

PRESBYTERY OF LAKE HURON
SEXUAL MISCONDUCT POLICY

Adopted August 7, 2001

Amended June 4, 2002

INTRODUCTION

The ethical conduct of all who follow Jesus Christ is of vital importance to the Presbytery because their lives demonstrate an understanding of God and the gospel. Sexual misconduct is both a violation of principles set forth in Scripture and a violation of relationships of trust. Sexual misconduct is never permissible or acceptable.

STATEMENT OF PURPOSE

The purpose of this policy is to insure that Lake Huron Presbytery responds to allegations of sexual misconduct by persons covered by this policy. The policy expresses the Presbytery's commitment to seek justice in such situations and to minister to all those affected, but particularly to possible victim(s) of the misconduct. This policy guides actions which are compassionate while promoting goals of truth, responsibility, and accountability. The policy further provides opportunity for education and training in an effort to prevent acts of sexual misconduct and serves as a model for use in the personnel policies of the churches in our Presbytery.

PERSONS COVERED BY THIS POLICY

Persons covered by this policy and who are expected by the Presbytery to adhere to this policy are those persons who are under the jurisdiction of the Presbytery, or under the oversight of the Presbytery, or serving the Presbytery in any way. Persons covered by this policy therefore include Ministers of the Word and Sacrament who are members of the Presbytery, Commissioned Lay Pastors working within the bounds of the Presbytery, all persons elected by or appointed by the Presbytery, all employees of the Presbytery, and all volunteers acting on behalf of the Presbytery whether or not those volunteers are members of a Presbyterian Church.

BASIC PRINCIPLES OF CONDUCT

The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors in a position of authority who are called upon to exercise integrity, sensitivity, and caring in a trust relationship.
2. Sexual misconduct is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, the pastor, counselor, officer, or supervisor is always responsible to maintain the appropriate role and to prohibit a sexual relationship.

3. Sexual misconduct against children and other vulnerable persons takes advantage of their lack of power to protect themselves.
4. Sexual misconduct as outlined in Sections 1-3 always occurs without meaningful consent since equality does not exist in these relationships

DEFINITIONS

Sexual Misconduct is the comprehensive term used in this policy and its procedures to include:

1. Child Sexual Abuse including, but not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or 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 the child expresses apparent consent. Child Sexual Abuse includes any person under the age of eighteen years.
2. Sexual abuse of another person which is any offense involving sexual conduct in relation to:
 - a. any person under the age of eighteen years, or anyone over the age of eighteen years without the mental capacity to consent; or
 - b. any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.
3. Sexual Harassment is defined for this policy as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term of a condition of an individual's employment or their continued status in an institution.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c. 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.
4. Rape or sexual contact by force, threat, or intimidation.
5. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) which is injurious to the physical or emotional health of another.
6. Sexual Malfeasance defined as sexual conduct within a ministerial (e.g., clergy with a member of the congregation) or professional relationship (e.g., counselor with a client, lay employee with a church member, Presbytery Executive with a committee member who may be a lay person, a minister, or an elder). Sexual

conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, mutual, social, intimate, or marital relationships.

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 (whether or not 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 Coordination Team: A team drawn from the pool of persons designated by Lake Huron Presbytery to coordinate the non-judicial response to allegations of sexual misconduct under this policy.

DISCIPLINARY PROCESS

All allegations of sexual misconduct will be investigated through the appropriate process. In cases of members under the jurisdiction of Lake Huron Presbytery and members of a Presbyterian Church, judicial process as provided in the Rules of Discipline of the Presbyterian Church (U.S.A.) as found in The Constitution Of The Presbyterian Church (U.S.A.), Part II, The Book Of Order will be followed. In cases involving employees, the provisions of the Presbytery's Personnel Policies will be followed. For employees who are members of Presbytery, both Personnel Policy provisions and Rules of Discipline process will apply. In case of conflict between Presbytery's Personnel Policies and the Rules of Discipline, the Rules of Discipline take precedence. In cases involving non-member volunteers, the supervisor of the accused volunteer shall consult with the Presbytery's Executive Presbyter regarding the appropriate process for dealing with the situation.

