6/6/2024 draft

**SEXUAL MISCONDUCT POLICY AND PROCEDURES**

**\_\_\_\_\_\_ Presbyterian Church, \_\_\_\_\_\_\_, NC**

Preamble

… As [God] who called you is holy, be holy yourselves in all your conduct;

… Tend the flock of God that is in your charge, …

not under compulsion but willingly, …

not for sordid gain but eagerly. …

Do not lord it over those in your charge, but be examples to the flock.

… You know that we who teach will be judged with greater strictness.

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

**Theological Basis**

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 the beloved community. All persons are created by God, in the image of God. (Genesis 1:27) The gospels tell stories of Jesus ministering to all persons, teaching and healing all who came to him, treating them with dignity and respect. Throughout the Scriptures God calls us to honor the integrity of our neighbors, and their personhood. God intends all persons to have worth and dignity in their relationships. We are one connected body, and when one part of the body is injured physically, emotionally or spiritually, the entire body is rendered less than God intended. Misconduct of a sexual nature of any kind violates a person's wholeness and is an unjust use of status and power. It is abusive. It is sinful behavior against God and the other person(s) and the beloved community itself. The Scriptures witness to a God whose love brings about justice, mercy and grace. The Church is called to express God's love in concrete actions of compassion and healing for all God's people.

1. **Policy Statement**

It is the policy of the Presbyterian Church (U.S.A.), hereinafter referred to as PC(USA), that all ministers, ruling elders, deacons, councils/governing bodies (including officers, employees and members), church members, church officers, and nonmember employees and volunteers of churches and governing bodies are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment and professional relationship. It is never permissible or acceptable for any of the persons covered by this policy to engage in sexual misconduct.

**Distribution**

This policy and its procedures will be made available all church members. This policy and its procedures shall be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families. Signed agreement to abide by this policy will be required of all employees, teachers, Ruling Elders and Deacons. (APPENDIX C).

1. **Standards of Conduct for All Engaged in \_\_\_\_ Presbyterian Church ordered ministry**

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives 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 in the World” (Book of Order, G-2.0104). The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is not acceptable. It is a violation of an individual by a person who has a supervisory position or roles involving religious, moral, or spiritual counseling, teaching or instruction. These persons are called upon to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct breaks the covenant to act in the best interests of the persons being governed, supervised, taught, or counseled.

2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship in an abusive, exploitative, and unjust manner. If the person being supervised, taught, or counseled initiates or invites sexual content in the relationship, it is the responsibility of the person providing supervision, teaching or counseling to maintain the appropriate role and prohibit any sexual relationship, contact, conduct or harassment.

3. Sexual misconduct, that takes advantage of the vulnerability of persons, including children, who are less powerful and unable to act for their own welfare, is always abusive. It is antithetical to the gospel call to work as God’s servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

4. Sexual misconduct may include but is not restricted to offensive, obsessive, or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling, rape or sexual contact by force, threat or intimidation, or a relationship the parties erroneously believe to be consensual.

5. Sexual conduct between a Minister, Christian Educator, Ruling Elder, Deacon, a teacher, and a church member or counselee, is only permissible in the context of their marriage. Also see the policy on Youth and Child protection policies (Appendix B). See “Meaningful Consent” in Appendix A.

6. Sexual misconduct includes misuse of technology to communicate harassing or abusive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property or in conjunction with church programs. When this misuse of technology 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 a church or church entity or within the context of ministry.

**DEFINITIONS**

Sexual Misconduct is the comprehensive term used in this policy to include:

* 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 another person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether seemingly “consented to” or not by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.
* Sexual abuse defined: “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (Book of Order, D-7.0901).
* Sexual harassment defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or their continued status in an institution,
2. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual,
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or spiritual exercise by creating an intimidating, hostile, or offensive environment, or
4. 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.

Definitions of the various terms employed in this policy can be found in Appendix A.

**III. Church Response to Allegations of Sexual Misconduct**

1. **PRINCIPLES**

In responding to allegations of sexual misconduct, the pastors, educators, Ruling Elders, Deacons, and employees of the CHURCH should ensure the protection of all persons. Where possible, the privacy of persons should be respected, and confidentiality of communications should be maintained. In responding to allegations of sexual misconduct, members, officers, and employees of the Presbytery should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each. The CHURCH has jurisdiction over its members, officers, and employees. If a member, officer, or employee is alleged to have committed an offense against Scripture or the PC(USA) Constitution, the Session has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution that initiate the disciplinary processes of the PC(USA) set forth in the Rules of Discipline in the Book of Order.

