

**NATIONAL CAPITAL PRESBYTERY  
PRESBYTERIAN CHURCH (U.S.A.)  
CLERGY and CERTIFIED CHRISTIAN EDUCATORS  
SEXUAL MISCONDUCT POLICY  
Approved: June 5, 2010**

**Policy Statement**

Church Professionals of the National Capital Presbytery (“NCP”) shall not engage in sexual abuse, sexual harassment or sexual misconduct. Sexual misconduct in the ministerial relationship is an abuse of authority and power breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an exploitative and unjust manner.

**Application of Policy**

This policy applies to all minister members and Certified Educators (“Church Professionals”) of NCP

**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 a holy community. "As the one who called you is holy, be holy yourselves in all your conduct." (1Peter 1:15)

All persons are created by God, in the image of God. (Genesis 1:27) The gospels tell stories of Jesus ministering to men, women and children, 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 sinful behavior against God and the other person(s). 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.

**PART I NATIONAL CAPITAL PRESBYTERY CLERGY and CERTIFIED CHRISTIAN EDUCATOR SEXUAL MISCONDUCT POLICY**

- Purpose:**
- To define sexual misconduct;
  - To describe procedures for reporting a Church Professional’s sexual misconduct to NCP

**Section A: DEFINITIONS**

Following are definitions of terms used in this Policy:

**Sexual Misconduct** 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 cellular telephones
- Inappropriate sexualized behavior

**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 he or she owes a professional responsibility;
- When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom he or she owes a professional responsibility

Such persons may include (and are not limited to) a congregant, staff member or counseling client.

***Sexual contact or sexualized behavior within the ministerial relationship is a violation of professional ethics.***

**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 Abuse of  
a Minor or One  
Who Lacks the  
Mental  
Capacity to  
Consent**

Consists of any sexual contact between an adult and an individual under the age of eighteen or one who lacks the mental capacity to consent, including accessing, promoting, or pandering of child pornography on church property and/or with church-owned devices such as computers or cellular telephones.

Sexual abuse of a minor 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 the adult person or of a third party. The behavior may or may not include touching.

Sexual abuse of a minor is a crime in all states and must be reported to civil authorities. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring may be a mandated reporter

**Sexual  
Harassment**

Sexual Harassment includes behavior in the workplace which may affect an individual’s employment, unreasonably interfere with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

Sexual Harassment 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

**Accused**

The person against whom a claim of sexual misconduct is being made.

**Accuser / Victim**

The person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct.

The victim is the person alleged to have been subjected to sexual misconduct by a person covered under this policy.

**Advocate**

A person trained by the Response Coordinating Team (“RCT”) in the issues of sexual misconduct. The Advocate provides support, and emotional and physical presence to the person for whom they are advocating.

The advocate also provides clarification of the investigative process of the church and the judicial process of the church to the person(s) with whom he or she works.

The role of an advocate is not to speak for the party for whom he or she is advocate but to inform that party of his or her rights within the investigative process. The advocate shall not give advice regarding civil remedies. If requested by the party for whom she or he is advocate, the advocate may accompany that person to meetings of NCP entities when that party is testifying.

<b>Mandated Reporter</b>	<p>Is a person who is required by law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their 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, G-6.0402b)</p> <p>Rape or sexual assault is a crime in every state and shall be reported to civil authorities and to the Stated Clerk.</p>
<b>Minister</b>	The term “ministers” includes: NCP member Ministers of the Word and Sacrament as defined in the Book of Order, G-6.0200.
<b>Minister Member</b>	A Minister who has been received into the membership of NCP, <i>including</i> pastors whose credentials are held simultaneously by another denomination (such as "Formula of Agreement" denominations) who serve within the bounds of NCP.
<b>Meaningful Consent</b>	<p>An unmarried Church Professional seeking a romantic relationship can do so outside their own congregations.</p> <p>If a Church Professional becomes interested in a dating or romantic relationship with a member of his or her congregation, the ministerial relationship between the religious leader and other person must be severed before ethically pursuing a relationship of this nature.</p> <p>Questions that must be asked to evaluate if it is possible to pursue this type of romantic relationship include:</p> <ul style="list-style-type: none"> <li>•Was the ministerial relationship minimal in nature?</li> <li>•Is the Church Professional willing to remove him/herself from the ministerial relationship?</li> <li>•Is the Church Professional willing to be open about the relationship with the Session?</li> </ul> <p>Should a relationship begin to develop between a Church Professional and a congregant or staff member, it is the responsibility of the Church Professional to discuss this with the NCP Executive, the Committee on Ministry and the Session in order to agree on a way to maintain appropriate professional boundaries.</p>

**Response Coordinating Team (RCT)** is team of NCP charged with providing pastoral care, support and advocacy where needed in cases involving accusations of clergy sexual misconduct.

