

Presbytery of Lake Huron
Sexual Misconduct Policy

Summary of Revisions

Why revise the Sexual Misconduct Policy?

- Previous version adopted in 2002
- Bring into conformity with the Rules of Discipline and current Presbytery structures
- Incorporate issues related to social media, texting, etc.
- Clarify roles to avoid legal issues and to minimize risk to the disciplinary process
- Evolving understanding of issues such as sexual harassment, restorative justice, etc.

Policy Revision Process



New: Mandatory background checks

All persons covered by the policy are required to submit to criminal background checks. (44-49)

44 All persons covered by this policy shall submit to and successfully complete a criminal
45 background check performed by the Presbytery before being hired, enrolled, commissioned,
46 appointed, or otherwise placed in a position of trust under the immediate jurisdiction or oversight

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47 of the Presbytery. The policy does not cover members, employees, or volunteers of
48 congregations except as noted above. The session of each congregation shall adopt a sexual
49 misconduct policy as required by the Presbyterian Church (U.S.A.) *Book of Order*.
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New: Location of responsibility

Responsibility for maintaining boundaries always lies with the minister or professional (72-74)

72 5. Whenever a ministerial or professional relationship exists, it is always the responsibility of
73 the minister or professional to maintain appropriate boundaries and to decline to engage in a
74 sexual relationship
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Improved definitions

New formatting and improved definitions have been employed.

76 **DEFINITIONS**
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Term	Definition
Sexual Misconduct	<p>The comprehensive term used in this policy and its procedures to include:</p> <ul style="list-style-type: none">• Rape or sexual assault.• Sexual abuse of children or adults.• Viewing, storing, or transmitting pornographic material for any purpose on church or Presbytery property and/or with church or Presbytery-owned devices such as, but not limited to computers, tablets, or cellular telephones.• Inappropriate sexualized behavior. <p>Sexual misconduct does not include non-abusive relationships between spouses, and this policy is not intended to restrict church professionals from having normal, mutual, intimate relationships outside of the ministerial or professional context.</p>

Separation of definitions

Definitions have been separated into behavioral and process sections for ease of reference.

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79 **DEFINITIONS USED IN REPORTING AND RESPONSE PROCEDURES**

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Term	Definition
Accused	The person covered by this policy against whom a claim of sexual misconduct is made.
Reporter	A person claiming knowledge of sexual misconduct by a person covered by this policy. The Reporter may or may not be a Victim of the alleged sexual misconduct.
Victim	A person (<u>whether or not</u> a member of a Presbyterian Church) who allegedly has been directly injured or harmed by the alleged sexual misconduct of a person covered by this policy.
Response Team	A team of persons designated by the Presbytery of Lake Huron to

New: Inclusion of examples

Definitions have been enhanced by the inclusion of examples of behavior that constitute abuse or misconduct.

	<ul style="list-style-type: none">• When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom that person owes a professional responsibility.
Examples of Sexual Abuse	<p>Examples of sexual abuse may include, but are not limited to:</p> <ul style="list-style-type: none">• Sexual touch and repeated “accidental” touch of sexual areas of the body.• Tickling or playful aggression that seems uncomfortable to the recipient.• A prolonged hug when a brief hug is customary behavior• Kissing on or near the lips when a kiss on the cheek (or no kiss) would be appropriate.• Pressing up against the body when hugging.• A gift of a sexually inappropriate nature.• Sexual intercourse in a relationship of trust.• Verbal or non-verbal behavior, in person or by technological means, initiated by a person in a position of trust when such behavior sexualizes a relationship, including but not limited to:<ul style="list-style-type: none">○ Innuendo or sexual talk:○ Sexually suggestive comments, including tales of one’s sexual experiences:○ Questions about the intimate details of another’s relationships:○ Currying sympathy about one’s or one’s partner’s sexual inadequacies:○ Sexually explicit or suggestive texts, emails, or social media posts.

New: Definition of consent

A new section defining “meaningful consent” has been added.

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Meaningful Consent

Meaningful consent:

- Requires both parties be adults over 18 years of age.
- Cannot occur within a professional relationship of trust or where one person exercises unequal power over the other.
- Cannot occur when the judgment of one or both parties is impaired or incapacitated temporarily due to the influence of a narcotic or intoxicating substance, or due to psychological, emotional, or spiritual vulnerability (such as grief).

