

Sexual Misconduct Policy

Presbytery of Coastal Carolina

Introduction:

It is the policy of the Presbyterian Church (U.S.A.) that all church members, church officers, non-member employees, and volunteers of governing bodies and entities of the church are to maintain the integrity of their ministerial, employment and professional relationships at all times. **Sexual misconduct** (see Attachment A, Definitions) is a violation of an individual's integrity. Such behavior is sinful, and violates the teachings of the Church, as well as the covenantal relationship by which we are called to live with God and with one another. Sexual misconduct in any form is never permissible.

Scripture affirms that we are created in the image and likeness of God. To harass sexually or abuse another person is to deny that value. Scripture and our faith in Jesus Christ calls us to standards of responsible conduct in all of life, including sexual behavior. Sexual misconduct is a behavior that represents unjust use of power by persons in positions of responsibility and leadership to exploit persons who are vulnerable by virtue of the inherent trust that resides in authoritative positions in the church. Sexual misconduct ruptures pastoral relationships and is an indication of the brokenness of the person perpetrating such misconduct. This rupture injures and harms victims with wounds that may require extended care before healing occurs. This rupture betrays Christ and the pastoral offices of the church in that it abuses the power and authority of ministry by changing its focus from healing and redemption to exploitation and gratification. Furthermore, it tarnishes the symbol of Christ as Healer, and Savior; and it rends the local parish and the whole body of Christ in ways that require special efforts for healing deep, long lasting wounds.

The purposes of this Policy are:

1. To prevent and eliminate sexual misconduct within the Presbytery of Coastal Carolina.
2. To safeguard the Church's members, their families, visitors, and staff from abuse through any form of sexual misconduct.
3. To seek justice by assuring effectiveness of the church's administrative, investigative and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who victimize others.
4. To assure appropriate care and promote proper healing for all persons and congregations where sexual misconduct has occurred.

Statement of Policy:

The Presbytery of Coastal Carolina proclaims that Ministers of the Word and Sacrament, Certified Christian Educators, Commissioned Ruling Elders, and lay preachers trained and recommended by Presbytery, who serve within the Presbytery of Coastal Carolina; officers and employees of the Presbytery of Coastal Carolina; and the volunteers and lay persons serving on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs:

- shall exercise responsible sexual behavior and maintain the integrity of employment and professional relationships at all times;
- shall not engage in sexual misconduct as defined in this Policy (see Attachment A);
- shall deal with allegations of sexual misconduct with seriousness;
- shall report accusations or instances of sexual misconduct to the appropriate Presbytery officials;
- shall maintain confidentiality in recognition of the effects of reported sexual misconduct on the reputation and effectiveness of all involved;
- shall respect the alleged offender's presumption of innocence; and
- shall comply with all applicable local, state, and federal laws.

Prevention and Implementation

1. General Policy: The Presbytery of Coastal Carolina will take appropriate steps to inform all those covered by this Policy and all sessions of the standards of conduct set forth in this Policy and the procedures to be followed for effective response when receiving a report of sexual misconduct. The Presbytery shall further encourage all sessions to establish policies, procedures and practices related to sexual misconduct and to inform members, employees, volunteers, and candidates of the Presbytery's and session's policies and procedures with respect to sexual misconduct.

2. Training and Education: The Presbytery, through its appropriate entities, shall annually present educational programs designed to explain the need for this Policy, to acquaint persons with its contents, and to guard against sexual misconduct. All Ministers of the Word and Sacrament and other persons covered by this Policy shall be encouraged to attend such programs. The Presbytery of Coastal Carolina will require that all new ministers, all Commissioned Lay Pastors, and all employees of the Presbytery attend a training workshop. Failure to attend such training (see Attachment C for syllabus) will result in dissolution of the relationship. Sessions will be encouraged to use these training materials as part of officer training, and a training module for sessions will be posted on Presbytery's web site. There will be a training event presented annually as a part of a stated meeting of Presbytery.