**B. REPORTING REQUIREMENTS**

*1. Reporting Sexual Misconduct*

A person alleging that a person in ordered ministry with \_\_\_\_\_Presbyterian Church has committed sexual misconduct is encouraged to seek guidance from one of the pastors or the clerk of session regarding filing the report.

If the person who is accused of committing sexual misconduct is a member, elder, deacon, volunteer, or employee of a congregation, the report of allegations should be made to the pastor, the clerk of session, or the chair of the personnel committee. If the accused is a member or officer of the church, the church shall respond by using the procedures set forth in the Rules of Discipline of the Book of Order. If the accused is a nonmember employee, the church will respond by using procedures set forth in the CHURCH personnel policies. In the event of an accusation of sexual misconduct, the Session shall seek the counsel of the chair of the Presbytery of New Hope’s Sexual Misconduct Response Coordinating Team for guidance concerning appropriate pastoral responses and procedures. While disciplinary matters in these instances are the jurisdiction of the Session, the Session should, in most cases, refer these cases to the Presbytery of New Hope (PNH) for adjudication. (D-7.04, D-7.0501b)

*2. Mandatory Reporting of Child Abuse*

“Any member of this church engaged in ordered ministry and any certified Christian educator employed by the church or its congregations, shall report to ecclesiastical and legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.” G-4.0302.

All persons covered by this policy have an additional duty to report knowledge of child sexual abuse to the employing entity, supervisor, or governing body representative. All persons should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. These reports should be made within a reasonable time of receiving the information.

See the CHURCH Child Protection Policy (Appendix B).

**C. RESPONDING**

The appropriate council or entity response will vary according to the relationship of the PC(USA) with the person who is accused of sexual misconduct. Church members and officers are subject to inquiry and discipline (censure and correction) under the Book of Order. Non church member employees and volunteers are subject to oversight and correction by the governing body or entity that employs them. This policy applies to those under the jurisdiction of \_\_\_\_\_ Presbyterian Church, \_\_\_\_\_\_\_, NC.

When an allegation of offense of sexual misconduct has been received by the clerk of session, the clerk of Session will report to the Session that an offense has been alleged and that the Session will proceed according to the procedures set forth in the Rules of Discipline of the Book of Order. The Session may appoint an investigating committee to inquire into the allegations, or preferably, as noted above, refer these cases to the Presbytery for adjudication. (D-7.04, D-7.0501b)

All persons in ordered ministry at Church must cooperate with authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

If an accused member renounces jurisdiction, the clerk of session shall report the renunciation at the next Session meeting and shall record the renunciation in the minutes. The status of any pending charges may be shared with the Session at that time.

**Responding to Sexual Misconduct**

The Churches Session will appoint a Pastoral Care Team (PCT) which will work with the Presbytery Sexual Misconduct Response Coordinating (RCT) to assure that an expeditious, professional, objective, effective, and caring response is made by Church to accusations of sexual misconduct. The PCT and RCT will confine its activities to:

1. Coordinating a process that addresses the specific needs of the putative victims and their families, those accused and their families, affected congregations, and Church;
2. Training and assigning companions (or “Advocates” as defined in the Book of Order) if requested by the putative victims, the accused, family members, or an involved congregation; (D-7.0802, D-7.10)
3. **Immediate Safety.**

Anyone who suspects sexual, physical, or other abuse shall immediately provide for the safety of the putative victim(s) involved.

1. **In cases involving sexual harassment**,

when an alleged incident of sexual harassment comes to the attention of the Pastors or the Clerk of Session, the Session will appoint one pastor on staff and at least one ruling elder to meet with the putative victim. The pastor will contact the accuser/putative victim and determine a time to meet with the session’s appointees to discuss the following alternatives for the appropriate level of response:

1. The Session knowledge level: referring the matter to the church session and/or personnel committee for their consideration and action.
2. A disciplinary level: referring the case to the Presbytery and proceeding to the judicial process defined in the Book of Discipline and this policy.

Out of this conversation each participant (including the accuser/putative victim) shall determine the appropriate level of intervention and offer that view to the others.

* If all parties (including the accuser and/or putative victim) believe alternative “1” should be the course of action, it shall be pursued.
* If any one or more of the parties believes alternative “2” should be pursued, then “2” shall be pursued.
* Beginning with alternative “1” does not preclude shifting the approach to alternative “2” later.
* Alternative “2” does require the participation of the accuser/putative victim.
* The accuser/putative victim can proceed to disciplinary process (alternative “2”) at any time they may choose independent of any other party.

1. **Reporting an Incident of Sexual Misconduct of an Adult**

* **Report to Pastor.** Anyone who suspects any sexual abuse, ethical misconduct, or any other form of abuse or neglect, shall report the incident immediately to one of the pastors and to the person in charge of the activity.
* **Reports**. If sexual misconduct accusation is lodged, the Pastor/ Moderator of Session shall make all appropriate reports, including notifying other authorities, as needed. The Pastor/ Moderator of Session shall contact the chair of the PNH RCT upon the report of any incident of sexual misconduct to initiate appropriate response.

