

SEXUAL MISCONDUCT POLICY

A. Prohibition of Sexual Misconduct

Faith Presbyterian Church is committed to creating a worship and work community in which members, friends, staff, and volunteers can worship and work together in an atmosphere free of all forms of discrimination, harassment, exploitation, or intimidation. Specifically, all persons associated with Faith Presbyterian Church should be aware that the church is strongly opposed to sexual exploitation, pornography, and harassment and that such behavior is prohibited by church policy. It is the intention and responsibility of the church to take whatever action may be needed to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

B. Leadership Conduct

All persons engaged in the leadership of Faith Presbyterian Church (hereafter in this document the term *Leadership* refers to Teaching Elder (Minister), Ruling Elders currently serving on Session, Clerk of Session, Staff, Volunteers, Employees, and seminary students) are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority. Sexual harassment or sexual exploitation, of parishioners or other individuals is unethical and unprofessional behavior and shall not be tolerated. The use, production or viewing of pornography shall not be tolerated.

It is expected that Elders currently serving on Session, Staff, Employees, and seminary students shall complete and submit a copy of the self-certification statement signifying agreement with this policy.

Faith Presbyterian Church is committed to creating a safe and healthy environment in which young people can learn about and experience God's love. In order to insure this, we expect that all people applying to be volunteers who work with minors shall have been members or participants of Faith Presbyterian Church for at least six months. It is the policy of the church to provide adequate supervision for all youth activities. While this may not always be possible, the members of Faith Presbyterian Church expect that all leaders, employees or volunteers who work with minors shall endeavor to avoid instances where an individual minor is alone with an individual adult or older youth.

Ordinarily Faith Presbyterian Church will not assign any youth to be responsible for the supervision of younger children or youth when the age difference is five (5) years or less.

All leaders, employees or volunteers who work with minors are expected to adhere to the *Child Safeguard Policy* which has been adapted by Faith Presbyterian Church. This Policy is available for examination in the church office or on the church website.

C. Reporting Allegations

Faith Presbyterian Church shall publicize a procedure for reporting any prohibited actions and have copies available at all times in a public place. Anyone suspecting or having knowledge of a violation of sexual exploitation, pornography, or harassment shall report such violation to the *Leadership Team* (Minister, Clerk of Session or an Elder currently serving on Session). Any child or youth who suspects or has knowledge of a violation of sexual exploitation or harassment is encouraged to share the knowledge with the *Leadership Team*. It is a state law that anyone who witnesses or to whom sexual abuse has been reported must report that abuse to the civil authorities.

Definitions

Leadership: any person engaged by the church to carry out its leadership. Leadership ministry includes elected or appointed Elders of the church, employees, and volunteers, as well as Ministers.

Leadership Team: is comprised of the Minister, Clerk of Session, and Elders currently serving on Session.

Teaching Elder (Minister): a person who holds ordained leadership standing or has been commissioned or licensed by the Presbyterian Church USA.

Leadership relationship: the relationship between one who carries out the leadership of the church and the one being served by that leadership.

Pornography: Pornography includes any sexually explicit materials (books, magazines, movies, videos, electronic/social media, 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.

Sexual misconduct: the comprehensive term including sexual exploitation, sexual harassment, and child sexual abuse.

Sexual exploitation: Sexual activity or contact (not limited to sexual intercourse) in which a person engaged in the leadership of the church takes advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the person.

Sexual harassment: repeated or coercive sexual advances toward another person contrary to his or her wishes. It includes behavior directed at another person's sexuality with the intent of intimidating, humiliating, or embarrassing the other person, or subjecting the person to public discrimination. Unwelcome sexual advances, requests for sexual favors,

and other verbal, electronic/social media, or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition or circumstance of instruction, employment, or participation in any church activity;
- Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or church-related decisions affecting an individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in church activities or creating an intimidating, hostile, or offensive work or church environment.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones, particularly:

- Written contact, such as sexually suggestive or obscene letters, notes, text message, emails, or invitations;
- Verbal contacts, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits or sexual orientation, sexual propositions;
- Physical contact, such as intentionally touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, magazines, or electronic social/media contact.

