

PRESBYTERY VOTED to approve the document as amended.

PRESBYTERY OF WABASH VALLEY
POLICIES AND GUIDELINES ON SEXUAL MISCONDUCT

1. INTRODUCTION:

A. **Purpose:** The purpose of these policies and guidelines for the Presbytery of Wabash Valley is to --

1. declare and maintain a high standard for the professional ministry in accord with G-6.0106,
2. prevent misconduct and abuse,
3. safeguard the Church, the Church's members and staff from any form of sexual misconduct,
4. seek justice by assuring effectiveness of the church's administrative, investigative and judicial processes in determining truth, protecting the innocent, and dealing appropriately with those who victimize others,
5. promote healing of all persons and congregations where sexual misconduct has occurred, working to restore relationships broken by the sexual misconduct, and seeking to bring healing to those who are found guilty of sexual misconduct, and,
6. address questions and concerns by establishing a response team which will act when situations or accusations of sexual misconduct arise.

B. **The Need for Explicit Norms:** We believe that Jesus Christ calls us to standards of responsible conduct in all of life. We affirm on the basis of both Scripture and the Presbyterian Constitution that the behavior of church leaders must be exemplary. These guidelines are an attempt to make public some ethical assertions which for the most part have been unwritten. In the past, cultural norms provided sufficient support that it could be said that "everyone knew" what constituted proper and/or expected behavior; however, waves of change have swept through our society. Now it has become important to make explicit what was implicit to encourage the relationship of trust essential to effective ministry.

C. **Application:** These policies and guidelines apply to all members of presbytery, including Ministers of Word and Sacrament, Commissioned Lay Pastors, and employees, hereafter referred to as "Persons". It shall be the responsibility of sessions to set their own policies and guidelines for staff members in congregations. Samples of congregational misconduct policies will be available from the presbytery office.

D. **General Assembly Standards of Ethical Conduct:** The Presbytery of Wabash Valley adopts as guidelines for behavior by ministers, elders and members presbytery, the "Standards of Ethical Conduct" adopted by the 210th General Assembly (1998). While the provisions of that document are not

substitutes for the provisions of Scripture or the Constitution, the document is a useful teaching tool for the presbytery and sessions.

- E. **Named Behaviors Not Comprehensive**: The list is not intended to be all-inclusive, nor is it intended to be a comprehensive commentary on the constitution of the church or civil law. No one should conclude, however, that what is not on the list is therefore permitted. Rather, the listing reflects some areas in which problems tend to arise.

2. **STANDARD FOR ALL MINISTER MEMBERS OF PRESBYTERY**

- A. **Privileged Clergy Communication**: The responsibilities of ministers for confidentiality in pastoral care are given in G-6.0204. One of the most critical current issues regarding confidentiality relates to child abuse. The civil law of Indiana makes a minister as pastor a mandatory reporter for allegations of abuse. In some other capacities he/she may not be a mandatory reporter. The ethic of confidentiality is intended to assist people to get help for their problems. It is not intended to prevent people from being held accountable for their harmful actions or to keep them from getting the help they need.
- B. **Sexual Behavior**: Sexuality is a gift of God, and an integral part of who we are as persons. However, when relationships of trust are breached and persons are abused it can become the basis for oppression. The following sexual behaviors are reasons for action by the Response Coordination Team:
 - 1. **Sexual Misconduct**: No sexual relationship can or should exist between a minister and a church member or employee of the church being served except where the minister and church member or employee are united in Christian Marriage. The relationship between a minister and a church member is one of trust. Ministers experience different levels of interrelationships with members and employees. This requires the minister to be conscious of his/her professional responsibility to maintain appropriate relationships and boundaries. The office of Minister of Word and Sacrament carries with it a tremendous amount of responsibility, whether it is perceived or not. Ministers are responsible for maintaining the appropriate boundaries between themselves and members of the congregation, counselees, employees and also members of the general public.
 - 2. **Sexual Harassment**: Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:
 - a. Submission to such conduct is either made explicitly or is implied as a condition of an individual's employment or their continued status in an institution;

b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting each individual; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performances by creating an intimidating, hostile or offensive working environment.