**D. Reporting an Incident of Sexual Misconduct of a minor or an adult who lacks mental capacity.**

* **Report to Child Abuse Hotline.** If there is a report that a Child has been sexually abused every mandated reporter is required to report such to Child Social Services without themselves assessing the veracity of such a report. Abuse of Vulnerable Adults shall be reported to Adult Protective Services.All those engaged in Ordered Ministry are mandated reporters. Immediately thereafter the mandated reporter shall call the Pastor/ Moderator of Session.
* **Notification of Pastor, Parent or Guardian.** The person in charge of the activity or Pastor/ Moderator of Session shall inform the child’s parent or guardian of the incident as soon as possible. The Pastor/ Moderator of Session shall immediately contact the pastor of the church of which the putative victim is a member. It is recommended that the Pastor/ Moderator of Session then call the church’s insurance company.
* **Reports**. If sexual misconduct accusation is lodged, the Pastor/ Moderator of Session shall make all appropriate reports, including notifying other authorities, as needed.

**E. Confidentiality.** Because the accused is presumed innocent until proven guilty, care will be taken to protect confidentiality. While the incident is being investigated, all persons with knowledge of the incident shall maintain strict confidentiality and shall share information with others only as requested or permitted by the Pastor/ Moderator of Session or as required by mandated reporting laws.

The Church will respect the rights of all parties involved: accusers, putative victims, accused, and the Churches congregation. These rights include:

1. To be heard and taken seriously. From the time that sexual misconduct is reported, all persons shall receive immediate attention and serious consideration from those representing the Church (or PNH if the case is referred).
2. To be informed about church procedures regarding the accusation.
3. To obtain legal advice.
4. To be offered a companion (advocate) trained by the RCT. While The Church (or PNH if the case is referred) proceeds to deal with the accusation through the disciplinary process, the Church (or PNH if the case is referred) has the responsibility to provide each party involved moral support from an individual who is available to him or her or them.
5. To be assured that justice will be pursued through the procedures set forth in the Book of Order and this Policy.
6. To become engaged in work toward healing and reconciliation.
7. The Church (or PNH if the case is referred) shall design a plan for provision of counseling or reimbursement of counseling fees for the victim(s).

**IV. Educating and Training—Awareness**

**Workshops and Seminars**

1. The Presbytery of New Hope sponsors boundary training opportunities each year on the recognition and prevention of sexual misconduct, ethical misconduct, the appropriate use of social media, financial boundaries, and other boundary related topics as appropriate. This training will be provided by the “Healthy Boundaries Team” (HBT) appointed by the COM. This training is available as the Session may determine.
2. Persons governed by this policy are required to attend approved healthy boundary training every three years. CHURCH Session will make provisions for the training of all participants in its order ministry.

**Appendix A for Sexual Misconduct Policy**

**DEFINITIONS**

**Accused.** The person against whom an accusation of sexual misconduct or child abuse or neglect is being made.

**Accuser.** The person claiming knowledge of sexual misconduct or child abuse or neglect by a person covered by this policy. The accuser may or may not be the putative victim of the alleged sexual misconduct, child abuse or neglect.

**Activity.** A program or event sponsored by or under the control of \_\_\_\_\_\_Presbyterian Church, \_\_\_\_\_\_\_, NC.

**Church** when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial in lowercase refers to local churches. The word congregation is used loosely for members and participants.

**Council (Governing Body)** is a representative body composed of elders and ministers of the Word and Sacrament: sessions, presbyteries, synods, and the General Assembly. A council may establish entities such as day-care centers, conference centers, camps, or homes for the aged, etc. A council may have both church members and nonmembers as employees.

**Church Professional.** Any Commissioned Ruling Elder, Minister Member, Certified Christian Educator or Associate Certified Christian Educator, or Intern under the jurisdiction of New Hope Presbytery.

**Entity** is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by a governing body.

**Inquiry** is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a council. See Book of Order, D-7.0000.

**Mandated Reporter.** Any person required by law to report to the appropriate state agency all suspected incidents of child abuse or neglect that come to his or her attention. While State laws may vary, the policies of the PCUSA require all persons ordained in the Presbyterian Church (USA) (Deacons, Elders and Ministers of Word and Sacrament) to report all suspected incidents of child sexual abuse to ecclesiastical and civil authorities. (G-6.0204b, G-6.-0304b, G6.0402b) Rape or sexual assault is a crime in every state and shall be reported to civil authorities and to the Pastor/ Moderator of Session. (See the Church “Child and Youth Protection Policy.” Appendix B)

**Meaningful Consent** An unmarried officer engaged in Ordered Ministry with CHURCH seeking a romantic relationship can do so outside the CHURCH congregations. If an unmarried Ruling Elder or Deacon becomes interested in a dating or romantic relationship with a member of the CHURCH congregation, it is the responsibility of the unmarried Ruling Elder or Deacon to discuss this with the Pastor/ Moderator of Session in order to agree on a way to maintain appropriate ethical boundaries.

