

## APPENDIX K

### SEXUAL MISCONDUCT POLICY SOUTHMINSTER PRESBYTERIAN CHURCH

#### A. Summary

We believe that Scripture and our faith in Jesus Christ call us to standards of responsible conduct in all of life, including sexual behavior. Human sexuality is an integral part of who we are as persons. However, it can become the basis for oppression, where trust relationships are breached and persons are abused. Sexual misconduct is a violation of the principles set forth in Scripture and as such is never permissible.<sup>1</sup>

Southminster Presbyterian Church will not tolerate sexual misconduct by any person. This policy is consistent with policies of the Presbyterian Church (U.S.A.) and of the Presbytery of the Miami Valley. In addition to internal church reporting, appropriate civil authorities will be immediately notified of all allegations of abuse against a minor or other criminal sexual misconduct.

#### B. Purpose<sup>2</sup>

The purpose of this document is to generally outline a policy and a process in order to:

- prevent and address sexual misconduct within Southminster Presbyterian Church;
- safeguard members, staff, and guests from abuse through any form of sexual abuse, sexual harassment, and sexual malfeasance;
- seek justice by expeditiously investigating and reporting, to appropriate church and civil authorities, all allegations of sexual misconduct; and
- promote proper healing of all persons where sexual misconduct has occurred.

#### C. Background

In 1993, the General Assembly of the Presbyterian Church (U.S.A.) adopted the current sexual misconduct policy:

*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 the ministerial, employment, and professional relationship at all times. Sexual misconduct is a violation not only of the principles set forth in Scripture, but also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable.<sup>3</sup>*

The subordinate policy of the Presbytery of the Miami Valley ([www.miamipresbytery.org/DocumentCenter/Operational/default.asp](http://www.miamipresbytery.org/DocumentCenter/Operational/default.asp)) applies to all persons

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<sup>1</sup> Adapted from Preventing and Responding to Sexual Misconduct Policy and Procedures, Presbytery of the Miami Valley, November 13, 2007

<sup>2</sup> Adapted from Preventing and Responding to Sexual Misconduct Policy and Procedures, Presbytery of the Miami Valley, November 13, 2007

<sup>3</sup> Sexual Misconduct Policy and Its Procedures, Adopted by the 205<sup>th</sup> General Assembly (1993), Published by the Office of the General Assembly, Presbyterian Church (U.S.A.), 100 Witherspoon Street, Louisville, KY 40202-1396

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carrying out the programs of the Presbytery, highlighting that the discipline of employees of the Church and of congregational members is a responsibility of the session:

*Miami Presbytery will not tolerate sexual misconduct, including but not limited to sexual abuse, sexual harassment, and sexual malfeasance by its clergy, church professionals, or any person carrying out the programs of the Presbytery. . . This policy is intended to apply to and govern the conduct of Ministers of Word and Sacrament who are members of Miami Presbytery; Commissioned Lay Pastors serving at the direction of Miami Presbytery; Certified Christian Educators serving within Miami Presbytery; employees, officers and agents of Miami Presbytery; and any other persons working for the Presbytery in connection with any of its programs, ministries, organizations or activities. Church members fall under the jurisdiction and care of their individual sessions.<sup>4</sup>*

#### **D. Policy**

Southminster Presbyterian Church will not tolerate sexual misconduct by its clergy, staff, members, or any person carrying out Church programs. Allegations of sexual misconduct shall be immediately reported to the Pastor/Head of Staff and/or the Chair of the Personnel Committee. (The names of the incumbents of positions referenced in this policy are posted in the Church office.) Appropriate civil authorities will be immediately notified of all allegations of abuse against a minor or other criminal sexual misconduct.

As noted above, Ministers, Commissioned Lay Pastors, and Certified Christian Educations are under the jurisdiction, discipline, and care of the Presbytery. Church members are under the jurisdiction, discipline, and care of the session.

Non-Presbyterian employees and volunteers working for Southminster are not subject to Presbytery disciplinary proceedings but in all other respects are covered by this policy.

#### **E. Definitions of Sexual Misconduct**

Sexual misconduct is a comprehensive term that includes but is not limited to child sexual abuse, sexual harassment of employees, sexual malfeasance, and sexual contact by force. Detailed definitions and examples are provided in the policy of the Presbytery of the Miami Valley<sup>5</sup> and in the Ohio State Code;<sup>6</sup> but generally this term means nontrivial, verbal harassment of a sexual nature or any unwanted intentional touching of a sexual nature.

