

POLICY ON BOUNDARIES EDUCATION

The first and best way to deal with problematic conduct (including prohibited conduct as defined in Attachment A) is to prevent its occurrence by building awareness through appropriate education.

A. Education and Training

The **Committee on Ethics (COE)** sponsors (Level 1) boundaries training for promoting and maintaining healthy self-care, awareness and accountability, appropriate boundaries, appropriate use of power, prevention of prohibited conduct and other similar preventative measures and to create and assure safe work settings. Further, COE is authorized to work with other religious bodies to conduct and/or approve ecumenical training opportunities. COE is also authorized to provide alternative training for people who are outside the presbytery and unable to find training opportunities at the site of their ministry. This may include sending them written materials.

Whenever training sponsored by COE is required by this policy, COE is authorized to approve other training opportunities as substitutes for this required training.

- If training was taken in another judicatory (e.g., another presbytery, the military, General Assembly training of missionaries) within the prior five years, COE may consider that training as fulfilling the requirement of Level 1 training.
- If a teaching elder who is a member of another denomination is employed in a joint congregational witness (e.g., joint PCUSA/UCC congregation, cf. G-5.05), the teaching elder may fulfill the training requirement by completing equivalent Level 1 training from either denomination.

It is the responsibility of the incoming clergy or candidate to submit to COE the documentation and information about the training they desire to have approved for Level 1 equivalency.

The following individuals are required to complete Level 1 training sponsored by COE within 18 months of either reception of membership in, or commencement of service to, the presbytery:

- All teaching elders, including honorably retired teaching elders who continue in some active ministry (e.g., leading a Bible study, pulpit supply), who are members of this presbytery, as well as all commissioned ruling elders serving under the direction and supervision of the presbytery, regardless of whether service is inside or outside its bounds. However, teaching elders or commissioned ruling elders who leave and return to this presbytery within five years are encouraged, but not required to re-take Level 1 training.

- All present members of the presbytery's Permanent Judicial Commission (PJC)

Under exceptional circumstances, COE may authorize a brief extension of time to complete the training requirement. Such extensions will be done on an individual basis and in consultation with the Committee on Ministry.

Teaching elders and commissioned ruling elders who have not completed this training and who have not received an extension within the first eight months of reception into membership or commencement of service shall be sent a letter and an email reminding them of this requirement and the consequence of failing to comply and the need to complete the training within the next ten months.

Teaching elders and commissioned ruling elders who have not completed this training and who have not received an extension within the first 12 months of reception into membership or commencement of service to the presbytery shall be sent a certified letter and an email reminding them of this requirement and the consequences of failure to comply and the need to complete the training within the next six months. COM will be sent a copy of this letter.

The clerk of session of a teaching elder or commissioned ruling elder serving a congregation or the employer of a teaching elder or commissioned ruling elder in a validated ministry will also be sent a copy of this letter.

Teaching elders and commissioned ruling elders who fail to complete this training within 18 months and who have not received an extension shall be referred to the Stated Clerk of the Presbytery who will follow the procedure in the Book of Discipline to determine if an investigative committee should be formed to consider charges for a violation of this policy. The Stated Clerk shall have in mind G-3.0106, G-3.0307 and W-1.4009 as well as any other relevant sections in the *Book of Order*.

Members of the PJC who fail to complete this training shall be immediately and automatically removed from membership on the PJC.

The Stated Clerk shall notify the appropriate session, as well as other appropriate groups or organizations, of teaching elders and commissioned ruling elders failing to comply with this training requirement and the consequences of that failure.

Volunteer leaders engaged in ministries to minors and vulnerable adults under the direction and supervision of the presbytery (e.g. Youth Triennium) are required to attend Level 1 training sponsored or approved by COE.

The following are required to attend boundaries training approved by committees other than COE:

- Teaching elders who are not members of the presbytery shall prove to COM that they have had appropriate Level 1 training before being permitted to temporarily labor within the bounds of this presbytery. Teaching elders who wish to labor within the bounds of this presbytery on a more permanent basis shall be required to attend Level 1 training sponsored or approved by COE.
- Inquirers and candidates shall fulfill training requirements supervised by the Committee on Preparation for Ministry (CPM). If a candidate is received into membership of this presbytery less than five years after completing Level 1 training sponsored by COE, the candidate shall have fulfilled this policy's training requirement. Otherwise, candidates who are received into this presbytery without having completed recent Level 1 training sponsored by COE shall be subject to the same training requirement as other teaching elder members.