3. Sexual Abuse. Sexual abuse of another person is any maltreatment or undue advantage taken involving sexual conduct in relation to any person under the age of eighteen years or anyone over the age of eighteen years without mental capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401a)

4. Pornography: The use, purchase and possession of child pornography is illegal.

5. Sexually Offensive Behavior: Ministers must take care to avoid either sexually overt or sexually oriented language or behavior. For example, the minister's conspicuous possession of sexually-oriented materials might easily threaten those with whom he or she works. The minister is in an unequal power position in his or her professional setting. His or her inappropriate sexual references and behavior can intimidate and sexually harass those with whom he or she works or those to whom he or she ministers. The minister alone is responsible for seeing that this behavior does not occur.

3. PREVENTION OF MISCONDUCT

A. These policies and guidelines shall be distributed to all ministers, commissioned lay pastors, employees, volunteers, and entities of the Presbytery of Wabash Valley. A new copy shall be sent to them whenever a change is adopted by presbytery. A new acknowledgment must be signed and submitted when any change is adopted in the policy. These policies and guidelines shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

B. All candidates, ministers, commissioned lay pastors and employees of the Presbytery of Wabash Valley shall sign a written acknowledgment (see Attachment A) indicating that they have received, read, and understood a copy of these Policies and Guidelines on Misconduct. Such acknowledgment will be kept in the person's personnel file. The Stated Clerk will report to presbytery the names of those who have not submitted their signed acknowledgment within three months of the effective date of this policy, and communicate to the COM and to their session or employer their failure to comply. These bodies shall then initiate actions to terminate or dissolve relationships with such individuals. This shall apply to all subsequent policy changes and new acknowledgments.

C. All ministers seeking new calls within the Presbytery of Wabash Valley shall complete the Personal Information Form currently being distributed by the Churchwide Personnel Services of the PC(USA), including Part IV, Sexual Misconduct information or its successor form and comply with the requirements of (B), above.

D. The calling or employing body is responsible for contacting references for prospective ministers, employees, or volunteers.

E. The Presbytery of Wabash Valley and all its committees, and organizations will adhere to this policy, including its standards, procedures, and practices.

F. The Presbytery of Wabash Valley will provide an Education Workshop on Sexual Misconduct Prevention in each quadrant at the outset of this policy for all ministers and commissioned lay pastors in the presbytery. Employees and volunteers of the presbytery will be encouraged to attend. The Stated Clerk will report to presbytery the names of those ministers, and commissioned lay pastors who have not attended a workshop, and communicate to their session or employer their failure to attend.

As a condition of continued membership, commissioned status, or employment, except for status as “retired,” within nine months of the effective date of this policy, all ministers, commissioned lay pastors, and employees of the Presbytery of Wabash Valley shall have completed an Education Workshop on Sexual Misconduct Prevention. Failure to attend such a workshop will result in dissolution of the relationship with the Presbytery.

The Education Workshop on Sexual Misconduct Prevention shall be offered at least once a year for new minister members, employees and volunteers in the Presbytery.

The content of the workshop will include at least the following:

1. Why the Presbytery of Wabash Valley has Policies and Guidelines for Behavior.
2. The Presbytery’s Policies and Guidelines for Behavior.
3. The General Assembly’s statements of ethical behavior for members, volunteers and employees and ordained officers.
4. The broader issues of professional behavior and conduct in the workplace.
5. Why each congregation needs its own Policies and Guidelines for Behavior, or sexual misconduct policy.
6. Model congregational policies.
7. Why each congregation needs its own liability insurance for misconduct.
8. Available resource within the presbytery for counseling services for personal, emotional and family problems, and for drug and sexual addiction.