#### **F. Creating the Right Environment**

The overarching goal is to maintain an environment which encourages sensitivity to the possibility of sexual misconduct and an openness to appropriately discuss suspicious

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<sup>4</sup> Preventing and Responding to Sexual Misconduct Policy and Procedures, Presbytery of the Miami Valley, November 13, 2007

<sup>5</sup> Preventing and Responding to Sexual Misconduct Policy and Procedures, Presbytery of the Miami Valley, November 13, 2007, paragraph III.

<sup>6</sup> Ohio State Code §§ 2151.031; 2907.01; 2919.22

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behavior. This goal is achieved through the proper selection, supervision, and training of clergy, staff, and volunteers.

#### 1. Selection and Screening

**a. Ministers of the Word and Sacrament, Commissioned Lay Pastors, and Certified Christian Educators.** Southminster relies on the screening procedures in place by the Presbytery of the Miami Valley and by the Presbyterian Church (U.S.A.).

**b. All Other Employees and Volunteers.** Through the normal selection and hiring process, Southminster shall attempt to determine if there is any past behavior that would make the potential employee or volunteer a sexual misconduct risk. Procedures for **employees** will include but are not limited to:

- completion of a job application that asks for a self-disclosure of past criminal history and allegations of criminal behavior;
- contact by telephone of at least four personal and professional references;
- completion of a criminal background check; and
- providing a copy of this policy and obtaining a signed certification from each employee confirming that the policy has been read, is understood, and will be followed. Signed acknowledgments of receipt shall be given to the Chair of the Personnel Committee for addition to the personnel file.

**Employees** hired prior to adoption of this policy who work directly with children, youth, or vulnerable adults are required to complete a successful criminal background check.

**Volunteers** who work with children's and youth activities shall be first approved by the staff member in charge of the activities.

Criminal background checks are required for all **volunteers** who have ongoing unsupervised involvement with minors. Such volunteers will also be given a copy of this policy and must sign a certification confirming that the policy has been read, is understood, and will be followed. Signed acknowledgments of receipt shall be collected by the staff resource who oversees the children's and youth programs and then given to the Chair of the Personnel Committee for addition to the general personnel file.

#### 2. Supervision

No person shall have sole responsibility for supervising an age group unless he/she is at least 21 years old and is at least four years older than the children or youth with whom he/she is working.

Parental permission shall be obtained for involvement in church-sponsored programs and activities scheduled with an adult spending time alone with a child in an unsupervised situation or when no other adult is in near proximity in the building.

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Except in very unusual circumstances, which must be pre-approved by the Pastor/Head of Staff, there shall be at least one male chaperone and one female chaperone for any overnight event involving children or youth of both genders.

#### 3. Training and Continuing Education

Formal sexual misconduct training and continuing education is required annually for all employees, whether under the care of the Presbytery (conducted by the Presbytery) or otherwise on the staff of Southminster (conducted by the Personnel Committee).

All volunteers will review this policy annually.

#### G. Reporting Suspected Abuse

##### 1. Presbyterian Policy

The Presbyterian Church (U.S.A.) policy and Ohio law requires immediate reporting to the civil authorities of all allegations of child abuse regardless of personal confidentiality issues.<sup>7</sup> Internal church reporting procedures shall be followed for all matters involving alleged sexual misconduct. This procedure shall vary according to the relationship of the alleged abuser to the church:

- a. **Ministers of the Word and Sacrament, Commissioned Lay Pastors, and Certified Christian Educators.** Ministers, Commissioned Lay Pastors, and Certified Christian Educators are members of and/or serve at the direction of or within the Presbytery and are therefore subject to its discipline. Allegations should be reported to the Presbytery of the Miami Valley through its Stated Clerk as well as to Southminster through the Chair of the Personnel Committee. Additional information is contained in the Book of Order and in the Presbytery of the Miami Valley's *Preventing and Responding to Sexual Misconduct Policy and Procedures*.<sup>8</sup>
- b. **All Other Employees, Volunteers, and Members of the Congregation.** All other employees, volunteers, and members are subject to discipline through the session. Discipline shall be conducted in accordance with such policies and procedures as the session deems appropriate, including existing personnel policies and this policy. Generally, allegations of abuse should be reported to the Pastor/Head of Staff and/or the Chair of the Personnel Committee. All allegations of sexual misconduct against members and elders must comply with the procedures set forth in the Book of Order (Rules of Discipline section) of The Constitution of the Presbyterian Church (U.S.A.).

