

**33. SEXUAL MISCONDUCT POLICY AND PROCEDURES
FOR USE BY
THE PRESBYTERY OF ST. AUGUSTINE**

I. POLICY STATEMENT

It is the policy of the Presbytery of St. Augustine that all minister members, commissioned ruling elders, certified Christian educators, inquirers and candidates for ministry under the presbytery's care, staff members, members of commissions/committees and teams, volunteers, and entities of the presbytery are to assume high ethical and moral standards in all of life, including all expressions of sexual behavior. It is never permissible or acceptable to engage in sexual misconduct. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment, and professional relationships. Sexual misconduct breaks our relationships of trust and violates the mandate to protect the vulnerable from harm, including children and adults who do not have the capacity to consent. No matter who initiates or invites sexual conduct into the relationship, those covered by this policy have a responsibility to maintain the appropriate role and boundaries and to prevent actions constituting sexual misconduct. Our commitment is to model the example of Christ, and to be rooted in the love of Christ in all relationships.

Individual congregations are not covered by this policy; however, churches within the presbytery are required by the constitution of the Presbyterian Church (U.S.A.) to adopt and implement their own sexual misconduct policies and child and youth protection policies.

This policy shall be posted on the presbytery's website, included in the compilation of presbytery policies, and provided by full copy or link to each minister member, commissioned ruling elder, certified Christian educator, inquirer and candidate for ministry under the presbytery's care, staff member, member of commissions/committees and teams, volunteer, and entity of the presbytery. Periodic training shall take place as designated by the Call Commission.

II. DEFINITION OF SEXUAL MISCONDUCT

For the purposes of this policy "Sexual Misconduct" is intended to include the following categories of sexual conduct:

- A. Sexual abuse, which is an offense to a child under 18 years of age, or anyone without the mental capacity to consent, or to any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. *Book of Order*, "D-7.0901"
- B. Sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct based on sex or of a sexual nature.
- C. Rape or sexual contact by force, threat, or intimidation.
- D. Sexual conduct such as offensive, obsessive or suggestive language or behavior, unwelcome touching or fondling, or unacceptable visual contact.

- E. Misuse of technology that results in sexual harassment or abuse of another person, such as texting or emailing suggestive messages and images to another person.
- F. Sexual Malfeasance or sexual activities within a professional or ministerial relationship that results in misuse of office or position arising from the relationship.

III. REPORTING REQUIREMENTS

Any person subject to this policy who believes that he or she has experienced, witnessed, or otherwise learned of sexual misconduct is required to immediately report such misconduct in accordance with this policy. Retaliation against anyone for reporting sexual misconduct, assisting in making a sexual misconduct complaint, or cooperating in a sexual misconduct investigation, is strictly prohibited. To the fullest extent practical and permitted by the needs of any investigation and/or any remedial or corrective action, confidentiality will be preserved in connection with all reports and investigations of sexual misconduct.

- A. **Response to Report:** Accusations of sexual misconduct shall never be taken lightly or disregarded and allowed to circulate without concern for the accuser/alleged victim, the accused, and the presbytery.

Sexual misconduct must be reported to the Stated Clerk, the Lead Presbyter, the Chair of the Coordinating Council, or the Moderator of the presbytery. (If another person receives the report, he/she should report it to one of these individuals immediately.) The person making the report and (if not that person) any alleged victim will be informed as to the processes of the Principles of Church Discipline. If the alleged victim or the accused is a minister member or commissioned ruling elder currently commissioned to a church or ministry, sexual misconduct charges must be reported to Presbytery leadership using the process above. If the alleged victim or accused is a ruling elder or church member, the matter must be referred to the individual's local session. If the alleged victim or accused is the Moderator of Session then the matter must be reported to the presbytery leadership as described above. The Principles of Church Discipline shall be followed.

If an accusation is not filed under the Principles of Church Discipline, the Stated Clerk, the Lead Presbyter, the Chair of the Coordinating Council, and the Moderator of the presbytery will decide how to proceed in accordance with the objectives of this policy. If any of these individuals is the subject of the accusation, then he/she shall not participate in this role.

In any event, if a criminal act requiring or otherwise appropriate for reporting to authorities is the basis of any allegation or complaint, a report shall be made to the proper authorities.

If the person accused or the person making the accusation is a member of the presbytery staff (or both), then the provisions of the Employee Handbook will be followed. In the case of any inconsistency with this or any other policy and the *Book of Order*, the provisions of the *Book of Order* will govern.

- B. **In Cases of Children or Adults Lacking Mental Capacity:** It is mandatory that knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity be reported to ecclesiastical and civil legal authorities when 1) information is gained outside of a confidential communication, as defined in the *Book of Order*, G-4.0301, 2) when informant is not bound by an obligation of privileged communication under law and 3) when informant reasonably believes there is risk of future physical harm or abuse, G-4.0302. All persons must comply with any state and local laws that mandate incidents of actual or suspected child sexual abuse be reported to civil authorities.

IV. PRINCIPLES IN RESPONDING TO ACCUSATIONS

In responding to accusations of sexual misconduct, the church should seek healing and assure the protection of all persons. Where possible and consistent with this policy, the privacy of persons should be respected. The *Book of Order* assures all persons of fair procedures in the disciplinary process, and all persons involved should be informed of these procedures at the outset.

Those persons affected by accusations of sexual misconduct (including both the accuser/alleged victim and the accused) often need support and/or counsel of various kinds, including therapeutic, pastoral, and spiritual. If an investigation confirms sexual misconduct or a violation of this policy occurred, appropriate corrective or remedial action shall be taken.

V. RESPONSE GROUP: THE PRESBYTERY SUPPORT TEAM

The person or persons receiving the accusation of sexual misconduct will ensure that the person making the accusation, the accused, and other affected parties have access to the assistance of the Presbytery Support Team, or a group designated by the Coordinating Council. Communications concerning an accusation shall be directed to the Chair of the team. The Chair of the team will appoint a small group of three members of the team as support for the persons involved in the process. (The Chair may appoint persons who are not members of the team as needed in particular situations due to the nature of the matter, the persons involved, the experience and skills needed, etc.)

The small group appointed will notify the affected persons of their formation, assess the needs of the affected persons, and offer and/or facilitate the appropriate pastoral, therapeutic, and spiritual support. This group is limited to providing support only and will not serve any investigatory or adjudicatory function.

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