Teaching elders commissioned ruling elders, and inquirers/candidates are responsible for maintaining a record of the training they have taken.

The presbytery encourages all congregations and other work settings to actively engage in education, open discussion, and policy implementation to ensure that all work settings are safe places to worship, learn, serve, and be served. The presbytery recommends that the following complete Level 1 training:

- Ruling elders (at least two from each congregation every three years)
- Deacons, Befrienders, and Stephens Ministers
- Choir directors and other music leaders
- Youth ministers

COE from time to time, may recommend and sponsor (Level 2) prevention education on subjects including, but not limited to, maintaining healthy self-care, awareness and accountability, appropriate boundaries, appropriate use of power and other similar preventative measures.

B. Compliance and Distribution

COE shall report to the presbytery a record of attendance and participation in Level 1 training to be published in the presbytery meeting minutes for keeping a record at the presbytery level.

The Stated Clerk shall:

- Maintain a list of all teaching elders and commissioned ruling elders along with when they completed Level 1 training.
- Require all new members of the presbytery, its employees, and its volunteers with minors and vulnerable adults to sign or certify by e-mail acknowledging that they have received a copy of the presbytery's ethics policies and that they understand they are expected to conduct themselves accordingly. Failure of

acknowledgement within a reasonable time is subject to disciplinary action, up to and including removal from ministry.

- Ensure that all sessions within the presbytery adopt and implement a sexual misconduct policy (G-3.0106),
- Distribute the presbytery's ethics policies to the clerks of session of all congregations in the presbytery and make them available to anyone upon request.
- Distribute a summary statement of the presbytery's ethics policies and other significant portions of this document to be posted in all congregations and related entities.

All teaching elders are responsible for complying with this policy. Toward that end, any teaching elder who believes that he/she has become aware of an incident that may be a violation of this policy, must report that information to the chair of the COE.

The presbytery expressly prohibits retaliation against any individual who in good faith reports a complaint under this policy or for assisting, testifying or participating in any investigation, proceeding or hearing related to a complaint under this policy.

ATTACHMENT A

Definitions

1. **Accused** refers to the person against whom a claim of **prohibited behavior** is made, who has the right to remain silent and be accompanied by an **advocate** or **counsel** (D-10.0203c)
2. **Accuser** refers to the person who files a report of prohibited conduct, as the offended, or on behalf of the offended. The **accuser** has the right to be accompanied by either an **advocate** (D-10.0203a, b) or **counsel** (D-11.301).
3. **Advocate** refers to the person(s) who provides ongoing support, consultation and accompaniment to the **accuser** or the **offended** throughout the **inquiry** process and any subsequent proceeding (D-10.0203a, b).

This person, preferably with special training for this task, will have their out-of-pocket expenses covered by the **presbytery**.

4. **COE**, when abbreviated, refers to **Committee on Ethics** formerly known as **AIM** (Advocates for Integrity in Ministry) and before that known as **SMRC (Sexual Misconduct Response Committee)**.
5. **COM** when abbreviated, refers to the Committee on Preparation for Ministry of the Presbytery of the Twin Cities Area.
6. **CPM** when abbreviated, refers to the Committee on Preparation for Ministry of the Presbytery of the Twin Cities Area.
7. **Child sexual abuse** is **sexual misconduct** and includes, but is not limited to:
 - a. Any sexual conduct or sexual interaction between a minor (under the age of eighteen years) and an adult,
 - b. Any risqué jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses, or sexually suggestive pictures between an adult and a minor, as deemed inappropriate by any reasonable adult,
 - c. Any use or attempted use of a minor in a sexual performance “Sexual performance” means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction that uses a minor to depict actual or simulated sexual conduct.
8. **Church**, when capitalized, refers to the Church universal; when not capitalized, refers to the Presbyterian Church (U.S.A.)