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<sup>7</sup> Sexual Misconduct Policy and Its Procedures, Adopted by the 205<sup>th</sup> General Assembly (1993), Published by the Office of the General Assembly, Presbyterian Church (USA), 100 Witherspoon Street, Louisville, KY 40202-1396, paragraph IV.C.1.

<sup>8</sup> Preventing and Responding to Sexual Misconduct Policy and Procedures, Presbytery of the Miami Valley, November 13, 2007

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#### 2. Reporting Responsibilities

Reports of alleged sexual misconduct (including suspicions) shall be given to the Pastor/Head of Staff or to the Chair of the Personnel Committee, except where the reports involve either of these two individuals. If either or both these individuals are involved, the report shall be given to whichever is not involved or to the next ranking pastor and to the Clerk of the session. (The person[s] receiving the report or any alternative person[s] designated by the session shall be referred to as the *Response Leader[s]*.)

The Response Leader shall report to the Presbytery, to the session, and to the volunteer Church attorney as appropriate. All reports shall be preserved in writing.

Any allegation of sexual misconduct must be treated seriously. In addition to internal church reporting, this policy requires reporting to civil authorities of all allegations of sexual misconduct against a minor or other criminal sexual misconduct. The Response Leader shall determine as expeditiously as possible whether contacting civil authorities is appropriate and, if not, periodically revisit this determination as the investigation goes forward. In life-threatening situations or where the safety of any individual is threatened, civil authorities shall be immediately notified by calling 9-1-1.

#### H. Guidelines for Response to Allegations

Southminster's response to any allegation of sexual misconduct must be consistent with the policy of the Presbyterian Church (U.S.A.), with the policy and procedures of the Presbytery of the Miami Valley, and with Ohio laws. In so doing, Southminster must demonstrate sensitivity to the well-being of all parties involved. The Response Leader should seek assistance as appropriate from the Presbytery and from the volunteer Church attorney in tailoring the following response guidelines and in taking additional steps as necessary to effectively meet the specific needs of each situation:

##### **Step 1: Understand the Problem and Definitions**

Sexual misconduct is a comprehensive term that includes but is not limited to sexual abuse of a child or of a vulnerable adult, sexual harassment of an employee, sexual malfeasance, sexual contact by force, other unwanted intentional touching of a sexual nature, and verbal abuse of a sexual nature. Detailed definitions and examples are provided in the policy of the Presbytery of the Miami Valley and by Ohio law. The volunteer Church attorney can provide additional guidance and assistance.

##### **Step 2: Provide a Caring Response**

When an allegation is received, it is important to avoid the classic and common responses of *denial*, *minimization*, or *blame*. Each allegation must be treated seriously and must be investigated promptly. After receiving an allegation, the Response Leader

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shall not attempt to form conclusions concerning the truth of the complaint. Rather, the focus should be on these three objectives:

1. to ensure that the complaint is being taken seriously;
2. to ensure proper and prompt follow-through aimed at determining whether there is good cause to believe sexual misconduct occurred; and
3. to assure the victim and the victim's family that Southminster desires to extend care and support in whatever ways are possible.

#### **Step 3: Document the Allegation**

Situations must be handled with due respect for people's privacy and confidentiality. When a complaint is received, the following information should be collected and confidentially maintained:

1. the name, age, gender, and address of the victim;
2. the name, age, gender, and address of the alleged perpetrator;
3. the circumstances involving the sexual misconduct alleged to have occurred;
4. the nature and extent of the sexual misconduct alleged to have occurred;
5. the relationship between the victim and the alleged perpetrator; and
6. other evidence that supports the allegation.

Appropriate sensitivity should be given to privacy and confidentiality concerns. But strict confidentiality is not feasible during the course of an investigation and may not, in some instances, be desirable (such as if a need arises to determine if there are any other similarly situated victims). Accordingly, the alleged victim, the accused, and all witnesses should be informed that the information they provide to the Response Leader will be used and disclosed as necessary but that efforts will be made to protect confidentiality to the extent possible.

