

# **SAMPLE SEXUAL MISCONDUCT POLICY:**

## **XXXXX Presbyterian Church**

### **Procedures for Handling Allegations of Sexual Exploitation or Harassment against Teaching elders, Ruling elders, Employees, and Volunteer Leaders**

All allegations of sexual abuse, sexual harassment and sexual misconduct will be taken seriously. Every allegation will be received, investigated, and acted upon in accordance with the terms of this policy.

The protection of children and youth is a priority. Persons having reasonable cause to suspect sexual abuse of a child or young person will report it to the appropriate secular agency for immediate investigation.

The accused person is always presumed innocent until proven guilty. In the context of this policy, no adverse finding will be made public or revealed against an accused person, except on a need to know basis, until a full investigation is completed and it has been determined that the allegation has been properly substantiated.

- 1. Anyone suspecting or having knowledge of Sexual Exploitation or Harassment** may report such violation to any teaching elder, to the Clerk of Session, or to one of the ruling elders. Any child or youth who suspects or has knowledge of any sexual exploitation or harassment is invited to share the knowledge with any teaching elder, ruling elder, adult, or volunteer. Anyone who has knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities. Any person suspecting or having knowledge of Sexual Exploitation or Harassment with a minor must report such violation to civil authorities and any teaching elder, Clerk of Session, or one of the ruling elders.
- 2. If anyone is uncomfortable reporting Sexual Exploitation or Harassment locally**, he or she may report it to the Presbytery of the Twin Cities Area's Executive Presbyter or Stated Clerk (651-357-1150). The Presbytery of the Twin Cities Area shall respond.
- 3. A response team with no fewer than two members, one male and one female, will be established by the session** of XXXXX Presbyterian Church each year at its first meeting, in preparation for the possibility of receiving an allegation or complaint under this policy. The response team will familiarize itself with the terms of this policy as well as the established procedures of XXXXX Presbyterian Church for dealing with allegations of misconduct against any teaching elder, ruling elder, employee, or volunteer in leadership position(s) at XXXXX Presbyterian Church.

- 4. To address incidents of alleged sexual exploitation or harassment:**
  - A. The complainant (if adult) may attempt to resolve the matter directly with the individual(s) accused of sexual exploitation or harassment; or
  - B. The complainant may report the incident(s) to a teaching elder, Clerk of Session, or ruling elder of the church to resolve the matter.
  
- 5. The Clerk of Session, ruling elder, or teaching elder receiving the information is required to share the information within 24 hours with the response team.**
  - A. The response team shall do the following:
    1. If the report is against a teaching elder, the response team will, without further investigation, send a written statement of allegation to the stated Clerk of the Presbytery that holds the teaching elder's membership.
    2. If the report alleges sexual abuse or harassment of a minor, the response team will:
      - a. immediately insure the allegation is reported to the civil authorities under state law;
      - b. immediately takes steps to remove the alleged offender (without implication of guilt or innocence) from contact with minors until an investigation is completed or until a resolution of the allegations has occurred;
      - c. immediately notify the parents or guardian of the minor;
      - d. notify the session of the allegation so that the session may take steps to ensure that the accused does not have contact with minors until an investigation is completed or until a resolution of the allegations has occurred.
    3. If the report is against a ruling elder, the response team will notify the session that an allegation of offense has been received against a ruling elder that triggers the formation of an investigating committee under the Rules of Discipline of the Book of Order of the Constitution of the Presbyterian Church (U.S.A.).
      - a. The session will appoint an investigating committee according to the Rules of Discipline.

- b. The resulting investigating committee will initiate an investigation using the procedures described in the Rules of Discipline.
- 4. If the report is against an employee of XXXXX Presbyterian Church, the response team will notify the person(s) or committee responsible for supervision of the employee. The response team will request a follow-up report from the supervisory body of the outcome of any subsequent investigation or discipline.
- 5. If the report is against a member, volunteer, or non-member of the congregation, the response team will request that the session appoint an investigating committee of three persons to initiate an investigation of the allegations as follows:
  - a. gather any statements of sexual exploitation or harassment from those making the report and any party to the exploitation or harassment.
  - b. gather any information from the person who was accused of sexual exploitation or harassment.
  - c. make determinations and take actions appropriate to resolve the matter. These may include:
    - 1. Finding that sexual exploitation or harassment has occurred and that the appropriate body of the church is called upon to take action accordingly. Such action may include one or more of the following:
      - a. Formal reprimand with defined expectations for changed behavior, including possible public notification;
      - b. Recommending or requiring a program of growth that may include education and/or counseling;
      - c. Temporary removal from ministry, with the terms of the temporary removal clearly defined;
      - d. Dismissal from volunteer leadership position or limitation on participation in church ministry (that will provide protection for the person(s) exploited and/or harassed) and, in extreme cases, affiliation with, or membership in, the church.

2. Finding that no sexual exploitation or harassment occurred.

- a. Provide pastoral counseling for the principal parties involved (accuser(s), possible victim(s), accused, family members).
- b. Determine, with the pastoral staff, how ministry will be maintained in the church while this issue is being addressed, balancing the need of the community to discuss the issue of sexual exploitation and harassment with the rights of the individual accused not to be assumed guilty.

**6. A written summary of any proceedings in such cases will be maintained.**

**9. Any person bringing a sexual harassment or exploitation report or assisting in investigating** such a complaint will not be adversely affected in terms and conditions of employment, church membership or affiliation, or otherwise discriminated against or discharged