

Sexual Misconduct Prevention and Response Policy

Presbytery of Coastal Carolina

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Part One –Sexual Misconduct and its Consequences

SECTION 1

POLICY STATEMENT

The Presbytery of Coastal Carolina declares that sexual activity within the ministerial relationship is misconduct and abuse of sacred office. Sexual misconduct is a violation of both the ministerial office and God’s intentions for healthy expression of human sexuality. Sexual misconduct by pastors (either teaching elders or commissioned ruling elders) is a betrayal of trust and an abuse of power that preys on the vulnerability of those entrusted to their care. Because allegations of sexual misconduct are so serious, they are to be dealt with swiftly, fairly and with compassion for all parties. We do not want to treat the wounds of God’s people carelessly, saying “‘peace, peace’ when there is no peace.” (Jeremiah 6:14)

BACKGROUND

Power touches us all. We cannot get away from it even if we wanted to. All human relations involve the use of power. Therefore, rather than seek to run from it or to deny that we use it, we would do well to discover the Christian meaning of power and learn how to use it for the good of others. All who follow Christ are called to the “ministry of power.”

— Richard J. Foster, from *Money, Sex and Power*

As God who called you is holy, be holy yourselves in all your conduct. Tend the flock of God that is in your charge, exercising the oversight, not under compulsion but willingly, as God would have you do it — not for sordid gain but eagerly.... And all of you must clothe yourselves with humility in your dealings with one another, for God opposes the proud but gives grace to the humble.

— 1 Peter 1:15; 5:2; 5:5b

“Not many of you should become teachers, my brothers and sisters for you know that we who teach will be judged with greater strictness.”

— James 3:1

All living persons have power and all human relationships involve the interplay of power. Power is simply the capacity to act, to produce an effect, and to achieve ends with resources. In human relationships personal resources, and therefore personal power, tend to be distributed unevenly. One person’s powers are enhanced as s/he comes to have (or is given) more influence, or more resources for influence, in a given situation. Such things as education, the authority of office or position, feelings of self-esteem, experience and confidence in one’s capacity to perform or to act, and many other factors affect the degree of power one person enjoys in a relationship.

All relationships that are primarily ministerial (i.e., one person is in a position to give aid or comfort, training, or help to another and is looked to for that ministry) are characterized by an imbalance of power that is due to the greater resources of the minister and the fewer resources of the recipient, at least in the arena of that ministerial relationship. A youth in the care of a youth worker, a student in the care of a teacher, a counselee in the care of a counselor, a congregant in the spiritual care of a minister¹ — all are in relationships that are primarily ministerial. The minister or caregiver has resources that the recipient needs; resources which are meant to be placed in service for the recipient’s growth and well-being.

¹ **Minister** is an inclusive term, referring to all persons serving as the pastor of a congregation whether Teaching Elders [Ministers of the Word and Sacrament] or Commissioned Pastors [Commissioned Ruling Elders].

Ministers have, within the faith community, an added measure of ministerial power that is the result of a greater theological education, perceived facility with public speaking, and in articulating thoughts, feelings and ideas. Furthermore, Ministers carry an added dimension of power derived from their priestly role as they officiate at the celebration of the sacraments, in liturgical roles as worship leaders, as ministers in times of special crisis and joy, and in counseling and spiritual guidance situations. This power dynamic is seldom consciously perceived but is pervasively felt. All of this power adds greatly to the responsibility of minister to be conscious of how they are perceived by those who look to them for care. This power must be used wisely and well for the good of people and not for personal ends.

The common temptation all persons face, however, including ministers, is to use their power in self-centered ways. Ministers who use their power this way abuse the ministerial role. Because the Church embraces the servant model of ministry, it is often difficult to recognize and acknowledge the power of the ministerial office. Some may feel uncomfortable attributing this power either to themselves or to others. To ignore or downplay this power, as if it did not exist, leads inevitably to misconduct and the wounding of God's people. Ministers are called to be servants and stewards of the mystery of grace. They are not called to foster the dependence of others or to abuse others by their failure to understand the power of the pastoral role.

The abuse of power too often occurs where the human relationship is most vulnerable: within the realm of sexuality. Sexuality is a creation of, and a gift from, God. As with all God's gifts to us, it must be used wisely and well. An integral component of healthy sexuality is mutuality.

Because of the inherent power gap between ministers and congregants², there cannot be mutuality. Sexual intimacy is never appropriate within the ministerial relationship. People trust their ministers to know and set appropriate boundaries for these relationships. It is always the minister's responsibility to maintain the boundaries.

Congregants is a general term for members and participants of a local church but may also include those persons in the wider community who are served by the minister in his/her role as a spiritual leader or advisor, whether or not they are part of the worshipping community of the church.

² Congregants is a general term for members and participants of a local church but may also include those persons in the wider community who are served by the minister in his/her role as a spiritual leader or advisor, whether or not they are part of the worshipping community of the church.