#### **Step 4: Create a Response Team**

When an allegation of sexual misconduct is reported, the Response Leader will appoint an investigation team, which will expeditiously conduct an investigation as to whether there is good cause to believe sexual misconduct occurred. The Response Team should provide a recommendation to the session about whether or not to file charges within the Presbyterian Church (U.S.A.) judicial system. In the case of employees, the Response Team shall recommend to the Personnel Committee any disciplinary action, up to and including termination. The Response Team shall include three to five persons not directly involved in the allegation including at least two members of the session.

#### **Step 5: Seek Professional Assistance**

The Response Leader should notify those who need to know about the allegations of sexual misconduct, such as civil authorities (as noted above), the Personnel Committee,

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the session, professional counselors, the Presbytery of the Miami Valley, the volunteer Church attorney, and so forth.

#### **Step 6: Fulfill Reporting Obligations**

Southminster policy encourages, and in some cases the law requires, immediate reporting to the civil authorities of all allegations of abuse against a minor or other criminal sexual misconduct. Full cooperation is to be given to civil authorities under the guidance of the volunteer Church attorney. In addition, employees of Southminster and ministers and others who are members of and/or serve at the direction of the Presbytery must fully cooperate with any investigation including fully answering questions or requests for information from the Response Team.

#### **Step 7: Respond to the Accused and to the Victim**

The Response Leader shall promptly inform the accused and the alleged victim that they have the right to retain their own counsel. The Church's counsel represents the Church, not their interests.

The Response Leader should regularly communicate with the alleged victim (or the family of any victim who is a minor) about action already taken and planned, such as "Here is what's already been done; here is what is going to be done." The Response Leader should offer to arrange for or identify pastoral care and, when appropriate, professional counseling resources to the victim, the victim's family, the accused, and the family of the accused. Continuing pastoral care of the victim, the accused, and all concerned parties should be provided by someone outside of the Response Team such as a pastor designated by the Presbytery or by an independent pastoral counselor.

#### **Step 8: Decide on Options Regarding the Accused**

The Response Team should treat the accused with dignity and support throughout the investigation, with due regard for the need for consequences and justice in the event sexual misconduct occurred. Under the guidance of the volunteer Church attorney, the Response Leader should determine any appropriate interim steps to be taken while the investigation is ongoing. Actions might include one or more of the following: restricting contact between the accused and the alleged victim; limiting contact between the accused and specific age groups or church activities; suspending an employee, with or without pay; and temporarily relieving an employee or a volunteer of specific responsibilities.

#### **Step 9: Respond to Congregational Concerns and the Media**

Sexual misconduct is absolutely prohibited in connection with any Southminster activity and may constitute a crime. The appropriate amount and timing of public disclosures about an incident will vary depending on the fact of each matter and the stage of the investigation. Protecting the rights of all parties and preventing harm to any victim are of paramount concern. The Pastor/Head of Staff, the Chair of the Personnel Committee,

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and the session should consult with the Presbytery, professional counselors, the alleged victim, the accused, and the volunteer Church attorney as may be proper under the circumstances of any particular incident to obtain input about public disclosure.

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**FOR VOLUNTEERS IN MINISTRY FOR  
CHILDREN, YOUTH, AND VULNERABLE ADULTS  
AND FOR  
TEACHERS OF THE SOUTHMINSTER ACADEMY OF MUSIC AND ARTS\*:**

**ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF  
SEXUAL MISCONDUCT POLICY**

**\* EMPLOYEES OF SOUTHMINSTER PRESBYTERIAN CHURCH will acknowledge receipt and understanding of this Sexual Misconduct Policy through the *Acknowledgment of Receipt of Documents* contained in the Personnel Policy Manual.**

NAME: \_\_\_\_\_

DATE OF RECEIPT: \_\_\_\_\_

POSITION TITLE OR ROLE: \_\_\_\_\_

\_\_\_\_\_

I hereby acknowledge that on the above date, I received the following document, either electronically or by paper copy. I have read the document, understand its meaning, and agree to conduct myself in accordance with the policy stated herein.

*Southminster Presbyterian Church Sexual Misconduct Policy, Release 2.0, approved May 12, 2008.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Upon completion, this form is to be given to the staff resource with responsibility for your area of ministry.

**POLICY APPROVED BY SESSION:** May 12, 2008