3. Acknowledgement: The following persons are required to sign a written acknowledgement (see Attachment E) that they have received and read a copy of this Sexual Misconduct Policy, and that they agree to conduct themselves in accordance with this Policy. Ministers of the Word and Sacrament, Certified Christian Educators, Commissioned Ruling Elders, and lay preachers trained and recommended by Presbytery, who serve within the Presbytery of Coastal Carolina; officers and employees of the Presbytery of Coastal Carolina; and the volunteers and lay persons serving on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs. Such signed acknowledgement will be kept in the person's personnel file or other appropriate file of Presbytery. It is further the policy of Presbytery that employees and volunteers other than ministers complete an Employee/Volunteer Questionnaire. (See Attachment D)
4. Youth Leaders' Policy: Presbytery commends to the Division for Outdoor Ministries and the Division for Educational Ministries, for the guidance of camp staff and youth leaders, the "Statement of Policy for Leaders of Youth and Children's Activities Within the Presbytery of Coastal Carolina, With Reference to the Issue of Sexual Misconduct," which the Division for Educational Ministries adopted on October 10, 2000 and presented to Presbytery Council on November 1, 2000. (See Attachment B)
5. Ministers of the Word and Sacrament: All ministers seeking new calls within the Presbytery of Coastal Carolina shall complete the Personal Information Form currently being distributed by the Call Referral Services of the PC (USA), including Part IV, Sexual Misconduct Information, or its successor form. The Committee on Ministry, in addition to pastor nominating committees, is responsible for obtaining previous employer references on all ministers or candidates seeking ordination and/or service within the bounds or under the jurisdiction of the Presbytery of Coastal Carolina.
6. All Other Presbytery Staff and Volunteers: The Personnel Committee of Presbytery Council shall obtain all references regarding applicants for Presbytery staff positions. Each entity and committee of Presbytery shall obtain references on all volunteers under its direction. References should include inquiries regarding sexual misconduct. A written record of conversations or correspondence shall be kept in Presbytery's files.
7. Responding to Reference Request: The Stated Clerk and chair of the Personnel Committee are authorized to respond to sexual misconduct inquiries directed to the Presbytery about former or current Presbytery employees. They shall provide information regarding any allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the individual involved. The response, however, shall be limited to information that is a matter of public record or in the individual's own personnel file that is maintained by the Presbytery.
8. Distribution of Policy: A copy of this Policy shall be distributed to all those covered by it and to any persons who requests a copy. The Policy shall be made available to all persons who accuse others of misconduct as well as those accused by misconduct.

Response Procedures:

1. Receiving the Initial Report:

A. Claims of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the reporter of the victim, the alleged offender, and the Church. Claims shall be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below.

B. Reports of sexual misconduct may occur in a variety of ways. Because a governing body or entity cannot control to whom the reporter will first speak, it is important that all officers, employees, and persons highly visible to church members and visitors understand how reports of alleged sexual misconduct incidents are to be directed to the proper persons.

C. *The first persons to learn of an incident of sexual misconduct should not undertake an inquiry alone or question the reporter or the alleged offender.* If the reporter is hesitant to talk to “higher authorities,” the person receiving the initial report has a special pastoral responsibility to encourage willingness to speak with higher authority, lest the Church be unable to respond because no one is able to give first hand information.

1. When a person believes that she/he has been the victim of sexual misconduct perpetrated by a person covered by this Policy, or when a non-victim reporter believes a person covered by this Policy has committed an act of sexual misconduct, he or she should report the incident, preferably in writing, to the Stated Clerk. If the report is not received in writing and the complaining victim or reporter declines to put it in writing, then the Stated Clerk shall summarize in writing all of the information orally conveyed to him or her, and mail a copy of the same to the complaining victim or reporter with a request that he or she contact the Stated Clerk if there are any errors in the account.
2. The Stated Clerk will then notify the Convener of the Response Coordination Team and the Chair of the Committee on Ministry, Personnel Committee of Presbytery Council, or other appropriate entity.
3. If the alleged offender is the Stated Clerk of the Presbytery, the report shall be made to the Chair of Presbytery Council, who will notify the Convener of the Response Coordination Team.

2. Documentation

All allegations and responses to allegations should be written, signed, and dated. They should be detailed and specific. Any report of the RCT or the Care Team to the Stated Clerk and/or Committee on Ministry must be written. Recommendations made by the RCT or the Care Team must be written.

3. Unavailability of a written allegation from a reporter

A. If a reporter is unable or chooses not to submit a written allegation to the Care Team, the Care Team may continue the investigation if there appears to be sufficient additional evidence that the alleged professional misconduct of a sexual nature occurred.

B. In addition, there are several different circumstances in which the Stated Clerk may receive information about a person covered by this Policy allegedly engaging in sexual misconduct.

1. **Rumors:** Second-hand or third-hand rumors may be passed to a Stated Clerk. It is important to try to acquire some actual evidence or a first-hand report in order to determine if professional misconduct of a sexual nature occurred. It is impossible to act on information which is presented **only** as rumor.
2. **First-hand information from a third party:** In this situation, someone may come forward with information based on their witnessing a person covered by this Policy in violation of the Policy, e.g. being sexual with a congregant or client. They may be willing to file a report but the recipient of the alleged sexual misconduct may have no interest in a report. This persons may see her/himself as a consenting adult in a sexual relationship with the person covered by this Policy and in no way a victim of sexual misconduct. In this case, there is good cause to proceed. The procedures outlined in this document should be implemented because the alleged offender may have engaged in sexual misconduct.
3. **A confession by a person covered by this Policy without a victim's report:** In this case, there is good cause to proceed. The procedures outlined in this document should be implemented because a person's acknowledgement that he/she engaged in sexual misconduct is the best evidence available.