**Minister.** The term “ministers” includes Ministers of the Word and Sacrament as defined in the Book of Order, G-6.0200.

**Misuse of Technology.** The use of technology that results in the harassment or abuse of any person.

**Ordered Ministry.** Ruling Elders, Deacons, and other officers elected to service are engaged in Ordered Ministry. See G-2.0000

**Presbytery of New Hope or Presbytery.** A mid-council of the Presbyterian Church (U.S.A.);

for purposes of this policy, the term ‘Presbytery of New Hope’ or “PNH” shall include any corporation controlled by the Presbytery of New Hope through which the Presbytery of New Hope employs staff and carries on its programs and activities.

**Response** is the action taken by the council or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for putative victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

**Secular Authorities** are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children. **Secular Law** is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.

**Sexual Misconduct.** Any sexual abuse of children or adults and/or any sexual harassment or other conduct that violates the PCUSA *Standards of Ethical Conduct* (1998).

Sexual Misconduct is a comprehensive term which includes, but is not limited to:

* Rape or Sexual Assault
* Sexual Abuse of children or adults
* Viewing, storing or transmitting pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited to computers or cell phones
* Inappropriate sexualized behavior

**Sexual Abuse.** As defined by the Rules of Discipline.

Any offense involving sexual conduct in relation to:

* any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or
* any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position (D-10.0401c).

**Sexual Abuse Occurs**

* Whenever a person in a position of trust engages in a sexual act, has sexual contact or creates a sexualized environment with any person to whom they owe a professional or spiritual oversight responsibility;
* When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom they owe a professional or spiritual oversight responsibility
* Such persons may include (and are not limited to) a congregant, staff member or counseling client.

**Examples Of Sexual Abuse**

* Sexual touch and repeated ‘accidental touch of sexual areas of the body,
* Tickling and playful aggression that seem uncomfortable to the recipient,
* A prolonged hug when a brief hug is customary behavior,
* Kissing on the lips when a kiss on the cheek would be appropriate,
* Pressing up against the body when hugging,
* An inappropriate gift,
* Sexual Intercourse,
* Sexual Abuse may also include verbal behavior, in person or by technological means, initiated by a person in a ministerial role when such behavior sexualizes a relationship, such as (but not limited to):
  + Innuendo or sexual talk,
  + Sexually suggestive comments, including tales of one’s exploits or experiences,
  + Questions about the intimate details of another’s relationships,
  + Looking for sympathy about his or her partner’s sexual inadequacies.

**Sexual Harassment.**

Conduct that includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, tormenting based on gender, and other verbal, visual or physical conduct of a sexual nature. In particular, sexual harassment occurs if:

* submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or of his or her participation in CHURCH activities;
* submission to or rejection of such conduct by an individual is the basis for employment or participation decisions affecting that individual;
* such conduct has the purpose or effect of interfering with an individual's work performance or participation in CHURCH activities or a congregation’s activities by creating an intimidating, hostile, or offensive environment; and/or such conduct, regardless of its intention, is objected to by the person at whom it is directed.
* Such conduct includes sexualized behavior which may affect a congregant, or counseling client’s ability to find sanctuary in the worship environment and/or ministerial relationship.

**Examples of Sexual Harassment**

* Unwelcome sexual advances
* Requests for sexual favors
* Sexually oriented jokes or humor
* Sexually demeaning comments
* Verbal suggestions of sexual involvement or sexual activity
* Questions or comments about sexual behavior
* Unwelcome or inappropriate physical contact
* Graphic or degrading comments about an individual’s physical appearance
* Any verbal or physical conduct of a sexual nature
* Display of sexually suggestive objects or pictures
* Repeated requests for social engagements after an individual refuses

**Social Media.** Social media are web-based and mobile technologies, that allow people to share, express themselves and interact with one another.

**Sexual Misconduct Response Coordinating Team (RCT)** is team of PNH charged with providing pastoral care, support and advocacy where needed in cases involving disciplinary accusations of clergy sexual misconduct; reported incidences which may involve church discipline; or instances of non-clergy sexual abuse accusations within a congregation.