SECTION II

RISK AND CONSEQUENCES

When a minister behaves unethically, much stands to be lost by many people. The first section (A) notes the times or situations when the respective parties are most vulnerable to (1) entering unethical behavior, (2) being the victim of sexual misconduct by ministers and (3) being part of a structure that enables such misconduct, however unconsciously. The second section (B) details the losses the minister, congregant, and congregation face when the minister enters into unethical sexual behaviors.

A. **RISKS: The following create risk for the various parties.**

1. MINISTER: Risks becoming an abuser when
 - a. The power of the office is denied or not recognized.
 - b. The need for boundaries is not learned, understood, accepted, or enforced. Boundaries should be clearly established according to our Safe Gatherings training.
 - c. The minister is isolated from peer relationships.
 - d. The care of self and appropriate intimate relationships are neglected.
 - e. The minister accepts inappropriate exaltation of his or her powers.
 - f. The minister meets with persons alone.
2. CONGREGANT: Risks being abused when
 - a. He or she exalts the power of the minister.
 - b. He or she is in shock or grief or other distress, even if temporarily.
 - c. He or she has a history of psychological issues or sexual invasion.
 - d. He or she has diminished capacity either mentally or physically.
3. CONGREGATION: Congregations risk being abused and/or becoming an abuser when
 - a. The possibility that misconduct can or does happen is denied.
 - b. Members refuse to admit that someone they know and respect could be an offender.
 - c. The consequences to/for the victim(s) are minimized.
 - d. The institutional patterns that enable abuse are not considered.
 - e. The workaholic behavior of the minister is allowed or encouraged.
 - f. The minister is revered, idealized, or otherwise exalted.
 - g. The victim is blamed for the minister's misconduct.
 - h. A culture of silence pervades.

B. CONSEQUENCES: What stands to be lost

1. MINISTER: Stands to Lose

- a. Position and/or career.
- b. Ordination vows.
- c. Community with family, friends and colleagues.
- d. Credibility.
- e. Sense of personal identity.
- f. Sense of professional identity.
- g. Relationship with God.
- h. Ability to minister effectively in future situations.
- i. Personal holiness (falling into sin).
- j. Honesty.
- k. Humility.
- l. Trustworthiness.
- m. Moral standing
- n. Integrity
- o. Family
- p. Money (lawsuits)

2. CONGREGANT: Stands to Lose

- a. Understanding of the nature of God.
- b. Relationship to God.
- c. Effective services of the minister.
- d. Healthy sense of self.
- e. Ability to trust.
- f. Sense of the church as a community.
- g. Community with family and friends.
- h. Ability to function.
- i. Mental and physical health.
- j. Feeling of safety.
- k. Ability to withstand future victimization.
- l. Credibility.
- m. Wholesome sense of sexual self.
- n. Position, job and/or career.
- o. Ability to accept or work with other ministers.
- p. Sense of innocence.

3. CONGREGATION: Stands to Lose

- a. Understanding of the nature of God.
- b. Relationship to God.
- c. Effective services of the minister.
- d. Membership.
- e. Financial support.
- f. Ability to trust.
- g. Ability to accept or work with other ministers.
- h. Joy in community.
- i. Sense of the Body of Christ.
- j. Sense of identity.
- k. Sense of mission.
- l. Community standing.
- m. Credibility.
- n. Faithfulness.
- o. Unity
- p. Assets (lawsuits)

SECTION III JUSTICE MAKING

“God has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?”

— Micah 6:5

Every Christian is called to love justice and to walk in its ways. Therefore, the Church is particularly called to work for justice on behalf of those whom its officers and members have injured, for the sake of charity as well as its own faithfulness to its call.

When the boundaries of ethical conduct are crossed, there is someone who is injured and in pain. Justice is not simply a matter of calling the violator to account. It is responding to the need of the violated in a manner, which helps to start the healing process and restore the person to wholeness. Elements of justice making for both the injured person and the accused include the following:

1. Speak the truth.
2. Name and condemn the misconduct.
3. Respond to the victim with compassion.
4. Protect the vulnerable.
5. Call the perpetrator of the misconduct to account.
6. Make restitution
7. Provide vindication for the victims.³

SECTION IV DEFINITIONS

1. SEXUAL MISCONDUCT is the comprehensive term used in this policy. It is a violation of the pastoral role of ministers and other caregivers who are called upon to exercise integrity, sensitivity, and responsibility and caring in a relationship of trust in the name and spirit of Christ. Sexual misconduct includes but is not limited to:

Child Sexual abuse	Sexual harassment
Sexual malfeasance	Sexual exploitation
Sexual impropriety	Rape or sexual abuse by force, threat or intimidation

2. CHILD SEXUAL ABUSE is any improper contact or sexual interaction between an adult and a child, whether verbal or physical. It includes, but is not limited to, any interaction or contact in which the child is used for the sexual stimulation of the adult or of a third person. Any sexualized behavior between a child and an adult is always wrong. Such behavior is always considered forced since the child is unable to give appropriate adult consent. Child sexual abuse is a criminal act and must be reported under the laws of the state of North Carolina and criminal statutes. All Ministers should be aware of the statutory laws relating to sexual offenses as set forth in Chapter 14, Article 7A of the General Statutes of North Carolina.