An unmarried person in a position of trust in a congregation seeking a romantic relationship may do so outside their own congregation or staff. If a person in a pastoral or professional role becomes interested in a dating or romantic relationship with a member of his or her congregation or staff, the pastoral or professional relationship between the two must be severed before ethically pursuing such a relationship.

New: Definition of mandated reporters

Clarification of definitions and responsibilities of mandated reporters have been added.

Mandated Reporter	<ul style="list-style-type: none">• According to the statutes of the State of Michigan, mandated reporters include:<ul style="list-style-type: none">○ Any person exercising a pastoral role, including ministers, commissioned pastors (CREs), and other spiritual leaders who learn of abuse of a minor under 18 years of age, or of an adult lacking mental capacity to consent, except when such information is obtained in the context of confidential ministerial service such as spiritual confession or under attorney-client privilege.
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	<ul style="list-style-type: none">○ <u>Any person</u>, paid or unpaid, who on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child. This includes persons serving at youth camps or programs, sports or athletic programs, outreach programs, enrichment programs, troops, clubs or similar organizations.• The <i>Book of Order</i> identifies all persons engaged in ordered ministry (i.e., deacons, ruling elders, ministers of the Word and Sacrament) and any certified Christian educator employed by the church as mandated reporters.• <u>All suspected child abuse must be reported to civil authorities and shall be reported to the Stated Clerk of the Presbytery.</u> The only exceptions are when a minister of the Word or Sacrament or commissioned pastor (CRE) obtains the information in a

Clarifies Response Team limits

The process for forming the Response Team has been streamlined, and the scope of work clarified to avoid interference with the disciplinary investigation. (140-159)

147 The responsibilities of the Response Team are to provide pastoral care to Reporter(s) and alleged
148 Victim(s) of the alleged misconduct; to assess the needs Reporter(s), alleged Victims, and

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149 congregations affected by the alleged misconduct; and to coordinate efforts to provide resources
150 to meet those needs. At the appropriate time, the Response Team shall offer pastoral care to the
151 Accused. The Response Team shall neither conduct an investigation nor be a finder of fact.

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153 Once formed, the Response Team will be trained by and responsible to the Presbytery through
154 the Stated Clerk, unless the Stated Clerk is the object of the investigation. The Response Team
155 may report as needed to the Commission on Ministry.

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157 The Response Team shall not initiate any contact with persons other than the Reporter or the
158 alleged Victim(s) until the Investigating Committee of the Presbytery required by the Rules of
159 Discipline shall have informed the Stated Clerk that they may do so..

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New: Training requirements and penalties

A new section on mandated sexual misconduct prevention training has been added, with penalties for those failing to participate. (176-217)

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- Failure to participate in training as required in this Policy shall have the following consequences:
- Ministers of the Word and Sacrament: withdrawal of good standing for the purpose of seeking a new call. Repeated failure to do so following notification of delinquency may subject the pastor to discipline for persisting in a disapproved work.
 - Employees of the Presbytery: Personnel disciplinary action up to and including dismissal.
 - Commissioned Pastors or other persons covered by the policy: removal from positions of trust, and from elected or appointed office.

Clarify role of the Executive Presbyter

The EP must immediately convey allegations to the Stated Clerk (or Clerk of Session) and may not conduct any investigation. (238-244)

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238 If the Executive Presbyter receives a report of alleged sexual misconduct by a minister member
239 of the Presbytery or a Commissioned Pastor (CRE), the Executive Presbyter shall immediately
240 file the report as an allegation of offense with the Stated Clerk. If the report alleges sexual
241 misconduct by a member of a congregation, a ruling elder, or an inquirer or candidate, the report

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242 shall be filed immediately as an allegation of offense with the Clerk of Session of the
243 congregation of membership of the Accused. Any investigation must be done by the
244 Investigating Committee formed under the Rules of Discipline and not by administrative means.
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Response Team guidelines revised

The details of how the Response Team conducts its work have been comprehensively revised in an appendix. (280-367)

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APPENDIX

GUIDELINES FOR THE WORK OF THE RESPONSE TEAM

The responsibilities of the Response Team are to provide pastoral care to Reporter(s) and alleged Victim(s) of the alleged misconduct; to assess the needs Reporter(s), alleged Victims, and congregations affected by the alleged misconduct; and to coordinate efforts to provide resources to meet those needs. At the appropriate time, the Response Team shall offer pastoral care to the Accused. The Response Team shall neither conduct an investigation nor be a finder of fact.