**Sexual Misconduct RCT “Companion.”** (called “advocate” in the BoO D-7.0801, D-7.10) A person trained by the Sexual Misconduct Response Coordinating Team (“RCT”) in the issues of sexual misconduct. Companions are assigned to particular parties in the event a sexual misconduct incident is reported. The Companion provides support, and emotional and physical presence to the person to whom they are attending. The companion also provides clarification of the investigative process of the church and the judicial process of the church to the person(s) with whom they work. The role of a companion is not to advocate for the party for whom they are attending but to inform that party of their rights within the investigative process. The companion shall not give advice regarding civil remedies. If requested by the party for whom she or he is companion, the companion may accompany that person to meetings of CHURCH or PNH entities when that party is testifying.

**Staff Member** or **Employee.** A person employed by or contracted with the \_\_\_\_ Presbyterian Church, \_\_\_\_\_\_, NC.

**Victim or Putative Victim.** A person who has allegedly suffered an act of sexual misconduct or a child or a “vulnerable adult” without mental capacity to consent who has allegedly suffered neglect or sexual abuse.

**Volunteer.** A person who provides services for the CHURCH and/or its entities and receives no benefit or remuneration.

**Vulnerable Adult:** a person over the age of 18 without the developmental or cognitive capacity to consent.

**APPENDIX B**

**Child and Youth Protection Policies**

**Philosophy**

The \_\_\_\_PC is a congregation that is committed to addressing the needs of children and youth, particularly ensuring their safety and protection from any form of physical, sexual, or emotional abuse. Therefore, the Session has adopted the following policies to provide direction for all persons on how the \_\_\_\_PC seeks to safeguard our children and youth and nurture them in Christian love.

It is the policy of \_\_\_\_PC that all persons maintain the integrity of the trust relationship at all times. Physical, sexual, or emotional abuse violates the principles of the trust relationship, is contrary to Scripture, and is never permissible. The \_\_\_\_PC condemns any act of such abuse. The \_\_\_\_PC is committed to maintaining a wholesome and safe environment for work, worship, study, nurture and fellowship for all inspired by Christian love and understanding.

False accusation is a violation of trust just as abuse of a physical, sexual, or emotional nature is a violation of trust. \_\_\_\_PC is equally committed to preventing unfounded, mistaken, or false claims and minimizing opportunities for false accusations against our staff and volunteers.

By the adoption of this Policy, \_\_\_\_PC has established institutional guidelines to minimize opportunities for physical, sexual, or emotional abuse and to minimize opportunities for false accusations against our staff and volunteers. The church will implement this policy for investigation and response to reports of suggested or suspected physical, sexual, or emotional abuse. Through this combination of efforts, NHP intends to minimize actual or perceived instances of abuse, to respond appropriately to those that might occur, and to guard against misinterpretations of actions as we continue our service in Christian love.

The Presbytery of New Hope adopted a policy and procedure that covers sexual misconduct allegations against ministers. This policy, *The Presbytery of New Hope Policy and Procedure on Sexual Misconduct,* revised May 2020, can be found at [\_\_\_\_\_\_\_\_\_\_](http://www.nhpresbytery.org) . \_\_\_\_PC’s Policy is meant to augment the \_\_\_\_PC policy, providing clear direction for our congregation.

Guidelines

These Guidelines shall be followed at gatherings at all times except as noted in **Exceptions from Guidelines Requirements** of this document:

**Two-Adult Rule**.

Volunteers and employees will strive to adhere to the “two adult” rule. This means that an adult is not alone with children or youth without another adult present. Therefore, two caregivers will be available any time childcare is offered by NHP. Leaders should avoid one-on-one situations with underage persons apart from visible and public settings. At least two advisors or chaperones shall be present for any youth event.

**Adult-Child Ratios.**

In addition to the two adult rule, NHP will strive to meet the following adult to child ratios at all times:

|  |  |
| --- | --- |
| **AGE OF CHILDREN** | **ADULT TO CHILD RATIOS** |
| Infants (Birth to 12 months) | 1:4 |
| Toddlers(12-24 months) | 1:5 |
| 2-Year Olds (24-30 months) | 1:6 |
| 2 ½ Year Olds (30–36 months) | 1:7 |
| 3 to 5 Year Olds | 1:10 |
| Kindergartners | 1:12 |
| 6 to 12 Year Olds | 1:15 |

**Age of Caregivers.**

* One caregiver should be age 21 or older whenever:
* A child/ren two years of age or younger is/are present, or
* The group size is ten or more children.
* One caregiver should be 18 or older if the children are over two years old and the group size is less than ten children.
* In rare instances, an exceptionally responsible person younger than 21 or 18, as appropriate, may be authorized by the appropriate church staff to supervise childcare.
* A youth 13 or older may be counted as an adult in the adult-child ratio if another caregiver meets the above requirements.