³ Source: Marie Fortune, founder and director of the Center for the Prevention of Sexual and Domestic Violence, Seattle, Washington

3. SEXUAL MALFEASANCE: In general, “Malfeasance” is the intentional act of doing something wrong, either legally or morally. It is an act done with improper purposes and with the knowledge that the act being committed exceeds the authority of the wrongdoer. Sexual Malfeasance occurs when a married minister has sexual relations with persons other than his/her spouse; or the minister engages in personal sexual behavior that is illegal or contrary to church mores and would be regarded by church members or colleagues as a sign of mental or emotional illness, obsession, or gross immaturity; or any behavior which violates or endangers the nurturing intimate nature of the marriage covenant.⁴
4. SEXUAL IMPROPRIETY is behavior which has the potential to lead toward sexual malfeasance, and includes sexual advances toward persons for whose spiritual welfare one is responsible by virtue of ordination or position in the Church. Such behavior can be verbal or physical. Mutual seduction of a minister and persons within his or her realm of care is also improper, leading to victimization of persons and abuse of the ministerial role. Consent or encouragement does not remove responsibility for the behavior from the minister according to law and to this policy.
5. SEXUAL HARASSMENT is the unwelcome sexually-oriented behavior or language that ridicules, demeans, insults, and/or impedes a person’s free participation in the life of the community because of that person’s gender or non-responsiveness to sexual advances. Activities which violates this policy include, but are not limited to:
 - a. Coercing or attempting to coerce a person into a sexual and/or dating relationship.
 - b. Punishing or threatening to punish a person for rejecting sexual attention, requests, and/or demands.
 - c. Using spiritual or appointed authority to coerce or attempt to coerce, persuade, or mislead a person into sexual behavior.
 - d. Basing or influencing employment or work-appointment decisions on a person’s rejection or acceptance of sexual behavior.
 - e. Making sexual jokes, comments, suggestions, questions, or innuendoes.
 - f. Unwelcome touching, gesturing, staring, or leering.
 - g. Standing too close and/or blocking another’s path, and/or displaying visual materials that insult, degrade, and/or exploit human sexuality.
 - h. Creating a hostile, offensive, or intimidating environment through sexual bias or sexualized behavior.
6. SEXUAL EXPLOITATION is the sexual abuse of children, youth, or adults through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation includes involving children and youth in creating pornography and sexually explicit websites.
7. CHURCH, when spelled with the initial capital [Church], refers to the Presbyterian Church (USA); when spelled with the initial lower case [church], refers to local congregations.
8. CONGREGATION(S)/CONGREGANT is a general term for members and participants of a local church but may also include those persons in the wider community who are served by the minister in his/her role as a spiritual leader or advisor, whether or not they are part of the worshiping community of the church.

⁴ Shupe, Anson and Janelle M. Eliasson-Nannini, *Pastoral Misconduct*

9. MINISTER is an inclusive term, referring to all persons serving as the pastor of a congregation whether teaching elders [Ministers of the Word and Sacrament] or Commissioned Ruling Elders.
10. ALSO COVERED IN THIS POLICY: All Presbytery staff persons.
11. ACCUSED is the person against whom an allegation of sexual misconduct has been filed with the session of a church or with the Presbytery.⁵
12. ACCUSER is the person making the allegation of sexual misconduct by a person covered by this policy. The accuser may be the recipient of the alleged misconduct or a third party making the allegation on behalf of the recipient.
13. FORMAL ALLEGATION – Any allegation made using this policy, or filing police reports, or reporting to Department of Social Services (DDS), or using the Rules of Discipline in the *Book of Order*.
14. INFORMAL ALLEGATION – might be in the form of a rumor, suspicion; no one willing to speak about an incident; behavior that borderlines on misconduct that is allowed to continue without correction, etc. This list is not exhaustive. See Section X.
15. INFORMAL RESOLUTION to an incident – Examples of trying to resolve a matter informally include: saying something to the perpetrator either warning them or asking them to explain what happened privately; or telling a parent/guardian but not informing any others; or watching for another incident rather than reporting the one witnessed, or removing the individual without reporting the misconduct. This list is not exhaustive. All forms of informal resolution are inadequate. See Section X.

⁵ Accused and accuser are terms used in the context of the legal process of the Church and they reflect the appropriate concerns for due process without assigning guilt. Innocence is presumed until proven otherwise.

Part Two – Prevention of Sexual Misconduct

SECTION V

PRINCIPLES FOR FAITHFUL MINISTRY

Faithful ministers are aware of the sacred nature of their vocation as servants of God and responsibility before the Lord to care for the people entrusted to them.