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 or gratification of the adult person or of a third person. The behavior may or may not involve touching and includes display of private parts. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. The age of maturity is 18 years of age for the purposes of this policy.

PROCEDURES FOR HANDLING ALLEGATIONS OF
SEXUAL MISCONDUCT AGAINST
LEADERS, ELDERS, EMPLOYEES, AND VOLUNTEER LEADERS

All allegations of sexual abuse, sexual harassment, and sexual misconduct shall be taken seriously. Every allegation shall be received, investigated, and acted upon according with the terms of this policy.

The protection of children and youth is our first priority. Persons who have witnessed or have had sexual abuse reported to them by a minor shall report it to the appropriate secular agency for investigation.

An accused person is presumed innocent until proven guilty. In the context of this policy, no adverse finding shall be made public or revealed against an accused person except on a need-to-know basis until a full investigation is completed and it has been determined that the complaint has been properly substantiated.

- A. Anyone suspecting or having knowledge of a violation of sexual exploitation or harassment should report such violation to the Leadership Team. Any child or youth who suspects or has knowledge of a violation of sexual exploitation or harassment is encouraged to share the knowledge with the Leadership Team.
- B. Anyone who has knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities. Any person suspecting or having knowledge of a violation of sexual exploitation or harassment with a minor must report such violation to civil authorities and the Leadership Team.
- C. A response team with no fewer than three members, at least one male and one female, shall be established by the Session of Faith Presbyterian Church for any case of violation of this policy.
- D. To address incidents of alleged sexual exploitation or harassment:
 1. The complainant (if adult) may attempt to resolve the matter directly with the individual/s accused of sexual exploitation or harassment; or
 2. The complainant may report the incident to a Minister, Clerk of Session or Elder currently serving on the Session of the church in an effort to resolve the matter.
- E. The Clerk of Session, Elder, or Minister receiving the information is required to share such with at least two additional and unrelated persons in leadership in the church.
- F. The response team shall do the following:
 1. If the report is against a Minister the response team shall, without further investigation, send a written statement of allegation to the General Presbyter, the moderator of Committee on Leadership, or Stated Clerk of the Presbytery of New Covenant.
 2. If the report alleges sexual abuse or harassment of a minor, the moderator of session or clerk of session shall:
 - a. immediately ensure the allegation is reported to the civil authorities under state law;
 - b. immediately take steps to remove the alleged offender (without implication of guilt or innocence) from contact with minors until an investigation is completed or until a resolution of the allegations has occurred;
 - c. immediately notify the parents or guardian of the minor;
 - d. notify the session of the allegation so that the session may take steps to ensure that the accused does not have contact with minors until an

investigation is completed or until a resolution of the allegations has occurred;

3. If the report is against an elder, the responders shall notify the Session that an allegation of offense has been received against an elder. This reporting triggers the formation of an investigating committee under the Rules of Discipline of the Book of Order of the Constitution of the Presbyterian Church USA.
 4. If the report is against an employee of Faith Presbyterian Church, the responders shall notify the person/s or committee responsible for supervision of the employee. The responders shall request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
 5. If the report is against a member, volunteer, or non-member of the congregation, the response team shall request that the Session appoint a committee of three persons to initiate an investigation of the allegations as follows:
 - a. gather any statement of sexual exploitation or harassment from those making the report and any party to the exploitation or harassment.
 - b. gather any information from the person who was accused of sexual exploitation or harassment.
 - c. make determinations and take actions appropriate to resolve the matter.
 6. Determine, with the Minister how leadership shall be maintained in the church while this issue is being addressed, balancing the need of the community to discuss the issue of sexual exploitation and harassment and the rights of the individual accused not to be assumed guilty.
- G. A written summary of any proceeding in such cases shall be maintained.
- H. Any person bringing a sexual harassment or exploitation report or assisting in investigating such a complaint shall not be adversely affected in terms and conditions of employment, church membership, or affiliation, or otherwise discriminated against or discharged.