**Physical Environment.**

NHP will strive to provide a physical environment that minimizes risk of harm and supports careful supervision and appropriate interactions with and between children or youth. Physical surroundings and group size should allow adequate space and visibility for monitoring as well as meet the developmental needs of the children or youth using the space.

**Covenant Statement and Background Checks.**

* In keeping with the intent of this policy, all volunteers shall sign the Covenant Statement (attached as **Exhibit A** and incorporated herein by reference) following attendance at Safe Child Policy Training and before assuming duties with children or youth at NHP.
* Renewal of the Covenant Statement shall occur annually. Volunteers who have attended Safe Child Policy Training will not be required to attend the training again. However, each continuing volunteer must re-read the policy and sign a new Covenant Statement. The Covenant Statement shall be signed and maintained as a matter of record.
* In the event of one's inability to sign the affirmation in the covenant, such instance shall be referred to the Committee described in Section III.B below for appropriate actions. Appropriate actions may include, but are not limited to, dismissal, prohibition of certain work or service by an individual, additional rules or procedures to be followed by an individual, or any other reasonable precaution necessary to safeguard the church family.

**Church Membership**.

All Church school teachers, nursery volunteers and youth advisor volunteers must be members of the church for at least three months before serving in an official capacity in any of these programs. Any volunteer who has not been a member for six months must be approved by the Session before assuming volunteer responsibilities.

**Transportation.**

No youth leader or volunteer shall provide transportation for one youth alone without written or oral permission from the youth’s parent. It is understood, however, that youth ministry volunteers may transport youth without another leader in the vehicle.

**Parents and Guardians Welcome.**

Parents or guardians of children and youth are welcome to observe programs in which their child is participating.

**Exceptions from Guidelines Requirements.**

There are programs that fall within the scope of these guidelines which, by nature, require changes in specific requirements:

* Two Adult Rule:

For some programs it may be impractical for two adults to always be present in the room with children and youth. In this, the second adult may be nearby—in the next room or hall, within calling distance and with easy visibility. Every effort must be taken to ensure accessibility by the second adult. Options may include: taking the group to a more public space, leaving the door open, ensuring sight access through door windows. In the event that only one adult is available, the parent should be informed/reminded of the one adult situation.

* Confirmation Class:

Developing a relationship with a mentor is part of the confirmation journey. Youth and mentors are encouraged to spend time together which may be one-to-one. Because this may not always be in a visible and public setting, parents and guardians shall be informed of the nature and logistics of the mentoring program.

* Presbyterian Women’s Circles and Bible Study Classes:

Members of circles and Bible study classes may arrange for childcare for gatherings (often in homes) which involves only one caregiver. It is assumed that a parent is close by and able to be summoned quickly if needed.

* Choirs:

Because there may be times when only one leader is present, parents should be informed of this possibility.

* Non-church groups:

Groups that are not directly sponsored by \_\_\_\_\_\_\_\_\_\_\_\_\_ Presbyterian Church are expected to follow similar guidelines for childcare and supervision while on the premises at \_\_\_\_\_\_\_\_\_PC.

* Other Exceptions Approved by Session or the Pastor.

Other child care offered by \_\_\_\_\_PC may be exempted from the two-adult rule, adult-child ratios, or age requirements of caregivers stated above by the Session or the Pastor.

Procedures for Reporting and Handling Violations

**Violation of the Guidelines.**

Volunteers and employees who have knowledge or are suspicious of a violation of any of the Guidelines listed above in this Policy shall immediately report such concern to the Pastor of \_\_\_\_\_\_PC. The Pastor shall report such violation to the elder in charge of that program, and the two together shall form a corrective plan of action to avoid similar future violations.

**Report of Known or Suspected Abuse.**

Volunteers and employees who have knowledge or are suspicious of inappropriate behavior with children or youth by another volunteer, employee, child or youth (other than as set forth in **Exceptions from Guidelines Requirements** section for a violation of a specific Guideline) shall immediately report such behavior to the Pastor.

All such reports will be heard and taken seriously.

The Pastor shall form a committee consisting of the Pastor, the elder in charge of the program under which the violation occurred and one elder chosen by the Pastor for this purpose (Committee).

The Committee shall investigate the facts surrounding the alleged misconduct and shall confer as to the appropriate action to be taken. The Committee may take the actions they agree are appropriate, and shall inform the Session of the actions taken.

The Session may determinewhether to report the actions taken to the congregation. Options for action include, but are not limited to, (1) counseling for any or all involved parties, and (2) restrictions placed on, or removal from positions involving contact with children or youth. In appropriate cases, the abuse shall be reported to the local authorities as required by law.