1. Faithful ministers are aware that sexual abuse of congregants, employees or others violates the trust, power, and authority of their ministerial positions. Such exploitation constitutes betrayal of their calling to be agents of healing and healthy formation.
2. Faithful ministers will accept responsibility for establishing and keeping appropriate boundaries, using the power of their position or office in selfless, servant ways, and protecting the vulnerable and the weak, as far as they are able, from abuse, exploitation or harm, even from themselves.
3. Faithful ministers know that lust for wealth or for power, adultery, and other forms of unfaithfulness to marriage vows are incompatible with the call to pastoral leadership and ministerial caregiving. When such sins are persistent in a minister, s/he has disqualified him/herself from such service and needs to repent and to reevaluate his/her vocation. See *Book of Order*, G-2.0101.
4. Faithful ministers know that the only right response to confrontation for his/her sins is humble confession and ready repentance. Attempts to cover up the sin, or expressions of anger in response to those confronting it, betrays a self-centered orientation that is incompatible with the call to servant leadership and to modeling the Christian life. See *Book of Order*, G-2.0507.
5. Faithful ministers know that exploitation of the people they are called to serve is a sinful act against God, the victimized person(s), and the faith community; and that deliberate sexual exploitation, affecting our most intimate and vulnerable selves, is especially offensive.
6. Faithful ministers are aware of the severe spiritual, emotional, psychological, and relational damage done to those who are sexually exploited or abused by persons they trusted. Faithful ministers are committed to caring pastorally for such persons and to managing their own needs in such a way that they themselves do not become exploiters and/or abusers.
7. Faithful ministers will face their own sexual sins with an attitude of humility, honest confession, and genuine practical repentance. They are willing to abide by the disciplines and policies of their denomination when their sexual sins have caused harm to another person and to seek to make reparations when that is possible.
8. Faithful ministers will do everything in their power to guard the trust of those in their care and will accept the obligation of keeping strict standards of confidentiality except when withholding information would directly cause harm to vulnerable people or where the law requires otherwise (i.e., as in cases of known child abuse).
9. Faithful ministers of this Presbytery will fulfill their obligations to take the boundary training and submit to the background checks as required by the Commission on Ministry. *Currently this is done every two years through **SafeGatherings.com**.*
10. Faithful ministers of this Presbytery shall be aware of the statutory laws relating to sexual offenses as set forth in Chapter 14, Article 7A of the General Statutes of North Carolina.

SECTION VI

PRESERVING MINISTERIAL BOUNDARIES

A. MINISTER'S PERSONAL AND PROFESSIONAL HEALTH

Ministers who actively maintain their own physical, spiritual, emotional, and psychological health are less likely to violate ministerial boundaries. If they are aware of the problems and risks they face, and are ensuring that their personal needs are being met in appropriate ways outside the ministerial relationship, they can more readily prevent the kinds of behavior that lead to misconduct.

1. Make prayer and meditation a priority in life.
2. Negotiate adequate compensation in order to maintain self-worth and reduce stress.
3. Make provisions for ADEQUATE rest, relaxation, and privacy as well as educational and spiritual renewal.
4. Take time for professional and personal growth opportunities.
5. Utilize available resources (i.e. counseling) for self and for family.
6. Participate in a self-assessment checklist which includes personal history, psychosexual integration, and personal professional reflections. NOTE: This assessment can best be used in consultation or supervision with experienced therapists or outside consultants.
7. Be aware of sexual feelings. Acknowledge them to self and to a counselor or supervisor.
8. In the case of sexualized behavior on the part of the congregant coming for counseling, maintain the ministerial role; reaffirm that role and consult with a colleague/consultant and/or the session.
9. Learn stress management and how to provide for self-care.
10. Avoid dual relationships. (For example, a relationship where you have both a ministerial and a romantic involvement with a congregant, student, staff member, etc.). See the Presbytery's *Code of Ethics*.
11. Attend to personal relationships; maintain and nourish them.
12. Avoid WORKAHOLISM and BURNOUT. Be clear about the position description and its expectations. Use all of your allocated vacation time!
13. Seek supervision and evaluation for periodic review.
14. Maintain contacts with colleagues/consultants; avoid isolation.
15. Enter into an ongoing, systematic relationship with a spiritual director, guide, or mentor to insure theological reflection, accountability, and consistency in one's ministry.
16. Develop and nurture close relationships with colleagues in ministry. When possible, participate in support groups.

B. RESPONSIBILITIES OF THE CHURCH TO INDIVIDUAL MINISTERS

The church at all its levels can assist its ministers with strategies of its own to help prevent misconduct. Here are some ways:

1. General Assembly and/or Synod

- a. Recommend strongly that all ministers receive consultation or supervision.
- b. Provide financial support for consultation through the Board of Pensions.
- c. Provide and maintain current referral lists of appropriate resources for counseling. Supervision, etc.
- d. Provide preparation regarding professional ethics to seminarians.
- e. Provide continuing education in the field of professional ethics.

2. Presbytery

- a. Require the completion of boundary training and background checks in compliance with the current Commission on Ministry policies. (Currently this is done every two years through *Safe Gatherings*.)
- b. Insist that Presbytery officers, staff, pastors, and church workers set a personal example by not engaging in sexual misconduct.
- c. Develop, implement, and publicize clear policies and ethical guidelines, expectations, and procedures regarding sexual misconduct.
- d. Provide continuing education in the area of professional ethics.
- e. Offer mechanisms for supervision, consultation, and collegial interaction to avoid ministerial isolation.
- f. Maintain an open system for clear access to the complaint process at the Presbytery level.
- g. Provide opportunities to make church officers aware of issues related to sexual misconduct and/or this policy.