9. **Congregation** refers to a particular (local) church of the Presbyterian Church (U.S.A.) or other denominations in which a teaching elder of the Presbyterian Church (U.S.A.) serves.
10. **Counsel** refers to the person(s) who represents any party in a disciplinary case during the inquiry process or any subsequent proceeding. **Counsel** must be a member of the Presbyterian Church (U.S.A.). No member of the **permanent judicial commission (PJC)** shall appear as **counsel** before that commission while a member. **Counsel** need not be a paid representative or attorney-at-law. (D-11.0301). If the **accused** is unable to secure **counsel** for trial, the **presbytery** in which the case originated shall appoint counsel and authorize and reimburse reasonable expenses for the defense (D-11.0301). **Counsel** for parties involved in a case may not be compelled to testify about confidential matters, nor may they testify concerning any matters without the express permission of the party they represent (D-14.0204).
11. **Criminal History Background Check** of an applicant for an employee or volunteer position of the **presbytery** refers to a process with two parts:
- a. A self-disclosure, requiring that the applicant indicate whether or not they have ever been convicted of any of the “Background Check Crimes.” (see Section V-B)
 - b. A criminal background check, where the applicant completes an Informed Consent, supplies social security number and authorizes a full criminal background check in all states and counties of residence for the previous 10 years. (see Section V-C)
12. **Disciplinary process** is the process undertaken pursuant to Section D-10.0100ff in the *Book of Order*.
13. **Emotionally dependent** refers to a person who by nature of the person’s emotional condition is unable to withhold consent to sexual conduct and such condition is known by the teaching elder or ruling elder.
14. **Employee (member or non-member)** is any person hired or called to work, for the **presbytery** or any **congregation** or related organization within the jurisdiction of the **presbytery**, for salary or wages.
15. **Harassment** is expressly prohibited. Harassment is visual, verbal, or physical conduct that has the effect of, or can be perceived as unreasonably interfering with performance in a work setting, or which creates an intimidating, hostile, or offensive work setting environment. Harassment may be based upon protected status, which includes race, color, religion, gender, age, national origin, disability, marital status, sexual orientation, gender identity, military status, genetic information, or any other status or condition protected by local, state or federal law.

Lack of intent to harass is no defense.

16. **Investigation/Inquiry** are the terms used in the Rules of Discipline to determine whether charges should be filed based upon the allegation of an offense received by the **presbytery**. It is the examination of information regarding alleged **prohibited conduct** in that regard. (D-10.0200)
17. **Investigating Committee**, as defined in D-10.0201ff, is the body charged with performing the **investigation/inquiry** on behalf of the **presbytery**. Members of the committee become the prosecuting committee if charges are filed, and if an accused is found to be guilty of charges, recommends a degree of censure to the PJC.
18. **Mutual Consent** is possible only between two adults with equal power in the relationship. **Mutual consent** is **not possible** when one party is a teaching elder, professional lay leader in a pastoral, counseling, employer or leadership position within the **church**, and the other party is a minor, a vulnerable adult according to state statute, or a vulnerable person. A teaching elder or commissioned ruling elder may not have a dating relationship with a congregant unless the session approves both that the relationship is very similar to mutual consent and that the relationship would not likely harm the congregation, subject to the oversight of **COM**.
19. **Offended** is the term used to identify the person(s) against whom the **prohibited conduct** has been directly perpetrated.
20. **Offender** is the term used for the **accused** once charges have been sustained.
21. **Personal Risk** refers to when leaders in ministry (volunteers, lay leaders, and ministry professionals) fail to understand healthy boundaries and analyze power dynamics. This can put ministry leaders at risk for committing boundaries violations, thereby harming those for whom ministers are supposed to protect and care.
22. **PJC** when abbreviated, refers to the Permanent Judicial Commission, the church “court” on the **presbytery** level in the disciplinary process. (D-5.0202).
23. **PNC** when abbreviated, refers to the Pastor Nominating Committee in a particular congregation.
24. **Persons covered** by this policy and these procedures are those whose positions are established or validated by the **presbytery**: teaching elders, commissioned ruling elders, and inquirers and candidates under care of the **presbytery**. Employees, certified Christian educators and associate certified Christian educators, officers, and volunteers from congregations are covered under the **presbytery** policy and procedures when they are working directly under the **presbytery’s** supervision.

Individual congregations are not covered by this policy and these procedures; however, congregations within the **presbytery** are required to adopt and implement their own **prohibited conduct** policies. (G-3.0106).