9. Introduce members of the Response Coordination Team.

4. RESPONSE COORDINATION TEAM

- A. The Committee on Ministry shall appoint annually a Response Coordination Team (RCT) to assist the Presbytery officers, committees, and staff in responding to persons involved in allegations of professional misconduct. There shall be six members of the RCT, each normally appointed for a three year term; one member shall be designated as the convener. The RCT shall be composed, as nearly as possible, of an equal number of clergy and elders, and women and men. Members may serve no more than six consecutive years on the RCT. The COM shall maintain a list of persons available to serve on the RCT.
- B. Whenever an allegation of misconduct is received by the Stated Clerk, the Stated Clerk shall consult with the Moderator *and the Moderator of Council* for the appointment of an investigating committee in accord with D-10.0200 or D-6.0302 and the policy of the presbytery. The Stated Clerk also shall notify the Chairperson of the Committee on Ministry, who shall notify the RCT of their need to act.

5. TASKS TO BE ADDRESSED BY THE RCT

- A. Guided by the necessity for confidentiality, the RCT will coordinate the Presbytery's rapid response to the effect of the alleged misconduct. The RCT shall quickly consult with appropriate staff, officers, and committees of the Presbytery concerning appropriate ways to meet the needs that arise in the context of a misconduct allegation, to determine who is responsible for each task, and to recruit persons to meet the needs of individuals involved.
- B. The RCT shall see that appropriate persons are assigned --
1. To offer counseling and advocacy for the accuser, any alleged victims and family, and the accused.
 2. To contact and be in relationship with the session and congregation (if a congregation is involved), based upon need-to-know decisions, in order to help the session and congregation communicate needed information and feelings, and to respond to the situation in healthy ways.
 3. To contact others who are known to be affected by the incident. This may include other persons in the congregation, the presbytery, another presbytery, the synod, or an organization related or not related to the church.
- C. Required reporting: Any reporting of alleged misconduct which involves the abuse of a minor or other criminal behavior or is otherwise required by

applicable law, shall be immediately and officially reported to the appropriate local, state or federal authority. These and all other allegations of misconduct shall be immediately reported to the insurance carriers for the presbytery and congregation(s) involved.

- D. The RCT will plan and promote the required Education Workshop on Sexual Misconduct Prevention.

6. DISCIPLINARY, JUDICIAL, AND ADMINISTRATIVE PROCESSES

- A. **Disciplinary Process.** All allegations of misconduct will be investigated through the appropriate process. In cases of members under the jurisdiction of the Presbytery of Wabash Valley judicial process as provided in the Rules of Discipline will be followed. In cases involving employees, the provisions of the personnel policy will be followed. For employees who are members of Presbytery, both personnel policy provisions and disciplinary process will apply.
- B. **Judicial Process.** If the Stated Clerk receives written allegations under D-10.0100, the clerk shall convene an Investigating Committee (as appointed by the Moderator) as soon as possible after its formation. The investigating committee shall conduct its investigation in accordance with D-10.0202 and “Investigating Committee and Judicial Process,” Polity Reflection paper #3.
- C. **Contact with Persons.** The investigating committee shall maintain regular contact with the person making the allegations, keeping her/him informed about the status of the investigation.
- D. **Administrative Process.** Following an allegation of misconduct against a member of presbytery serving a church or agency or against a staff member or employee of the presbytery, the appropriate committee (COM or Personnel) shall consult with the accuser, the accused, and the involved session or board of oversight the minister and the session agree that an administrative leave is necessary and appropriate the COM will help congregations find interim or supply pastors trained in responding to congregations where abuse has occurred. The COM also will appoint persons to work carefully with an affected session to recognize and deal with denial and anger that typically accompany abuse allegations.
- E. **Conclusion.** After all the procedures outlined above have been carried out, the RCT shall coordinate an evaluation, seeking responses from persons and groups involved in the response to the allegation of misconduct. The report shall be filed with the Committee on Ministry with other papers recording the incident.

ACKNOWLEDGMENT WABASH VALLEY PRESBYTERY

Policies and Guidelines for Sexual Misconduct

This attachment to the Policies and Guidelines for Sexual Misconduct in the Presbytery of Wabash Valley is to be signed by all candidates, ministers, and commissioned lay pastors of the Presbytery.

By signing this attachment, you acknowledge that you have received, read and understand the most recent Policies and Guidelines for Misconduct adopted by the Presbytery of Wabash Valley. The Stated Clerk will report annually to presbytery the names of those ministers who have not submitted the form, and communicate to their session or employer their failure to comply.