3. Local Church

- a. Continue close support with the pastor regarding his/her professional concerns, i.e., salary, working conditions, schedule, etc.
- b. Promote shared leadership among ministers and other church members.
- c. Publicize clear policies and provide guidance regarding the difference between confidentiality and secrecy within the ministerial relationship.
- d. Maintain specific position descriptions for all persons, including paid personnel and volunteers.
- e. Encourage minister self-care, particularly via the Self-Assessment Checklist (See Section VI below).
- f. Offer support mechanisms for supervision, consultation and collegial interaction.
- g. Review and evaluate minister's work regularly.
- h. Encourage the pastor to fully use vacation and study leave time.
- i. Develop and implement a sabbatical policy.

SECTION VII

CHILDREN & YOUTH PROTECTION POLICY – COMPANION POLICY

The Presbytery has established and maintains a separate Children and Youth Protection Policy. As stated in that policy:

the Children and Youth Protection policy “applies to meetings, events or activities that are explicitly coordinated by the staff of the Presbytery of Coastal Carolina and its committees when such events include or involve children or youth under the age of 18, either as the focus of the event or in a separate child care setting during an adult event.”

This Sexual Misconduct Prevention and Protection Policy and the Children and Youth Protection Policy are companion policies for which the Sexual Misconduct Prevention and Protection give the steps and structure for investigation, pastoral care and discipline, in all instances if needed.

As stated in the Children and Youth Protection Policy,

“5. RESPONDING PROCEDURES: The response to allegations of misconduct shall be undertaken in accordance with the Sexual Misconduct Policy of the Presbytery of Coastal Carolina as are established and maintained by the Presbytery and the *Book of Order* of the Presbyterian Church USA and in compliance with the Laws of the State of North Carolina.”

All members of presbytery are encouraged to be familiar with both policies.

SECTION VIII

MINISTERS IN DATING RELATIONSHIPS

Due to the issues of power and trust involved, it is recommended that single pastors or professional church workers not date members of their congregations. The same is true for Presbytery staff members regarding the members of committees or other groups they staff.

If, however, such a relationship does develop, the minister shall follow these steps:

1. The minister shall discuss with the congregant the ramifications of the intended change in their relationship.
2. The pastoral relationship between the individuals will cease.
3. When the minister is in a solo pastorate or head of staff, he/she shall notify Commission on Ministry (COM) in writing of the changed relationship. In consultation with COM, s/he should also notify some responsible body within the congregation, which the minister serves (such as the Session or a personnel committee). When the minister is an associate pastor, COM and the head of staff shall be notified of the changed relationship, and in consultation with them, will determine what group within the congregation it is appropriate to inform.
4. The minister or other appropriate person or group will connect the congregant with another minister for pastoral care.
5. A reasonable and suitable period of time should be allowed for the personal relationship to make the transition from the professional/ministerial to the personal/intimate and for the congregant to establish a new ministerial relationship.
6. If the dating relationship ends, the minister shall also notify the COM of this fact.

SECTION IX

A SELF-ASSESSMENT CHECKLIST

As ministers, all of us are at risk of crossing boundaries in our ministerial relationships, thereby violating our role and abusing those who are vulnerable. But this risk of doing harm to those whom we serve or supervise can be considerably reduced through self-knowledge and self-care. If we understand our personal history and its effects on us, our behavior and perceptions are less likely to be shaped by that history. If we are aware of our personal needs and are taking care of those needs in appropriate ways, we are less likely to act upon those needs inappropriately in our ministerial relationships and if we are aware of the power implicit in our role and how that power affects those whom we serve and supervise, we are less likely to misuse that power.

Use this checklist to assess your risk of violating ministerial boundaries. If you answer “no” to the first question in Personal History, skip to the questions under Psychosexual Integration. An answer of “no” to any questions except the first indicates an area where self-awareness and self-monitoring are crucial. *If you have a personal history as a survivor of abuse, the Presbytery urges that you avail yourself of professional counseling.*

SELF-ASSESSMENT CHECKLIST

PERSONAL HISTORY

- Yes No Am I a survivor of sexual abuse, rape, incest or does my family history include alcohol or drug abuse?
- Yes No Am I coming to terms with the issues and feelings involved in my personal history?
Am I able to identify areas in my history where I need healing?
- Yes No Am I taking steps to address the areas where I need healing?

PSYCHOLSEXUAL INTEGRATION

- Yes No Have I discussed my sexual history with someone (a professional or a friend)?
- Yes No Am I comfortable with my sexual orientation?
- Yes No Do I monitor my sexual fantasies for inappropriate objects such as children, clients, congregants, employees, colleagues, etc.?
- Yes No Are my personal friendships and intimate relationships appropriate, namely age-appropriate and not involving anyone with whom I have a ministerial relationship?
- Yes No Am I able to identify my emotional/sexual needs and meet them appropriately?
- Yes No Am I currently finding myself struggling with sexual temptation in a personal relationship?