REPORTING

Reports of sexual misconduct are serious and are to be acted upon promptly by those who receive them. In the case of child sexual abuse, all persons covered by this policy (except clergy and Commissioned Lay Pastors in those situations when they are enjoined to the contrary by state law) have a duty to report child sexual abuse as soon as possible to the proper legal authorities in the jurisdiction where the alleged abuse occurred. Anyone receiving a report of sexual misconduct committed by anyone covered by this Policy must direct the Reporter to the Executive Presbyter or the chair of the Committee on Ministry. When either of these two persons receives a report of sexual misconduct they shall inform the other that a report has been received. No one who receives or has

knowledge of a report of sexual misconduct should undertake an inquiry. If the Reporter is unwilling to go further, non-clergy persons receiving the report must themselves report to the Executive Presbyter or the chair of the Committee on Ministry, unless they are Commissioned Lay Pastors. Clergy persons and Commissioned Lay pastors receiving such a report when the Reporter is unwilling to go further may themselves report to the Executive Presbyter or the chair of the Committee on Ministry, provided they obtain the Reporter's permission to do so and subject to the provisions of Book of Order G-6.0204 and G-14.0801f respectively.

RESPONSE COORDINATION TEAM POOL

1. Upon nomination by the Presbytery Nominating Committee, the Presbytery shall elect a Response Coordination Team Pool of twelve (12) persons, each serving six (6) years (three classes of four persons each serving staggered six-year terms). The Response Coordination Team Pool is responsible to the Presbytery through the Committee on Ministry. The chair of the Response Coordination Team Pool shall be appointed by the Committee on Ministry, following consultation with the current pool chair. The chair shall serve for a two-year term beginning January 1.
2. The Response Coordination Team Pool members must be members of the Presbyterian Church (USA) with aggregate expertise, as far as possible, in the following areas: psychological counseling, child advocacy, legal matters, conflict management, insurance matters, personnel management, pastoral practices, and church governance and policies. The Response Coordination Team Pool shall arrange for initial and ongoing training of the members of the Response Coordination Team Pool.
3. All necessary expenses of the Response Coordination Team Pool and any teams formed shall be paid by the Presbytery.

RESPONSE COORDINATION TEAM

1. The Executive Presbyter or the chair of the Committee on Ministry shall contact the Response Coordination Team Pool chair within two (2) days of receiving a report of sexual misconduct (see Reporting section). Within five (5) days of such contact, the Response Coordinating Team Pool chair shall appoint a five (5) member Response Coordination Team from the Response Coordination Team Pool and name its chair.
2. The Response Coordination Team shall be diverse as to gender and clergy/lay members, and shall reflect, if possible, the ethnic background of the alleged Victim and the Accused. No member of the Response Coordination Team shall be a member of the congregation in which the allegation of misconduct arises.
3. Once formed, the Response Coordination Team will be responsible to the Presbytery through the Committee on Ministry. The chair of the Response Coordination Team Pool shall notify the Chair of the Committee on Ministry that a Response Coordination Team has been formed. The primary responsibilities of the Response

Coordination Team are to assess the needs of all parties involved in the alleged misconduct and coordinate efforts to provide resources to meet those needs. However, the Response Coordination Team shall not provide direct services itself, nor conduct an investigation or be a finder of fact. Specific procedural guidelines for the work of the Response Coordination Team are found in the Appendix to this policy.

DISTRIBUTION OF POLICY

1. This policy shall be distributed as follows: The Committee on Preparation for Ministry will be responsible for distributing the policy to Inquirers and Candidates for the Ministry of Word and Sacrament who are enrolled in this Presbytery, to those seeking certification as Christian Educators, to enrolled Educational Assistants, and to Certified Associate Christian Educators. The Committee on Ministry will be responsible for distributing the policy to ministers of the Word and Sacrament who are members of the Presbytery, or who have permission to labor within its bounds, Certified Christian Educators, and to Commissioned Lay Pastors of the Presbytery. The Presbytery's Personnel Committee will be responsible for distributing the policy to all employees of the Presbytery. Each committee overseeing programs of the Presbytery shall be responsible for distributing the policy to all persons supervising volunteers participating in the programs for which the committee is responsible.