4. Response Coordinating Team; Care Teams:

A. The Response Coordination Team (hereinafter RCT) is a committee of seven (7) ministers, elders, and members of churches of Presbytery of Coastal Carolina responsible for coordinating Presbytery's response under this Policy to reports of alleged sexual misconduct. The RCT is charged with the responsibility to assure that an objective, effective, expeditious, and caring response is made to reports of sexual misconduct.

B. Members of the RCT shall be elected by the Presbytery upon nomination by the Committee on Nominations, with the goal of having one person on the RCT from each of the Presbytery's six regions. The RCT shall be composed of three classes of approximately equal size. Terms of service shall be three years, except that members may be elected to shorter terms in order to establish classes or to fill unexpired terms. The RCT shall designate one member as the Chair.

C. The Response Coordination Team shall work in consultation with the Stated Clerk, the Chairs of the Committee on Ministry and the Personnel Committee, and the executive committee of Presbytery Council to recruit a pool of resource persons to serve effectively as potential members of a Care Team. The pool should consist of at least four persons from each of the Presbytery's six regions, and may be comprised in part of one or more members of the RCT. Individuals in the pool shall be expected to participate in only one Care Team in a period of three years. Additional teams may be implemented if needed. The RCT should seek to recruit as potential Care Team members persons who possess professional expertise and/or extensive experience in the following areas:

- Psychological counseling, with particular experience in the area of sexual abuse and its aftermath, as well as pastoral care;
- Child advocacy;
- Law, with particular experience in sexual harassment or abuse, civil tort proceedings, criminal proceedings involving matters of due process, and domestic relations law;
- Conflict management and resolution;
- Insurance and risk management; and
- Personnel management and training.

D. The RCT shall provide training and support for persons who are recruited to be in the pool of potential Care Team members on how to respond to reports of sexual misconduct, and on the legal, administrative, and disciplinary procedures of the Presbytery and the Church. Such training should be updated and/or refreshed annually.

E. When notified by the Stated Clerk or the Chair of Presbytery Council that a report of alleged sexual misconduct has been received, the Response Coordination Team shall convene three (3) persons to serve as a Care Team to handle the report, giving preference to persons who live in the geographic region where the report arose. The Care Team will work with and be available to the reporter, the alleged offender, the alleged victim (if not the same person as the reporter), the families involved, co-workers of the parties involved, and the Presbytery. The Chair of the RCT shall periodically follow up with the Care Team, monitor their progress, and offer any needed assistance and support.

F. Care Team members are exempt from being cited to appear as witnesses in an ecclesiastical judicial trial under the Rules of Discipline. Presbytery recognizes that service on a Care Team constitutes "good cause" for refusing to testify under D-7.0204 and D-11.0203.

5. Functions of the Care Team

A. The Care Team shall perform the following functions:

1. Receive the written claim of sexual misconduct from the Stated Clerk or Moderator of Presbytery Council;

2. In cases involving child sexual abuse, the Care Team shall first confirm that a report has been made to the Department of Social Services. (See definition of “Mandated Reporter” in Attachment A, Definitions.)

3. One or more members of the Care Team shall meet with the reporter to informally review the report, or with the alleged victim to hear the accusation first hand. The alleged victim may be accompanied by persons (limited to two) whom she/he wishes to have present for support. If the reporter is different from the alleged victim, the Care Team shall review the information that is the basis for the report, and the source(s) of that information. If the report is found by the Care Team to be credible, they will attempt to contact the alleged victim. All communications with the reporter and/or the alleged victim shall be confidential.

4. The Care Team shall inform the alleged victim of the different remedies that the victim may pursue, the responses that the alleged offender may make, and what likely will be required with each. These include filing a formal written statement of alleged offense to initiate inquiry by an investigating committee under the Rules of Discipline, or contact by the Care Team with the alleged offender to seek an informal and confidential resolution, including negotiation or mediation.

5. In no more than seven days after the convening of the Care Team, the Care Team shall advise the alleged offender, in writing, (A) of the allegation and advise the alleged offender to have no further contact of any sort with the reporter, the alleged victim, or the alleged victim’s family; (B) that he or she may want to obtain legal counsel or other advocate since the accusation could result in church disciplinary procedures or civil or criminal court action; and (C) that a written response to the accusations is requested.

6. Gather information regarding the allegations from the reporter, if not the alleged victim, and others who may have knowledge or information relating to the allegation;

7. The Care Team shall provide a written copy of this Policy to the alleged victim or third party reporter and the alleged offender, and seek adherence to this Policy by all parties involved;

8. Prepare a written report of the case for submission to the appropriate person, committee of the governing body, or entity.