To the extent possible, but subject to the procedures set forth, the complainant and/or the victim should receive the respect of privacy and confidentiality. The Pastor shall keep the victim’s parent informed about the procedures taken and the progress of the case. Nothing in these procedures is intended to prohibit the victim or his or her parents from reporting the alleged violation to the proper local authorities.

To the extent possible, but subject to the procedures set forth, the accused should receive the respect of privacy and confidentiality. The accused shall be informed about the accusation, the procedures to be followed and the progress of the case by the Pastor. The accused shall receive Pastoral support.

Only the Pastor or the Pastor’s designee shall respond to media contact about the case.

**References**

All references in this policy to the Pastor shall include a reference to any Interim Pastor or, in the absence of either, to the acting Head of Staff.

**Exhibit A: \_\_\_\_\_\_Presbyterian Church Covenant Statement**

This covenant shall be a bond between the congregation of \_\_\_\_\_\_\_\_\_\_ Presbyterian Church and the volunteers who are committed to providing a safe and secure environment for all who participate in its ministries. The following policy statements reflect our congregation’s commitment to preserving this church as a sanctuary for all who would enter and as a place where all people can experience the love of God through relationships with others.

**Policy**

In keeping with the covenant of baptism, we, the congregation of \_\_\_\_\_\_PC, have committed ourselves to the nurturing of our children. They cannot learn to love and trust God when those who represent God to them are unloving and untrustworthy. We promise our children that we will:

* provide the structure, education, and policies that will keep them safe from harm and abuse; and
* screen volunteers, train them, and ask that they abide by the policies of our church.

**Agreement**

As a volunteer working with children in this congregation, I agree:

* to affirm my commitment to support \_\_\_\_\_\_\_\_PC as a safe place for children and youth;
* to observe and abide by all church policies regarding ministries with children and youth, which I have received and reviewed;
* to observe all Guidelines set forth in the Policy, including the two-adult rule, the age of caregivers, the adult-child ratios and the transportation requirements;
* to participate in training and education events provided by the church related to my volunteer assignment;
* to report abusive or inappropriate behavior promptly to the Pastor; and
* that \_\_\_\_\_\_\_\_PC may undertake a criminal background check on me and I agree to cooperate in any way, at no cost to me, to accomplish that check.

**Certification**

I certify by my signature that I have not to my knowledge been the subject of any legal or church-related action or complaint involving a reported instance of physical, sexual, or emotional abuse of children or youth. I have never been refused, resigned from or been asked to resign from a position for reasons related to any abuse. I promise to report any future investigation, complaint or action promptly to the Pastor of \_\_\_\_\_\_\_PC.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Volunteer Print Full Name Date

**Appendix C**

**Agreement to abide by the Sexual Misconduct Policy and Procedures of the \_\_\_\_\_\_ Presbyterian Church, \_\_\_\_\_\_\_\_, NC**

**I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have read and agree to abide by the Sexual Misconduct Policy and Procedures approved by the Session of \_\_\_\_\_\_ Presbyterian Church, \_\_\_\_\_\_\_\_\_, NC.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date**

**Appendix D**

**Pertinent sections of the Book of Order related to Sexual Misconduct**

**G-3.0106**

All councils shall adopt and implement the following policies: a sexual misconduct

policy, a harassment policy, a child and youth protection policy, and an antiracism

policy. Each council’s policy shall include requirements for boundary training

which includes the topic of sexual misconduct, and child sexual abuse prevention

training for its members at least every thirty-six months.

**W-4.06 THE COVENANT OF MARRIAGE**

***W-4.0601 Christian Marriage***

In Baptism, each Christian is claimed in the covenant of God’s faithful love. Marriage

is a gift God has given to all humankind for the well-being of the entire human family.

Marriage involves a unique commitment between two people, traditionally a man and

a woman, to love and support each other for the rest of their lives. The sacrificial love

that unites the couple sustains them as faithful and responsible members of the church

and the wider community. In civil law, marriage is a contract that recognizes the rights

and obligations of the married couple in society. In the Reformed tradition, marriage is

also a covenant in which God has an active part, and which the community of faith publicly

witnesses and acknowledges.

**D-7.09 ALLEGATIONS OF SEXUAL ABUSE e**

***D-7.0901 Definition***

Sexual abuse is any offense involving sexual conduct in relation to any person

under the age of eighteen years or anyone without the capacity to consent, or any

person when the conduct includes force, threat, coercion, intimidation, or misuse of

*ordered ministry or position. Sexual abuse is contrary to the Scriptures and the Constitution*

*of the Presbyterian Church (U.S.A.), and is therefore always an offense for the*

*purpose of discipline.*

**In the event of an allegation of sexual misconduct:**

**G- 3.0109**

A council may designate two types of commissions:

a. *Judicial Commissions*

Judicial commissions shall consider and decide cases of process for the council or

councils according to the Church Discipline. Sessions shall perform the function of a

judicial commission for the congregation; …

b. *Administrative Commissions*

Administrative commissions are designated to consider and conclude matters not involving

ecclesiastical judicial process, except that in the discharge of their assigned responsibilities

they may discover and report to the designating council matters that may

require judicial action by the council.