Each of the above mentioned persons who receives a copy of this policy will be required to sign a written acknowledgment indicating that she/he has received the policy, and agrees to conduct her/him self in accordance with the policy. The signed acknowledgements shall be retained in a file in the office of the Executive Presbyter.

2. This policy shall be given to all reporters and victims of alleged sexual misconduct, and to all persons against whom allegations are made.
3. This policy shall be distributed to all clerks of session as a suggested model for congregational Sexual Misconduct Policies.
4. The Response Coordination Team Pool is responsible for providing assistance to all persons who need aid in interpreting or implementing the policy.

TRAINING

1. All Ministers of the Word and Sacrament who are members of the Presbytery, or who have permission to labor within its bounds; Certified Christian Educators; Commissioned Lay Pastors of the Presbytery; all employees of the Presbytery; all members of the Response Coordination Team Pool, the Committee on Ministry, the Permanent Judicial Commission, the Committee on Preparation for Ministry; all administrative staff; all officers of the Presbytery; and all volunteers who have supervisory responsibility shall attend a Sexual Misconduct Prevention Workshop within one year of the adoption of this Policy or within one year of beginning service in one of the above positions.

2. The Response Coordination Team Pool is charged with the responsibility of scheduling such prevention workshops. These workshops will provide opportunities for discussion and reflection on such topics as clergy self-care, ministry and power, temptations of sexual misconduct, and other issues such as the theological, emotional, legal, and insurance dimensions to the problem of sexual misconduct.
3. These prevention workshops are open to all persons from congregations and the Presbytery who may benefit by participation, e.g. an elder or youth worker, or church personnel committee members.
4. The Committee on Preparation for Ministry is charged with the responsibility to ensure that Inquirers and Candidates for the Ministry of Word and Sacrament, those seeking certification as Christian Educators, Enrolled Educational Assistants, and Certified Associate Christian Educators who are enrolled with this Presbytery receive training in regard to sexual misconduct.
5. Persons responsible for recruiting and supervising volunteers shall inform their volunteers of the existence of this policy and their responsibilities under it.

RISK MANAGEMENT/INSURANCE

At every renewal of the Presbytery's Insurance Policy the Presbytery's Board of Trustees and the Executive Presbyter will review and confirm that the Presbytery's liability insurance policy covers sexual misconduct liability for its programs and activities. Such a review will ascertain the procedures which the Insurance Company would follow in case of either a report or claim of sexual misconduct. At every review the Board of Trustees will convey to the Insurance Company a copy of this policy.

THE ROLE OF THE EXECUTIVE PRESBYTER

The role of the Executive Presbyter in sexual misconduct cases shall be to receive reports of alleged sexual misconduct, to contact the chair of the Sexual Misconduct Response Coordination Team Pool, to inform the chair of the Committee on Ministry that a report has been received, to contact the Presbytery's Insurance Company when it becomes necessary to inform the Insurance Company of a report or claim, to consult the Presbytery's attorney when such consultation is necessary, and to deal with inquiries from the media if inquiries are received. Other involvement of the Executive Presbyter in a particular situation shall be determined in consultation with the Response Coordination Team.

MEDIA CONTACT

Any inquiries from the media regarding an incident of sexual misconduct must be directed to the Executive Presbyter, and should be addressed only by the Executive Presbyter or the Executive Presbyter's designee. Members of the Response Coordination Team shall not respond to questions from the media except to refer the questioner to the Executive Presbyter.

REVIEW

The Response Coordination Team Pool shall review the Policy periodically to determine whether changes need to be made in light of experience, and recommend changes to the Presbytery.

APPENDIX

GUIDELINES FOR THE WORK OF THE RESPONSE COORDINATION TEAM

The following particular procedures are provided to guide the Response Coordination Team in carrying out its needs assessment and coordination of support resources responsibilities under this Misconduct Policy. Because the fact situations may vary considerably, it is impossible to list all of the steps a Response Coordination Team should take. Also it is acknowledged that the ability to effectively assess needs and provide resources to care for persons affected is dependent on the cooperation of the individuals involved. In all cases the Response Coordination Team should use its best efforts to help the Presbytery provide an objective, effective, expeditious and caring response to an allegation of sexual misconduct.