Members of the RCT provide the training required under this Policy for Church Professionals.

See, Part 2, Section E of this policy for more information about the Response Coordinating Team.

## **Section B: Policy on Sexual Misconduct**

1. Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture as well as of ministerial, pastoral, employment, and professional relationships. Sexual misconduct by a minister violates the ordination vows of the Presbyterian Church (USA) and National Capital Presbytery Code of Ethics for Clergy and Other Church Professionals.
2. Church Professionals received by NCP are required within one year of reception to attend a seminar on the issues of sexual misconduct offered by NCP or another source satisfactory to the RCT.

Thereafter, every three years all Church Professionals of NCP shall attend a seminar offered by NCP or another source satisfactory to the RCT on the issues of sexual misconduct.

Failure to attend such a seminar as prescribed by the provisions of this Section B.2 of this Policy will result in the Church Professional being placed on unpaid administrative leave and excluded from the exercise of ministry until such time as the seminar is attended. Such an administrative leave shall be automatic, requiring no further action by NCP.

3. Whereas this policy addresses sexual misconduct by Church Professionals, each congregation and organization in NCP is responsible for developing a policy for Church Professionals, officers, members, non-member employees, and volunteers which is consistent with this document. It is incumbent on each NCP entity to insure compliance with its policy.

## **PART II RESPONSIBILITIES AND ROLES OF NATIONAL CAPITAL PRESBYTERY IN POLICY IMPLEMENTATION**

### **Section A Availability of Policy and Procedures**

1. All Church Professionals shall be given copies of the policy and be required to sign an acknowledgment of receipt. Such signature indicates the Church Professional's agreement to abide by the terms of this Sexual Misconduct Policy.
2. This document shall also be available to all church members and to the public.
3. NCP employees shall receive this document as a supplement to the personnel policies..
4. This policy will be sent to every clerk of session annually.

### **Section B Management of Allegations of Sexual Misconduct by Ministers**

#### **1. Resource Documents**

The responsibilities, structures and procedures for responding to allegations of sexual misconduct are mandated in part

- (i) by the Book of Order, such as the roles of the Committee on Ministry and an Investigating Committee (see G-11.0502 and D-10.0200), and
- (ii) NCP policies.

#### **2. Liability and Insurance**

NCP and its congregations shall periodically obtain from their insurance agents, confirmation that their liability insurance policy covers sexual misconduct liability for its programs and activities.

#### **3. Record Keeping**

NCP will include in every employee's personnel file, including ministers, the application for employment, any employment questionnaires, reference responses, and other documents related to this policy including a signed receipt for receiving the sexual misconduct policy.

## **Section C Pre-employment Screening for Prospective Incoming Clergy**

### **1. Reference Checks**

Pre-employment screening includes specific questions related to previous complaints of sexual misconduct. NCP reviews Sexual Misconduct Information of the Presbyterian Church (USA) Personal Information Form when interviewing persons seeking ministerial calls.

The Office of the General Presbyter is responsible for making reference checks through the Synod Executive, General Presbyter, or other authorized persons to ascertain whether those persons have any history of sexual misconduct. The General Presbyter reports to the Committee on Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct. A written record of conversations and correspondence with references will be kept in the minister's/employee's personnel file.

The person within NCP authorized to give a reference is obligated to give truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct by the applicant. Applicants shall be given an opportunity to correct or respond to information regarding sexual misconduct obtained from a reference check.

### **2. Background Checks**

Pre-employment screening for prospective incoming clergy also includes a mandatory Criminal History Background Check performed by a private investigative firm which will access the misdemeanor and felony conviction records of courts in the United States. The criminal background check is based on the last seven years' residential history of the applicant.

As part of the Committee on Ministry's clearance process, all prospective incoming clergy shall be required to sign a written consent and release form authorizing the criminal record background check. The Committee on Ministry will provide all prospective incoming clergy with a written disclosure that a criminal record background report will be requested. Only the General Presbyter or the Stated Clerk shall order and review the criminal record background reports. The discovery of a criminal conviction will not automatically exclude the person from entry into NCP and work in its congregations. The use NCP makes of the criminal record background report will be determined on an individual case by case basis. The General Presbyter and the Committee on Ministry will counsel both with the prospective clergy person and the calling congregation where appropriate. At the same time, Committee on Ministry will take with full seriousness the failure of incoming prospective clergy to volunteer critically important information regarding criminal history.

The General Presbyter and Stated Clerk shall ensure the confidentiality and appropriate retention of criminal record background reports. A minister who claims that the information in the report is inaccurate, false or incomplete shall have the right to dispute it with the investigative firm. NCP will follow all the steps set forth in the Fair Credit Reporting Act.