- 25. Pornography:** Printed, visual or audio material containing the explicit description or display of sexual organs or activity, intended to stimulate erotic or violent rather than aesthetic or emotional feelings. Any sexually explicit material that depicts children is pornography.
- 26. Presbytery,** in this policy and these procedures (unless otherwise stated), refers to the Presbytery of the Twin cities Area of the Presbyterian Church (U.S.A.).
- 27. Prohibited Conduct,** the following activities communicated or conducted in person or by any means, whether verbal, written, visual or electronic:
- a. **Sexual misconduct** as herein defined
 - b. **Harassment** as herein defined
 - c. Sexual innuendos, risqué jokes or teasing of a sexual nature, advances, or propositions, obscene or sexually suggestive gestures, or any type of subtle pressure for sexual activity.
 - d. Continuing to make sexual advances or comments or otherwise expressing personal interest after being informed the interest is unwelcome.
 - e. Sexual or degrading remarks regarding appearance, clothing, body, or love life.
 - f. Derogatory or demeaning comments, epithets, threats, slurs, sexually suggestive or insulting questions, comments or sounds.
 - g. Intimidating or offensive gestures, leering, whistling, the dissemination or posting or communication of materials such as sexually suggestive or gender derogatory objects, computer software, posters, photographs, cartoons, drawings, e-mails, letters, articles, or pictures that have sexual content or that denigrate persons.
 - h. Use of work setting property (e.g., e-mail, voicemail, internet services, instant messaging services, copying, or fax equipment, etc.) to access, communicate, produce, disseminate, display or store material that is obscene or could otherwise create an offensive or hostile work setting.
 - i. Unwanted physical proximity or physical contact, including, without limitation, touching, pinching, brushing the body, impeding or blocking movement, sexual intercourse or assault.
 - j. Encouraging attitudes or patterns of verbal, visual, or physical conduct which may reasonably be perceived as tending to legitimize, rationalize, or make light of unwanted sexual advances.
 - k. Any making or threatening reprisals after a negative response to sexual advances.
 - l. Any retaliation for reporting ethics violations, threatening to report ethics violations, or for assisting, testifying or participating in an investigation,

proceedings or hearing related to complaints under the **presbytery's** ethics policies.

- 28. Reasonable suspicion** is a belief or opinion based on information or circumstances sufficient for a prudent person to inquire further, to take action, or to report to the authorities.
- 29. Reference** is “a written request, made by a session or a **permanent judicial commission** of a **presbytery** or synod to the permanent judicial commission of the next higher council, for trial and decision or a hearing on appeal in a remedial or disciplinary case not yet decided. A proper subject of reference involves matters or questions for which it is desirable or necessary that a higher council decide the case.” (D-4.0100)
- 30. Secular authorities** are the government officials, who have the responsibility to investigate, prosecute, and/or bring charges in civil or criminal court against individuals accused of sexual crimes or offenses.
- 31. Sexual conduct** means any of the following (Minnesota Statutes Section 617.241):
- a. An act of sexual intercourse, normal or perverted, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
 - b. Sodomasochistic abuse, meaning flagellation, torture, or similar demeaning acts inflicted by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed;
 - c. Masturbation;
 - d. Lew exhibitions of the genitals; or
 - e. Physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
- 32. Sexual abuse** of another person is **sexual misconduct** and includes 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 (D-10.0401c); or
 - b. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position (D-10.0401c); or
 - c. Any person who is “**emotionally dependent**”.
- 33. Sexual harassment** is **sexual misconduct** and is expressly prohibited.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when any of the following conditions are present:

- a. Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment, or their continued status in the **presbytery**, or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or
- c. The conduct unreasonably interferes with an individual's work performance, or
- d. The conduct creates an intimidating, hostile, or offensive work setting environment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

Lack of intent to harass is no defense.

34. Sexual misconduct is a comprehensive term used in this policy and these procedures to include, is not limited to:

- a. **Child sexual abuse** as previously defined.
- b. **Sexual abuse** as previously defined.
- c. Rape or sexual contact by force, threat, or intimidation.
- d. Production, distribution, or accessing of **pornography** as previously defined.
- e. **Sexual harassment** as previously defined.
- f. Sexual violation of marriage vows.

35. SMRC, when abbreviated, refers to the Sexual Misconduct Response Committee of the Presbytery of the Twin Cities Area. This committee became Advocates for Integrity in Ministry in March 2008, and is currently known as the Committee on Ethics (COE).

36. Volunteer refers to a person who provides services to the **presbytery**, or a church or related work setting, without financial or material remuneration.

37. Vulnerable persons include:

- a. Minors
- b. Vulnerable adults as defined in state statutes for Minnesota and Wisconsin, including **emotionally dependent** adults
- c. Minors or adults who are living in a vulnerable life context, including but not limited to loss and grief, major transition, occasions for counseling, or supervision.

38. Work setting refers to wherever and whenever persons covered encounter people to whom they are obligated to minister (e.g., congregants, patients in hospitals, students,

youth) or working with colleagues in ministry (e.g., discussing **presbytery** business), whether in person or remotely (e.g., over the phone, e-mail, social media).