors trained or experienced in handling sexual misconduct cases. The Report Coordinating Team selects the Investigating Committee from this pool. The report of the Investigating Committee shall be completed within 30 days with a recommendation of disciplinary action or dismissal of accusations.

C. Procedures for Disciplinary Cases

When an accusation involving an alleged offense of sexual misconduct is brought against any person under the jurisdiction of the Presbytery, a disciplinary case shall be initiated which shall be handled as stipulated by the Rules of Discipline. What follows is a simplified outline and should not be used in place of the Book of Order where these procedures are covered in sections D-9.000, D-10.000 and D-11.000.

1. The Investigating Committee submits a written statement alleging at least one offense along with any supporting information to the Stated Clerk.
2. The Stated Clerk reports to the Presbytery that such a statement has been submitted and therefore it is necessary to elect a Prosecuting Committee (D 10.0200).
3. The Prosecuting Committee inquires into the alleged offense and determines if charges should be filed.
4. If charges are filed, the Prosecuting Committee prosecutes the case.
5. The charge is submitted in writing to the Stated Clerk who forwards it to the clerk of the Permanent Judicial Commission of the Presbytery.
6. The Permanent Judicial Commission conducts a preliminary hearing.

7. The trial is conducted by the Permanent Judicial Commission.
8. COM arranges for the process of healing for the congregation and individuals involved.

D. When the accused is not under jurisdiction of the Susquehanna Valley Presbytery. It still must be dealt with as a corporate body.

Without undertaking further inquiry, the Stated Clerk shall report to the Presbytery only that an offense has been alleged without naming the alleged offender, or the nature of the alleged offense, and refer the statement immediately to the **Report Coordinating Team**.

The discipline, if it is ecclesiastical, could only be by the session, and then only if the person is a member of a Presbyterian church. Otherwise it is a civil case, which the policy does not cover.

Any time there is an allegation of sexual misconduct outside the jurisdiction of the Presbytery of Susquehanna Valley, the local church needs to investigate and then take appropriate action. In such instances the Presbytery of Susquehanna Valley stands ready to provide guidance to the local church.

E. When the accused is a member of Presbytery *and* the process of the accusation is in the civil courts.

In the care of the accused two issues to consider are the issues of multiplying the damage if the accused is continued in the same position and the issue of conflict with confidentiality.

During the pendency of any investigation, the Report Coordinating Team, in consultation with the Committee on Ministry, may suggest changes of assignment, administrative leave, or other action. (G-10.0102n)

APPENDIX A

Definitions:

1. **Principles of Church Discipline** - D-1.0000-.0103
2. **Judicial Process** is the means by which church discipline is implemented within the context of pastoral care and oversight. It is the exercise of authority by the governing bodies of the Church (D-2.0100-.0203).
3. **Church** with a capital “C” refers to the Presbyterian Church (USA). When not capitalized it refers to local churches. The word congregation is used loosely for members and participants.
4. **Employee** is the comprehensive term used to cover individuals who are hired or called to work for salary or wages for the Church, a governing body, a particular congregation, or other entity formally related to the Church. In all cases where an employee is also a member of Presbytery, the procedures to be followed will be those provided for a member of Presbytery.
5. **Entity** refers to any program or office managed by a board, committee, council or other body whose membership is elected by a governing body.
6. **Governing Body** is a representative body composed of elders and ministers of Word and Sacrament, i.e. sessions and the Presbytery. A governing body may establish entities such as day care centers, camps, etc., and may have both church members and non-members as employees.
7. **Volunteer** refers to those who provide services for governing bodies and entities of the Church and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees and other groups. For purposes of this policy, volunteers are treated the same as employees.
8. The **Report Coordinating Team**, consisting of the Executive Presbyter, the Stated Clerk, and the Moderator, will coordinate Presbytery’s response to reports of alleged sexual misconduct within the Presbytery as indicated in III A. 1-4 of the Policy and Procedures Statement.
9. **Investigating Committee**, cited in this statement, refers to the committee prescribed by the *Rules of Discipline* of the Presbyterian Church (U.S.A.) for the initial phase of the Church’s formal disciplinary processes.
10. **Prosecuting Committee** may, or may not, consist of the same persons who served as the Investigating Committee in the initial phase of the Church’s formal disciplinary processes as prescribed in the *Rules of Discipline*. This Committee is responsible for prosecuting a case against one alleged to have committed sexual

misconduct when the Investigating Committee finds sufficient evidence to recommend proceeding to a trial.

11. **Permanent Judicial Commission.** Each of the more inclusive Governing Bodies of the Presbyterian Church (U.S.A.) is required to establish and keep a roster for a Permanent Judicial Commission to conduct a trial and to hear appeals of less inclusive Governing Bodies. The Permanent Judicial Commission of the Presbytery of Susquehanna Valley is responsible for conducting trials of sexual misconduct effecting members of the Presbytery, as Sessions are in such matters relating to members of the churches.
12. **Presbytery.** In the polity of the Presbyterian Church (U.S.A.) a Presbytery is the next more inclusive Governing Body having oversight of constituent churches, as well as, lay and clergy members of the Presbytery.
13. **Committee on Ministry.** This Committee is the pastor to constituent churches and clergy. Its duties and relationships are described in the Form of Government of the Presbyterian Church (U.S.A.) at G-11.0500.