B. During or as a result of its review of information, the Care Team:

1. Shall recommend that all parties involved seek professional psychological or certified pastoral counseling throughout the Care Team process;
2. Shall recommend immediate actions for the pastoral care of the reporter, the alleged victim, the alleged offender, the families of all parties involved, congregations and governing bodies;
3. Shall recommend actions to be taken to begin the healing process within the congregation, governing body, or entity;
4. Shall at all times treat the alleged offender with Christian kindness and respect, and may meet with the alleged offender if requested. Prior to the meeting, the alleged offender shall be advised of their rights according to the “Rules of Discipline”;
5. Must tell the alleged victim if the alleged offender has admitted to the misconduct;
6. If there has been no admission of misconduct and the allegation is to be pursued, advise the reporter or alleged victim of the option of filing a written statement of alleged offense with the Stated Clerk of Presbytery or the Clerk of Session pursuant to the Rules of Discipline.

C. The Care Team shall not:

1. Advocate for any party involved;
2. Act as legal counsel for any party involved;
3. Act as counselors to any party involved;
4. Replace the functions of the Committee on Ministry, Council, or Investigating Committee;
5. Enforce a specific remedy or disciplinary action;
6. Breach the confidentiality of information received.

D. Final Report of the Care Team: Within 45 days from the date the Care Team first receives the written report of alleged sexual misconduct, the Care Team shall submit a written final report to the Chair of the RCT and to the appropriate committee of the governing body or person. A copy shall be given to the reporter and the alleged offender. The final report shall include:

- Name and address of parties involved;
- A summary of the allegations;
- A summary of the facts as stated by the parties involved;
- A summary of the Care Team's actions to date'
- The remedy, if any, sought by the reporter and/or alleged victim;
- The Care Team's findings to date, and whether the alleged sexual misconduct is substantiated;
- The Care Team's recommendation for possible further actions, recommendations which may include, at any time before an Investigating Committee is established, leave of absence for any party;
- A list of the Care Team's members and the date of the report.

6. Responses When Allegation is Not Substantiated

- A. In cases where the allegation is not substantiated, every appropriate effort will be made to exonerate the alleged offender. A record of the process and its conclusion will be provided to the alleged offender and may be included in his/her personnel file. If the vindicated persons chooses, a public statement may be communicated in writing by the Stated Clerk and the Care Team to every member of the congregation to exonerate him/her. The Stated Clerk, in consultation with the Care Team, will respond to the vindicated person with Christian care and concern. This may include the governing body paying for counseling for the vindicated person.
- B. There is usually a need for follow up whenever an allegation is made, even if it is not substantiated. Therefore, the Stated Clerk, in consultation with the Care Team and in collaboration with other appropriate persons, will respond with Christian care and concern to the reporter and/or alleged victim, the vindicated person's family, and the congregation as appropriate.

7. Responses When Allegation is Substantiated

- A. If the Care Team concludes that the offense and consequences of professional conduct are determined to be relatively MINOR, the Care Team will recommend that the Committee on Ministry, Personnel Committee of Presbytery Council, or other appropriate entity take the following steps:
1. Issue an advisory in response to a situation that is not necessarily professional misconduct of a sexual nature but shows poor professional judgment. Clear

guidance shall be provided in order for the offender to accomplish the necessary corrective action.

2. Issue a warning in response to a situation of unquestionably inappropriate and unwise behavior but which is not clearly professional misconduct of a sexual nature. It is expected that this clear warning will bring a cessation of the behavior.
3. Issue a reprimand in response to a situation which involves professional misconduct of a sexual nature but which resulted in relatively minor consequences. This action will be recorded and placed in the offender's personnel file.

B. If the Care Team concludes that the offense and consequences of professional misconduct are determined to be relative MAJOR, the Care Team will recommend that the Committee on Ministry, Personnel Committee of Presbytery Council, or other appropriate entity follow a course of disciplinary action in accordance with the BOOK OF ORDER as follows:

1. In the case of a minister member of Presbytery, the Committee on Ministry shall take prompt and necessary steps as provided for within the Book of Order for the good of the church and to protect others from further harm. Possible steps include placing the offender on a restricted status, and/or suspending the offender from ministerial responsibilities. If the minister is installed in a pastoral relationship to a church, the steps shall be taken in consultation with the session of the church.
2. In the case of a minister serving in an uninstalled pastoral relationship to a church or a person serving as commissioned ruling elder or other lay supply relationship, the Committee on Ministry in consultation with the session shall take prompt and necessary steps which serve the good of the church and which protect others from further harm. Such steps may included the suspension or termination of the pastoral or supply relationship to the church. In the case of a person who has been trained and recommended by Presbytery to serve as commissioned ruling elder or lay preacher but is not currently serving a church, the Committee on Ministry may determine that it will not approve that individual for service to any church until it is satisfied that appropriate rehabilitation has taken place.
3. In the case of a certified Christian educator serving a church of the Presbytery, the Committee on Ministry shall counsel with and support the church session through administrative steps needed to assure the good of the church and to protect others from further harm.
4. In the case of an employee of the Presbytery who is not a minister member of Presbytery, the Personnel Committee of Council shall take prompt and necessary steps as provided for within Presbytery's Personnel Policies for the good of the Presbytery and to protect others from further harm. Such steps may include the suspension or dismissal of the employee.

5. In the case of persons serving as officers of the Presbytery (but not on staff), or as volunteers and lay persons serving on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs, the Presbytery Council, division, committee commission, or other appropriate entity shall take prompt and necessary steps to assure the well being of the Presbytery and to protect others from further harm. If the person was elected to position by Presbytery, the entity may recommend that Presbytery rescind his or her election.
- C. Record keeping: In the case of a church professional, the Care Team’s report along with documentation of the action taken in response thereto, shall be placed in the offender’s personnel file. In the case of a volunteer, the action shall be recorded by the governing body in a file maintained by the appropriate governing body official in order to prevent inadvertent reassignment.
- D. Response to Secondary Victims: The offender’s family, peers and the congregation are also victims of the professional and misconduct of a sexual nature. They too deserve attention and sensitivity to the hurt and pain that they are experiencing.
1. Family Members of the Offender – The Committee on Ministry will arrange to reach out to family members with Christian care and concern, and will try to arrange for financial support for family members during possible employment transition for the offender.
 2. Co-Workers of the Offender – The Committee on Ministry will schedule a meeting to inform the offender’s co-workers of the actions taken regarding the offender and to provide an opportunity for discussion.
 3. Congregation – In conjunction with the local leadership, it is recommended that the Stated Clerk, in consultation with the Committee on Ministry, communicate in writing with every member of the congregation the findings and action taken in the course of disciplinary process, and/or by the Committee on Ministry. The Committee on Ministry will offer a trained consultant to educate the congregation regarding professional misconduct of a sexual nature in the ministerial relationship. This will help attend to the congregation’s grief, anger, and other reactions. Three-, six-, nine-, and twelve-month follow-up contacts will be made by the Committee on Ministry or its representative with the local congregation to assess whether or not further help is needed. Additional follow-up contacts will be made if needed.
- E. Restoration to Ministry: If a minister has been excluded from the exercise of ordained office as the result of having committed sexual misconduct, Presbytery may consider restoration to ministry upon a showing of the following:
1. Unequivocal acknowledgement of responsibility for harm done to victim(s), as reflected in a letter of apology.

2. Genuine remorse for harm done.
 3. Repentance – a fundamental change in behavior and understanding, which may be accomplished through appropriate therapy.
 4. Offering of appropriate restitution to victim(s).
8. Media Contact: Any inquiries from the media regarding an allegation of sexual misconduct must be directed to the Stated Clerk, Chair of Committee on Ministry, or other designated official of the Presbytery or entity involved. Questions from the media shall not be addressed by any member of the Care Team.

Judicial Process Under the Rules of Discipline:

At any point, a reporter or victim alleging sexual misconduct may initiate disciplinary action against the alleged offender as provided for by submitting a formal written statement of the alleged offense to the Stated Clerk of Presbytery if the alleged offender is a member minister of Presbytery, or to the Clerk of Session in the church of membership of the alleged offender if he or she is not a member minister. The Stated Clerk or Clerk of Session shall refer the allegation to the appropriate investigating committee (D-10.0202) that shall meet as soon as possible after its formation. The investigating committee shall conduct its investigation in accordance with D-10.0202. The investigating committee shall maintain regular contact with the person making the allegations, keeping her/him informed about the status of the investigation. Under no circumstances should the investigating committee contact the offender without first advising the person making the allegations of the date of that contact.

Administrative Process:

Following a report of sexual misconduct against a staff member of the Presbytery of Coastal Carolina or a member of Presbytery serving a church or agency, the appropriate committee (COM or Personnel) shall consult with the reporter and/or victim, the alleged offender, and the involved Session or board of oversight to ascertain whether the circumstances would be aided by the alleged offender being advised to take an administrative leave. If the alleged offender refuses and the Presbytery believes it imperative, the Presbytery may proceed under G-2.0904 or the personnel policy to remove the person, observing the requirements for hearings and fair procedures of G-3.0109 as appropriate. The COM may also request that an administrative commission be appointed to deal with the discord caused by the alleged misconduct.