PERSONAL/PROFESSIONAL SELF

- Yes No Am I meeting my personal needs outside of my work setting?
- Yes No Do I acknowledge the power inherent in my professional role?
- Yes No Am I aware of the consequences to me of violating the boundaries of my ministerial relationships?
- Yes No Do I have a consultant or supervision setting in which I can discuss these issues?
- Yes No Do I use the vacation time allotted to me each year?
- Yes No Do I have interests and activities that do not involve church members?

Part Three – Procedures to Follow in Case of an Allegation of Sexual Misconduct

SECTION X PROCEDURES

A. RESPONSIBILITIES FOR REPORTING

Since allegations of sexual misconduct are reported in a variety of ways, an individual church or Presbytery cannot know in advance to whom an accuser will first report his/her concerns. Therefore, all church and Presbytery leaders and employees should know how to handle reports of suspected sexual misconduct so that they are directed to the proper authority.

Reports of sexual misconduct should never be taken lightly, disregarded, or allowed to circulate without concern for the integrity and reputation of the accuser, the subject of the allegation (if not the accuser), the accused, and the Church. Reports of misconduct should be handled with the highest confidentiality before and after they have been referred to the appropriate authorities.

All persons covered by this policy⁶ have a particular duty to report suspected child abuse. The person receiving the initial report is considered a mandated reporter and shall report the allegation to civil or criminal authorities as required by state or local law. Considerations of reputation or impact on the Church or individual should never be an impediment to this reporting.

All formal allegations of sexual misconduct as defined in this policy, no matter whether the Presbytery or the local church has jurisdiction, shall be reported to the Stated Clerk of the Presbytery of Coastal Carolina.

In the event that the accused is the Stated Clerk or the Stated Clerk is not available, the report will be made to one of the Presbytery officers in the following order:

1. Chair of the Full Commission on Ministry
2. Chair of the appropriate Community COM
3. Appropriate Mission Coordinator

The importance of properly reporting allegations of sexual misconduct cannot be over emphasized. Attempts to resolve accusations or allegations informally at the lowest level, while understandable, can often result in nothing more than covering up the problem, ignoring the problem or trying to make it “go away.” This is not acceptable nor is it effective.

B. PROCESS

The process followed by the Presbytery of Coastal Carolina will vary according to the status of the accused. Members of a particular church and members of Presbytery are subject to inquiry and discipline as provided in the *Book of Order*, D-3.0101. The Presbytery has jurisdiction over its ministers. Notwithstanding the jurisdiction of the local church, ALL allegations of sexual misconduct shall be reported to the Stated Clerk of the Presbytery. If the local church fails to act on the report within ninety (90) days after it is initiated, the Presbytery may assume jurisdiction of the case per *Book of Order*, D- 3.0103.

⁶ This policy covers all ministers (Teaching Elders and Ruling Elders Commissioned to Pastoral Ministry) and all staff persons of the Presbytery.

PRESBYTERY

1. The Presbytery has original jurisdiction over its ministers and serves an appellate function for the local church. When the Stated Clerk receives, in writing, an allegation of sexual misconduct by a member of the Presbytery, s/he will advise the Moderator of the Presbytery and the Chair of the Full Commission on Ministry and the Chair(s) of the appropriate Community COM that a charge has been made without revealing the name of the accused or the accuser. If the Stated Clerk, Moderator or Chair of the Full Commission on Ministry is named as the accused, their function in this process will be carried out by another officer from the list in Section X, Subsection A above.
2. At the same time the Stated Clerk will 1) begin the process of discipline required by the *Book of Order, Rules of Discipline*, Chapters 10 and 11 and 2) initiate the pastoral care process.
3. The process of discipline requires that the Stated Clerk, after receiving, in writing, an allegation of sexual misconduct by a member of Presbytery, shall report to the Presbytery that an offense has been alleged and refer the statement of allegation to an Investigating Committee (IC). See *Book of Order; Rules of Discipline* D-10.0103.
4. The Investigating Committee (IC) will be named in consultation among the Stated Clerk, the Chair of Full COM; the Chair of Permanent Judicial Commission (PJC), and the Moderator of Presbytery. If one of these persons is not available, the Chair of the Presbytery's Mission Cabinet will be included in the consultation. See *Book of Order; Rules of Discipline* D-10.0200 for details about ICs.
5. Implementation and Use of Administrative Leave:

Administrative leave for the accused serves to protect the Church and its ministry during the time that allegations of misconduct are under investigation. It is an exercise of prudent care, which serves the needs of both the accused and the Church. Administrative leave does not imply any judgment about the guilt or innocence of the accused. Its application is tied solely to the presence of unproven but substantive allegations and the necessity to investigate the