COMMUNICATIONS

1. Upon appointment of the Response Coordination Team, the Response Coordination Team chair will establish, and continue to maintain, communications with the chair of the Committee on Ministry or that chair's designated representative, consistent with the confidential nature of the work of the Response Coordination Team and the Committee on Ministry. To enable both the Response Coordination Team and the Committee on Ministry to effectively respond to allegations of misconduct, either the Response Coordination Team chair or the Committee on Ministry chair, or designated representatives of these two groups, can request at any time a meeting of the two committees (or parts thereof) to exchange any necessary information, receive any recommendations, and coordinate activities of the two committees. There may be some situations where the Committee on Ministry is not the Presbytery committee directly working with the misconduct allegations, e.g. a situation involving a non-clergy employee of Presbytery which would be handled by the Personnel Committee. In those cases the Response Coordination Team should work directly with that committee while keeping the Committee on Ministry chair informed.
2. When there is both a Response Coordination Team and an Investigating Committee involved in a case the Stated Clerk shall inform each of them of the others existence. It is recognized that communications between the Response Coordination Team and the Investigating Committee would be restricted in view of the Book of Order, Rules of Discipline. It is understood the Response Coordination Team will not undertake any of the responsibilities of the Investigating Committee and that the work of the Response Coordination Team will be done in a way that will not interfere with the work of the Investigating Committee.

CONTACT WITH THE REPORTER, THE VICTIM, AND THE ACCUSED

1. Within seven (7) days of its appointment and before it meets with any of the above the Response Coordination Team will hold an organizational meeting, and on the same day, if possible, the Response Coordination Team will meet with the Reporter to hear the report of the alleged sexual misconduct, to advise the Reporter of this Policy, and to review with the Reporter the non-disciplinary responses and the disciplinary procedures which may be utilized.
2. Following the meeting with the Reporter the Response Coordination Team will meet to plan how best to assess the needs of the persons involved and secure resources.
3. The Response Coordination Team will meet with the Victim or make every possible effort to make contact with the Victim to advise the Victim of this Policy, review both the non-disciplinary responses and the disciplinary procedures which may be used by the Victim, assess support needs, and offer resources of support and care for the Victim and family. If the Response Coordination Team is unable to meet with the Victim the Response Coordination Team must determine what steps it will take.
4. With the Victim's knowledge and in coordination with the work of the Committee on Ministry in this matter, the Response Coordination Team will make sure that the appropriate persons or groups meet with the Accused to advise the Accused of this Policy, review both the non-disciplinary responses and the disciplinary procedures which may be used by the Accused, assess support needs, and offer resources of support and care for the Accused and family.

OTHER STEPS

1. The Response Coordination Team may work with the Session, employer, staff, volunteers or others that may be affected by the alleged misconduct, with the permission of the Committee on Ministry.
2. In carrying out its responsibilities the Response Coordination Team may consult with other members of the Response Coordination Team Pool, and may enlist the assistance of other presbyters to meet specific needs.
3. The Response Coordination Team will keep appropriate records of its meetings, contacts with the individuals involved, and arrangements made with resource persons providing support. The Response Coordination Team will forward to the chair of the Committee on Ministry any records which the Response Coordination Team believes will be helpful.

ACKNOWLEDGEMENT

I acknowledge that on _____, I received a copy of the Sexual Misconduct Policy of Lake Huron Presbytery (dated _____), and that I agree to conduct myself in accordance with the policy in any involvement with or service to the Presbytery. I understand that this acknowledgement will be retained in a file in the office of the Executive Presbyter.

_____	_____
(signature)	(date)
_____	_____
(name)	

	(address)

(phone)	

Relationship to Presbytery (check all that apply):

- Inquirer
- Candidate
- Minister member
- Minister with permission to labor within the presbytery
- Commissioned Lay Pastor
- Certified Christian Educator
- Presbytery Employee
- Volunteer
- Elder/Deacon of _____ Presbyterian Church, _____
- Member of _____ Presbyterian Church, _____