#### **Section D Education**

*NCP has a commitment to offer, provide resources for, and to publicize educational opportunities aimed at preventing sexual misconduct in the church.*

NCP staff, Sexual Misconduct Response Coordinating Team members, ministers, ministerial candidates, and all persons and committees working with the issue, including local congregations will be invited to read the resources and attend sexual misconduct prevention seminars.

#### **Section E Maintenance of a Sexual Misconduct Response Coordinating Team (RCT)**

A Sexual Misconduct Response Coordinating Team (RCT) shall be maintained. The purpose of the RCT is to assure that an expeditious, professional, objective, effective, and caring response is made by NCP to charges of sexual misconduct. The RCT will not investigate an allegation or in any way usurp the roles of NCP officials or committees (including Investigating Committees). The RCT will confine its activities to:

1. Coordinating a process that addresses the specific needs of the alleged victims and their families, those accused and their families, an affected congregation, and NCP;
2. Training and assigning advocates, if requested by the alleged victims, the accused, family members, or an involved congregation;
3. Providing education and training regarding sexual misconduct, its consequences, and its prevention.

Members of the RCT and any individual participating in the work of the RCT shall sign a pledge of confidentiality, copies of which shall be furnished to the chair of the RCT, the General Presbyter, and the Stated Clerk.

### **PART III POLICY ON RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT BY MINISTERS**

1. In cases of sexual misconduct other than sexual harassment:

- A. Known or suspected sexual misconduct by a minister involving
- Rape or Sexual Assault
  - Sexual Abuse of children under the age of eighteen or one who allegedly lacks the mental capacity to consent
  - Any misconduct that violates criminal law

shall be reported to civil authorities and to the NCP Stated Clerk.

- B. Known sexual misconduct by minister involving
- 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 cellular telephones

Shall be reported to the NCP Stated Clerk and to other authorities where required.

2. In cases involving sexual harassment, when an alleged incident of sexual harassment comes to the attention of the Clerk of Session, the moderator of the Sexual Misconduct Response Coordinating Team, the moderator of the Committee on Ministry, or the Stated Clerk of NCP, any two of these four will contact the accuser/victim and discuss the following alternatives:
- A. The Session or employing agency level: referring the matter to the church session and/or personnel committee for their consideration and action.
- B. The Committee on Ministry level: requesting an intervention by the Sexual Misconduct Response Coordinating Team or other Committee on Ministry representatives with whichever parties they see fit to contact.
- C. NCP level: directly proceeding to the judicial process defined in the Book of Discipline.

Out of this conversation each participant shall determine the appropriate level of intervention and offer that view to the others.

- If all parties (including the accuser and/or victim) believe alternative “A” should be the course of action, it shall be pursued.
- If any one or more of the parties believes alternative “B” should be pursued, then “B” shall be pursued unless any one party or more believes alternative “C” should be pursued, then alternative “C” will be pursued.

- Beginning with alternative “A” does not preclude shifting the approach to alternative “B” or “C” at a later time.
  - Alternative “C” does require the participation of the accuser/victim.
  - The accuser/victim can proceed to disciplinary process (alternative “C”) at anytime he or she may choose independent of any other party.
3. Ministers are subject to inquiry and discipline under the Book of Order Rules of Discipline. A final report, including any charges filed, and actions taken shall be made by the Stated Clerk to NCP. A copy of the report will be filed in the permanent personnel file of the accused.
  4. A written complaint to the Stated Clerk alleging sexual misconduct by a minister member of NCP subjects that minister to any NCP policy on administrative leave in effect.
  5. A minister may make a written confession of misconduct without a victim's complaint to the Stated Clerk. The Clerk will proceed under the Book of Order Rules of Discipline.
  6. NCP will respect the rights of all parties involved: accusers, victims, accused, and an involved congregation. These rights include:
    - A. 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 NCP. A reasonable attempt to identify and to locate the victim(s) will be made in the case of self-accusal.
    - B. To be informed about church procedures with regard to the accusation. One member of the RCT will be NCP contact for each party involved.
    - C. To obtain legal advice.
    - D. To be offered an advocate trained by the RCT. While NCP proceeds to deal with the accusation, NCP has the responsibility to provide each party involved moral support from an individual who is available to him or her or them.
    - E. To be assured that justice will be pursued through the procedures set forth in the Book of Order and this Policy.
    - F. To become engaged in work toward healing and reconciliation.

7. NCP shall design a plan for provision of counseling or reimbursement of counseling fees for the victim(s) that involves NCP, the victim's(s') insurance, the perpetrator, congregation or its insurance for a reasonable period of time, up to a maximum of one year.

*Revised: March, 2010*