The COM will maintain a list of interim or supply pastors trained in responding to congregations where abuse has occurred. The COM will also work carefully with the session to recognize and deal with anger that typically accompanies abuse allegations. A church that has experienced sexual misconduct by the pastor shall be under the direction of the Presbytery for a year. The COM shall insure that an interim pastor is called who has skills in

confronting and processing issues that are the result of the pastor's conduct. Similar appropriate steps shall be taken when a church has experienced sexual misconduct by its associate pastor.

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.

End of Document
Attachments Follow Below

ATTACHMENT A

DEFINITIONS

Adultery: Sexual conduct that violates the marriage vows of one or both participants.

Allegation: An assertion, avowal or claim that may lead to an accusation or charge.

Alleged Offender: Person against whom an allegation has been made.

Book of Order: The Book of Order is the second part of the Constitution of the Presbyterian Church (U.S.A.). It contains the Form of Government, the Directory for Worship and the Rules of Discipline. (The first part of the Constitution of the PCUSA is The Book of Confessions.)

Boundaries: In a professional helping relationship (such as pastor/member of congregation, youth leader/youth group member, counselor/client), the limits or parameters which must be honored and observed by the helping professional in order to maintain the primary purpose or function of the relationship. The focus on the primary purpose or function of the relationship becomes blurred and can be lost if a boundary is crossed.

Investigative Committee: Convened by the Session to investigate reports of sexual misconduct and provide care and support to all parties.

Child Sexual Abuse: Includes, but is not limited to, any contact or interaction between a child (any person under age 18) and an adult when the child is being used for the sexual stimulation of the adult or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not “consented” to by the child.

Church: When capitalized refers to the Presbyterian Church (U.S.A.); when spelled with the initial “c” in lower case refers to local churches.

Commissioned Lay Pastor: An elder granted a local commission by the Presbytery to lead worship and preach the Gospel. See Book of Order G-2.10.

Committee on Ministry (COM): The Presbytery committee which serves as pastor and counselor to the ministers in the Presbytery, facilitates the relations between congregations, ministers, and the Presbytery and seeks to settle difficulties on behalf of Presbytery when possible and expedient. See Book of Order G-3.0306.

Confidentiality: An assurance that information will be kept private and only shared with persons who have a need to know.

Congregation: A general term to describe members and participants of a particular church.

Dual Relationships: The result of boundary crossings. The primary purpose or function of the relationship must share the spotlight with another competing focus, with the result that the effectiveness of the primary purpose or function is compromised. A boundary crossing which adds a sexual component to a professional helping relationship is both disruptive and unethical, and is a violation of professional responsibility and trust.

Employee: Any person hired or called to work for the Presbytery or any church or related organization within the jurisdiction of the Presbytery for salary or wages.

Entity: Any congregation, camp, program, or office managed by a board, committee, council, or other body whose membership is accountable to a governing body.

Governing Body: A representative body composed of elders and ministers of the Word and Sacrament; these are sessions, presbyteries, synods, and the General Assembly. A governing body may establish entities such as day care centers, conference centers, camps, homes for the aged, or other mission entities. A governing body may have both church members and non-members as employees.

Inquiry: The process described in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. See Book of Order D-10.0200.

Investigation: Term generally used by police, secular prosecutors, and child protective services when responding to allegations of an offense. Term is also used interchangeably with Inquiry in the Rules of Discipline.

Mandated Reporter: 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. In North Carolina, “any person or institution that has cause to suspect that [a child] is abused” is required to make a report to the Department of Social Services orally, by telephone, or in writing. N.C. Gen. Stat. Sec. 7B-301. A violation of this statute is a misdemeanor.

Persons Covered: This policy includes the ministers, officers and employees of the Presbytery of Coastal Carolina, and the volunteers and lay persons serving preaching and pastoral functions, including those who serve on Presbytery committees, boards, councils and commissions, and other entities in support of Presbytery programs.

Predator: one who engages in sexual misconduct (crosses a boundary) with intent and premeditation.

Reasonable Suspicion: A subjective criterion that refers to a belief or opinion based on facts or circumstances of sexual misconduct that are sufficient enough for a prudent person to want to inquire further, to take protective action, or report to authorities.

Reporter: The person claiming knowledge of sexual misconduct by a person covered by this policy or a person alleging to have been abused by a person covered by this policy. The reporter

may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be a non-victim reporter.

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

Response Coordination Team: The committee established by this policy to coordinate Presbytery's response to reports of alleged sexual misconduct.

Secular (Civil) Authorities: The governmental bodies whether city, county, state, or federal who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children.

Secular (Civil) Law: The body of municipal, state, and federal laws often referred to collectively as civil and criminal law. (Note: Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular [civil] law.)