 - a. Whenever Administrative Leave is imposed, full pensionable compensation (salary, housing, deferred income), Social Security reimbursement, and the Presbytery-required additional medical coverage will be paid by the church or other compensating body under the jurisdiction of the presbytery.
 - b. During administrative leave the minister shall not perform any ministerial functions.
 - c. Administrative Leave, if warranted, will normally commence if, after the Investigating Committee (IC) has 1) reviewed the preliminary evidence and 2) interviewed both the accuser and accused, the IC determines that further investigation will be needed or that charges will be filed.
 - i. The IC, when it has reached this stage in its investigation and it has determined the necessity of proceeding with its work, shall inform the Permanent Judicial Commission (PJC) that they believe that administrative leave is warranted. The PJC shall follow the procedures laid out in the *Book of Order* D-10.0106 in determining whether to impose an administrative leave.
 - ii. If, however, after the IC has followed all the procedures set out in *The Book of Order: Rules of Discipline*, Chapter 10, it is clear that no further investigation is needed and no

charges will be filed, then the PJC need not be notified and administrative leave will not commence. In addition, those consulted in the preceding paragraph (3) above will also be informed that the IC has determined that no further investigation is needed and no charges will be filed. (See C. Records)

- d. There may be situations when administrative leave is requested prior to the ordinary course of the process. The request may come from the person accused, his/her employing body or the Community COM. The request for administrative leave in these cases will also be reviewed by the PJC which shall decide whether the circumstances warrant administrative leave as requested. If it is warranted, the PJC shall have the authority to impose administrative leave as provided in the *Book of Order; Rules of Discipline* D-10.0106. Notification of this action shall be made to the presbytery at its next meeting.
6. In the event the accused is a member of Presbytery serving at large, in a validated ministry, honorably retired or inactive, the Presbytery will follow the process above to the extent possible, relying on the intent of the process when the words do not cover the exact situation. When the accused is in a validated ministry beyond Church jurisdiction, a notification will be sent to the employing organization of the fact that allegations of ministerial misconduct have been made if the IC determines that further investigation will be needed or charges will be filed.

C. RECORDS

1. In addition to the records and procedures required by the *Book of Order*, D-11.0600, written records should be kept by persons involved in each aspect of the process above to memorialize conversations, actions, rationales and other data that may be pertinent. All records must be kept confidential. When the inquiry process has concluded either by the filing of charges or the dismissal of the allegations, all records are to be sealed and forwarded to the Clerk of Session or the Stated Clerk, as appropriate.
2. The Stated Clerk will maintain a record of allegations received, noting the accuser, the accused, and the action taken (i.e. allegation withdrawn, no charges filed, charges filed, etc.). This file will be confidential with access restricted to the General Presbyter/Stated Clerk and the Chair of the Full COM. The Stated Clerk may take the contents of these records into account when discussing a minister with another presbytery.

SECTION XI

PASTORAL RESPONSE TEAM

Whether or not allegations of offense are ultimately sustained or not, the person bringing such allegations is doing so from a deep sense of being wounded by a minister of the Church. Such wounds need to be addressed pastorally and immediately. The confidentiality required by our process of discipline in the stage of inquiry, the sensitivity of the matters usually brought for remediation through this process, the length of time needed to conduct inquiry and the isolation and alienation the accuser often feels from the usual networks of care within the church while this process is ongoing, all require that an independent source of care, support, and advocacy for his or her special needs be provided from outside the ordinary channels of Church government. Likewise, the accused, once advised of the accusations, is also in need of special care, even more so after the accusations are public knowledge. Congregations or other constituent groups will all be affected by cases of alleged misconduct by a member of their group and, since they are a part of the Church family, will need and are entitled to the care of the Church.

A. POLICY

It is the policy of the Presbytery of Coastal Carolina to extend the care of the Church to parties involved in allegations of sexual misconduct during and, if necessary, after the process of discipline.

B. PROCEDURE

1. Whenever allegations of sexual misconduct are made in writing to the Stated Clerk against a member of the Presbytery of Coastal Carolina, in addition to and separate from the process of discipline required by the *Book of Order*, the following process shall be initiated to provide pastoral and other appropriate kinds of care for the accuser, accused, subject(s) of the accusation (when the accusation is made on behalf of a third party), and the congregation.
2. The Stated Clerk is responsible for advising the accuser(s)/subject(s) of the accusation(s) of the policy to
3. extend the care of the Church to them.
 - a. If the offer of pastoral care is accepted, the Stated Clerk shall notify the Moderator of the Presbytery and the Chair of the Pastoral Response Team that allegations have been made, including a summary of their nature.
 - b. The Chair of the Pastoral Response Team shall name persons to serve as pastors/colleagues for the accuser(s), the subject(s) of the accusation(s), and, if they are not the accuser, the accused as well. These persons should be persons of compassion, faith, and skill appropriate to the needs of the person(s) under care and unbiased by involvement with the accuser(s), subject(s) of the accusation(s), or the accused.
3. When the care givers are named and after the accused has been notified (#4 below), the Stated Clerk shall provide each of them with a confidential letter stating the name(s), address(es) and phone number(s) of the person(s) to whom care is to be given so that contact can be initiated.
4. When the Investigating Committee (IC) has been selected and trained, the Chairperson of the IC shall inform the Stated Clerk that the IC is ready to notify the accused of allegations against him or her. When the accused has been informed of the allegations, the Stated Clerk

shall notify the member of the Pastoral Response Team for the accused of the name of that person so that the care of the Church may be offered. To avoid interfering with the ordinary process of discipline, no information about the nature of the allegations or the name of the accuser(s)/subject(s) of the accusation(s) shall be provided.