Functions that may be entrusted to administrative commissions include, but are not

limited to:

…..

(6) (by all councils) making pastoral inquiry into persons accused of sexual

abuse of another person (D-10.0401c) when jurisdiction in a judicial proceeding against

such persons has ended due to death or renunciation of the accused; such inquiries shall

not be understood as judicial proceedings but shall seek to reach a determination of truth

related to the accusation and to make appropriate recommendations to the designating

council.” (see Book of Order for commission composition requirements.)

**G-4.03 CONFIDENCE AND PRIVILEGE**

***G-4.0301 Trust and Confidentiality***

In the exercise of pastoral care, ministers of the Word and Sacrament and ruling elders

who have been commissioned by a presbytery to limited pastoral service (G-2.10)

work to create communities of trust, accountability, and confidentiality while protecting

the vulnerable. Confidentiality creates safe and sacred space for individuals

to share concerns, questions, and/or burdens and seek spiritual guidance. Confidentiality

should not be an excuse to hold secret the knowledge or risk of harm especially

when related to the physical abuse, neglect, sexual abuse of a minor or an adult

who lacks mental capacity. Ministers of the Word and Sacrament and commissioned

ruling elders shall hold in confidence all information revealed to them in the course of

providing care and all information relating to the exercise of such care except:

When the person whose confidences are at issue gives express consent to reveal confidential

information, then a minister of the Word and Sacrament or a commissioned

ruling elder may, but cannot be compelled to, reveal confidential information, or when a

minister of the Word and Sacrament or commissioned ruling elder reasonably believes

that there is risk of imminent bodily harm to any person.

***G-4.0302 Mandatory Reporting***

Any member of this church engaged in ordered ministry and any certified Christian

educator employed by this church or its congregations, shall report to ecclesiastical and

civil legal authorities knowledge of harm, or the risk of harm, related to the physical

abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks

mental capacity when (1) such information is gained outside of a confidential communication

as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged

communication under law, or (3) she or he reasonably believes that there is risk

of future physical harm or abuse.

**D-7.02 FILING AN ALLEGATION**

***D-7.0201 Allegation***

For filing an allegation in a disciplinary matter, the following applies:

*a. Time Limit*

No written allegation shall be filed later than five years from the time the

alleged offense was discovered except in cases of sexual abuse of another

person as defined in D-7.0901, in which case the five-year time limit shall

not apply. There is also no time limit to file an allegation that a person who

knew or reasonably should have known of the reasonable risk of sexual

abuse of another as defined in D-7.0901 failed to take reasonable steps to

minimize the risk.

*b. Who May File*

Any member of the Presbyterian Church (U.S.A.) may file a written allegation

against a member of a congregation of the Presbyterian Church

(U.S.A) or a minister of the Word and Sacrament. Anyone who is not a

member of the Presbyterian Church (U.S.A.) may request that a member

file a written allegation on their behalf.

*c. Contents of Allegation*

The allegation shall include:

(1.) A written statement of the alleged offense or offenses; and

(2.) Facts which, if proved true, would likely result in censure.

*d. Submitting an Allegation*

An allegation shall be submitted in writing to the clerk of session or stated

clerk of the council with jurisdiction over the individual who is accused.

(1.) If the allegation is against a member of a congregation not serving

as a commissioned pastor at the time of the alleged offense, the allegation

shall be sent to the clerk of session with jurisdiction over

the accused member.

……

*e. Members Receiving Allegations from Any Source*

Members of the Presbyterian Church (U.S.A.) who receive an allegation

from any source against a member of the Presbyterian Church (U.S.A.)

should file a written allegation with the clerk of session or stated clerk of

the council with jurisdiction over the individual who is accused. Clerks of

session and stated clerks who receive a written statement of offense from a

non- member of the Presbyterian Church (U.S.A.) that contains sufficient

information to allow an investigation and to suggest that an offense has

been committed, should file a written allegation on behalf of the nonmember.

In this case they shall not be considered to be disqualified from

continuing to serve in their role as the clerk of session or stated clerk.

Councils may provide by rule for who shall fulfill the role of the “accuser”

in such cases.

*f. Self-Accusation*

A member of the Presbyterian Church (U.S.A.) may self-accuse by filing an

allegation with the clerk of session or stated clerk of the council with jurisdiction

over the individual member.