Sexual Abuse: Sexual involvement or contact by clergy or other persons covered by this policy with a person within the professional relationship including any person under the age of eighteen years, any person over the age of eighteen years who lacks the mental capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. See Book of Order D-10.0401(b).

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.
4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, sexual propositions, or other conduct of a sexual nature, or display of sexual materials that insult, degrade, and/or sexually exploit men, women, or children.

In determining whether conduct is sexual harassment, the standard to be applied is that of the reasonable person of the same gender as the victim. Lack of intent to harass is no defense.

Sexual Malfeasance: Any impropriety or wrongdoing resulting from sexual conduct within a ministerial or professional relationship. Examples of such conduct include adultery, indecent exposure, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not intended to cover relationships between spouses, nor is it

meant to restrict church professionals from having normal mutual, social, intimate, or marital relationships.

Sexual Misconduct: Comprehensive term used in this policy and its procedures to include:

1. Child Sexual Abuse as defined above.
2. Sexual Harassment as defined above.
3. Rape or sexual contact by force, threat, or intimidation.
4. Sexual Malfeasance as defined above.
5. Production or distribution of pornography as defined by actions or policy statements of the General Assembly, Presbyterian Church(USA).

Victim: Person who claims to have been, or is alleged to have been, injured by sexual misconduct by a person covered by this policy. (See Reporter above.)

Volunteer: A person who provides services for governing bodies and entities of the Church and receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committee, and other groups, and persons requested to perform specific functions for the Presbytery. Reimbursement for travel expenses and other out-of-pocket expenses is not remuneration. For purposes of this policy volunteers are treated the same as employees.

Wanderer: A person who crosses a boundary as a result of carelessness rather than intent.

ATTACHMENT B

A STATEMENT OF POLICY FOR LEADERS OF YOUTH AND CHILDREN'S ACTIVITIES WITHIN THE PRESBYTERY OF COASTAL CAROLINA, WITH REFERENCE TO THE ISSUE OF SEXUAL MISCONDUCT

The Presbytery of Coastal Carolina has adopted a Policy Statement Regarding Sexual Misconduct, which is intended as a guide for "all church members, church officers, non-member employees, and volunteers of governing bodies and entities of the church." The following statement extends from the overarching Presbytery policy and procedures and is addressed specifically to leaders of youth and children's activities and programs with the presbytery and its churches.

The goal of this statement is to provide a safe, nurturing, Christian environment for our youth and their leaders, and to maintain the integrity of the caring relationship between leader, youth, and children. This relationship, particularly within the church community is a sacred place where God's purposes are being worked out in the lives of young people.

In its more violent forms sexual abuse includes: rape, assault and overt sexual harassment. But there are other, more subtle and less well-defined, sometimes unintentional forms of behavior that may also be inappropriate with reference to sexual context or interpretation.

The premise of this statement is the concern and recognition of the increased vulnerability of youth and children as a result of the power differential in the partnership of children and youth and their leaders.

Therefore, a leader of youth and children in the church must always strive to maintain appropriate professional and personal boundaries so that the distinction between leader and participant is not blurred. Blurred and distorted boundaries undermine the effectiveness of the leader and the safety of the young person and is detrimental to the ministry of Jesus Christ.

Division of Educational Ministry
Presbytery of Coastal Carolina
10/10/2000

Guidelines for Consideration Regarding Sexual Misconduct

Have a set procedure for handling discipline. Set procedures, particularly ones known by the parents, reduce the likelihood of abuse accusations.

Know the difference between discipline and abuse. Again, set procedures help along these lines.

Report and/or Record suspicious or unusual behavior. When noticing any suspicious behavior, it is vital for your organization and yourself to record and even report the activity. It may be determined later that you were present and noticed, but did not record or report it. You may be held liable.

Do not attempt counseling unless you are trained as a counselor. Refer youth and children to those who can help them. Don't agree to keep a confidence that may endanger the lives or health of a young person or of others.

Do not force yourself on a minor. "Force" here is understood as invading the personal space of the minor. Respect the young person's personal sense of space.

Beware of how you touch a young person Hugs should be from the side. If you hug frontally, do not prolong the hug. Seek to keep some distance between you and young people. Never touch an area that would normally be covered by a bathing suit. Be aware that many youth and children tend towards over stimulation, even in the most innocent of touching situations.

Always be in view of others. If you must talk alone with a young person, do so in a place where you can be seen by others.

Supervise private activities in pairs. If you must be in private quarters with your group (i.e. changing clothes, putting on bathing suits, or showering) then have another adult supervisor with you.

Be aware of what you share. Youth may have crushes on staff/volunteers and may seek to know more about your private life. They may also fixate on what you talk about and let their imaginations run wild. Use discretion in what you share with youth. Also, do not ask personal questions of youth.