5. The Community Commission on Ministry (COM) shall have the responsibility of providing pastoral care to the session(s) and/or organization(s) that may be collaterally affected by the allegation(s). The Stated Clerk, at the time the member of the Pastoral Response Team for the accused is notified, shall also notify the Chairperson of Community COM that a member of Presbytery has been accused of sexual misconduct so that they may exercise their responsibility for care of that person's session. Persons providing pastoral care to the session(s) shall not be the same persons providing pastoral care to the accuser(s), subject(s) of the accusation, or the accused and shall not be members of that congregation/organization.
6. No persons involved in rendering pastoral care to any affected person(s) or group(s) listed above are to be involved in any way with the investigation or any process of discipline as set forth in the *Book of Order, Rules of Discipline*. They shall not be concerned with determining the truth of allegation(s).
7. All information given to those rendering pastoral care by any party shall be strictly confidential and such confidentiality shall be carefully maintained unless reporting is mandated by North Carolina State law.
8. The reimbursable costs of the Pastoral Care Response Team(s) shall be a Presbytery expense as if it were part of the process of discipline.
9. Extraordinary costs (such as for professional counseling), if requested, will be negotiated with the Presbytery, through the Property and Finance Committee, before they are approved

Document History

This document was drafted by representatives of the Commission on Ministry and the Response Coordinating Team during the summer of 2018 and is based heavily on a document prepared by the Presbytery of Monmouth with their kind permission. It was presented to the Full Commission on Ministry on September 27, 2018 and to Presbytery for first reading on October 20, 2018. It was amended and adopted at the March 2, 2019, meeting of the Presbytery and became effective immediately.

CHURCH COVENANT STATEMENT

Presbytery of Coastal Carolina Commission on Ministry

Church Name: _____

(PLEASE PRINT)

“As God who called you is holy, be holy yourselves in all your conduct...”

1 Peter 1:15

We believe that Jesus Christ calls us to standards of responsible conduct in all areas of life. We affirm on the basis of both Scripture and the Presbyterian Constitution that the behavior of church leaders must be exemplary.

The purpose of the *Sexual Misconduct Prevention and Response Policy* of the Presbytery of Coastal Carolina is to:

1. declare and maintain a high standard for the professional ministry in accord with G-6.0106 of the *Book of Order*;
2. prevent sexual 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
6. address questions and concerns by establishing a process which will be responsive, confidential, and compassionate when situations or accusations of sexual misconduct arise.

The Session and Pastor (or Moderator) have read, understand, and hereby agree to abide by the intent of the *Sexual Misconduct Policy* of the Presbytery of Coastal Carolina, as well as its terms and conditions. We will also make certain that this congregation has a Sexual Misconduct Policy and that its pastor(s) maintain their training and background checks as required by the Commission on Ministry. (This is currently done every two years through **Safe Gatherings**.)

Signed:

Pastor/Moderator of Session

Date

Clerk of Session

Date

Churches: Please keep a copy of this signed document for your files, and return the original in a timely manner to: Stated Clerk, Presbytery of Coastal Carolina, 807 W. King St., Elizabethtown, NC 28337.

MINISTER COVENANT STATEMENT

Presbytery of Coastal Carolina Commission on Ministry

Minister (CRE) Name: _____

(PLEASE PRINT)

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5. promote healing of all persons and congregations where sexual misconduct has occurred, working to restore relationships broken by the sexual misconduct; and
6. address questions and concerns by establishing a process which will be responsive, confidential, and compassionate when situations or accusations of sexual misconduct arise.

I hereby verify that I have read, understand, and hereby agree to abide by the intent of the *Sexual Misconduct Policy* of the Presbytery of Coastal Carolina, as well as its terms and conditions. I will also take the training and submit to the background checks required by the Commission on Ministry. (This is currently done every two years through **Safe Gatherings**.)

Signed:

Minister/Commissioned Pastor (CRE)

Date

Clerk of Session

Date

Ministers/Commissioned Ruling Elders: Please keep a copy of this signed document for your files, and return the original in a timely manner to: Stated Clerk, Presbytery of Coastal Carolina, 807 W. King St., Elizabethtown, NC 28337.

STAFF COVENANT STATEMENT

Presbytery of Coastal Carolina Commission on Ministry

Staff Person Name: _____

(PLEASE PRINT)

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Signed:

Staff Member

Date

Stated Clerk

Date

Staff Members: Please keep a copy of this signed document for your files, and return the original in a timely manner to your supervisor.