Signed _____ Date _____

This document will be kept in your personal file.

Please give your comments on how this policy might be improved:

PRESBYTERY OF WABASH VALLEY *STATEMENT ON PROFESSIONAL ETHICS*

The following is a statement on expected professional ethics for the clergy of the Presbytery of Wabash Valley. Accepting a professional role is unavoidably a promise-making act. Expectations of conscientiousness, commitment and competence are connected to our ministry. The current social environment is testing our commitment to certain standards of conduct that have been previously assumed. Thus, the presbytery is compelled to articulate its understanding of what we hold in common as ethical standards of professional behavior and adopted in “Standards of Ethical Conduct” approved by the 210th General Assembly (1998) Presbyterian Church (U.S.A.) which is the current guideline for all governing bodies, congregations, and personnel.

As ministers we are committed to Jesus Christ, acknowledging him as both our Savior and our Lord. Christ is the vine, we are the branches. Christ is the head of the body. We are members one of another. We are to act in a manner upholding the integrity, morality and dignity of the whole body of Christ.

Ministers are also bound by ordination vows to obedience to Christ, under authority of the Scriptures and guided by the *Book of Confessions*. Whenever a minister is installed, these commitments are reaffirmed. These promises create a framework for ministry that is accountable to the Presbytery of Wabash Valley for its character and conduct.

As an expression of our faithfulness to Jesus Christ and our promises as ordained clergy within the Presbytery, persons signing this statement fully acknowledge and affirm their intention to be guided by the following standards:

In Pastoral Care

- * To cultivate pastoral relationships that reflect integrity;
- * To maintain confidentiality, honoring the trust between pastor and parishioner;
- * To know one’s limits as a pastoral counselor and to avoid the misuse of power.

In Sexual Conduct

- * To behave in ways that honor the trust and integrity of marriage relationships;
- * To avoid Sexual Harassment and Sexual Misconduct, and/or exploitation in all relationships (pastor/parishioner, colleagues in ministry, counselor/counselee, among staff members, employer/employee, etc.);
- * To maintain relationships within the confines of acceptable sexual behavior as defined by the policy statements of the Presbyterian Church (U.S.A.).
- * To comply with the Sexual Misconduct Policy of the Presbytery of Wabash Valley, the receipt of which I acknowledge by signing this Statement of Professional Ethics.

In Legal Matters

- Not to engage in criminal activity including, but not limited to, embezzlement, sexual misdemeanors or felonies, spousal or child abuse.

In Financial Matters

- * To exercise financial responsibility regarding personal debts and the use of church funds;
- * To observe policies established by the Constitution of the Presbyterian Church (U.S.A.) regarding receiving gifts or using designated funds.

In Professional Relations

- * To interact with colleagues and churches in ways that mutually support ministries, including such areas as respecting the ministries of other pastors and churches, honoring the Presbytery's policy on leaving a pastorate, and observing predecessor/successor courtesies.

As a minister in the Presbytery of Wabash Valley, I have read this statement, acknowledge its contents, and agree to be guided by these standards.³

NAME _____

DATE _____

¹ Sexual misconduct and sexual harassment are defined as follows in "Presbyterian Church (U.S.A.) sexual Misconduct Policy and its Procedures "adopted by the 205th General Assembly (1993), Appendix A. p 129:

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature harassment when:

1. Submission to such conduct is made either explicitly or implies a term or a condition of an individual's employment or their continued status in an institution;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting each individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performances by creating an intimidating, hostile or offensive working environment.

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

1. Child sexual abuse as defined by law and by the Presbytery of Wabash Valley Policies and Guidelines on Sexual Misconduct,
2. Sexual harassment, as defined above,
3. Rape or sexual conduct by force, threat, or intimidation,
4. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another,
5. Sexual Malfeasance defined as sexual conduct within a ministerial (e.g. clergy with a member of the congregation) or professional relationship(e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a lay person, a minor or an elder). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to prevent church professionals from having normal, mutual social, or married relationships.
6. Sexual Abuse as found in *Book of Order*. D-10.0401.