Romantic lives of adults should never be shared with youth. Don't unpack your baggage on youth.

When serving as a driver, avoid unexplained times between leaving and arrival. The "two deep" rule is a good one. Always have two other passengers in the car at all times.

Do not allow program participants into private quarters. When adults have private quarters on retreats or when hosting a function at home, youth and children should not visit you privately. (i.e. no private chats in a bedroom or separate den.)

Implement volunteer and employee screening. Screening should include signed release forms from prospective volunteers and employees allowing the Presbytery to conduct criminal background checks.

Training and waiting periods. Volunteers who may have unsupervised contact with minors shall have a waiting period of six months before said contact. Employees shall go through intensive training of how to work with children of not less than 24 contact hours.

ATTACHMENT C

TRAINING RESOURCES Presbytery of Coastal Carolina

In an effort to increase general awareness concerning matters related to sexual misconduct, and to explain the workings of this Policy, a variety of training resources will be developed and made available.

A standard training workshop entitled:

Our Presbytery's Sexual Misconduct Policy (Boundaries that protect our Ministries)

will be offered periodically for clergy, members of Presbytery staff, and other lay volunteers serving the various commissions, committee/divisions and programs of Presbytery. Attendance for newly enrolled clergy and new members of Presbytery staff will be required, as provided in the Policy.

In addition, training materials will be made available for use within the various Presbytery sponsored programs and activities, as well as by Sessions and various programs under the jurisdiction of local Sessions.

The training format will be informal, utilizing lecture input, video presentations, case studies, group discussion, and individual reflection. Training resources will include materials produced by the Rev. Marie Fortune, Founder and Director of the Center for Prevention of Sexual and Domestic Violence in Seattle, Washington.

The following is an outline of content topics that will be included in the various workshops and seminars:

- I. The Sexual Misconduct Policy of the Presbytery of Coastal Carolina
 - A. Background of the Policy's development
 - B. Defining the terms
 - C. How it works: the process for handling allegations of sexual misconduct
 - D. The bigger picture: safety & integrity in the Vineyard
 - E. The educational priority: changing attitudes

- II. Sexual Misconduct in the Church
 - A. Wanderers & predators: carelessness vs. intentionality
 - B. A violation of personal trust
 - C. A violation of relational boundaries
 - D. An attack on the primary medium of ministry
 - E. Dual relationships

III. A Caring Response

- A. Caring for the victim & the victim's family
- B. Caring for the congregation
- C. Caring for the (alleged) offender
- D. Caring for the Presbytery: in a staff setting, in a program setting, and in local churches neighboring a congregation where sexual misconduct has been reported and dealt with
- E. Confidentiality vs. the need to know
- F. The importance of training/education

ATTACHMENT D

Presbytery of Coastal Carolina
Affidavit for Volunteers in Youth Ministry

I understand and accept that I am a partner with youth and there are behavioral expectations by which I will abide while participating in ministry with the youth and adults of Coastal Carolina. As a model of discipleship to Jesus Christ, I will nurture and care for those involved in an appropriate manner with love and care as Christ has loved and cared for me. I will report immediately any behavior, which seems inappropriate or abusive to the proper leadership.

Release for Employees and Volunteers

The information contained in this questionnaire is accurate to the best of my knowledge and may be verified. I hereby authorize the Presbytery of Coastal Carolina to make any and all contacts necessary to verify my prior employment history, and to inquire concerning any criminal records or any judicial proceedings involving me as defendant. By means of this release I also authorize any previous employer and any law enforcement agencies or judicial authorities to release any and all requested relevant information to the Presbytery of Coastal Carolina. I have read this release and understand fully that the information obtained may be used to deny me employment or any other type of position with the Presbytery. I also agree that I will hold Presbytery and any judicial authority harmless from any and all claims, liabilities, and cause of action for the legitimate release or use of any information.

ATTACHMENT D: Employee/Volunteer Questionnaire

I am not currently under investigation for, nor have been convicted of (1) criminal sexual conduct, (2) neglect of a child, (3) or physical/mental abuse. I certify that (a) no civil, criminal, or ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; and (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct.

Signature

Date

NOTE: If you are unable to make the above certification you may instead give a description of the complaint, termination, or the outcome of the situation and any explanatory comments you care to add.

ATTACHMENT E: Acknowledgment of Receipt of Sexual Misconduct Policy

I hereby acknowledge that I have this day received a copy of the "Sexual Misconduct Policy" of the Presbytery of Coastal Carolina, approved October 5, 2002 and amended October 2, 2004 that I have read the Policy, understand its meaning, and agree to conduct myself in accordance with the Policy, and agree to the release of information mentioned above.

Signature

Date

Witness

Date

Witness

Date