

**SEXUAL CONDUCT
POLICY**
for the
**MINISTERS OF THE WORD AND
SACRAMENT**
THE PRESBYTERY OF NORTHUMBERLAND
THE PRESBYTERIAN CHURCH (U.S.A.)

ADOPTED FEBRUARY 3, 1996
AMENDED MARCH 21, 1998
new wording in bold face type

"As God who called you is holy, be holy yourselves in all
your conduct." (I Peter 1:15)

"Tend the flock of God that is in your charge, not under compulsion
but willingly, not for sordid gain but eagerly; do not
lord it over those in your charge, but be examples
to the flock." (I Peter 5:2-3)

"You know that we who teach shall be judged
with greater strictness." (James 3:1)

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SC-1.0000 A STATEMENT OF PURPOSE

SC-1.0100 Having experienced and responded to the love of God in Jesus Christ, the Ministers of the Word and Sacrament who are members of the Presbytery of Northumberland are part of a community of persons who share a living relationship with Jesus Christ. In their ministry, these Ministers seek to proclaim to both the church and the world that God is at work for the healing and reconciliation of persons and societies, to call persons into a living relationship with Jesus Christ, and to welcome and nurture persons who are discovering that relationship. The Ministers of the Presbytery recognize that their own sexual conduct with other persons in the church and the world will have a significant impact on the quality of their Christian witness. "Their manner of life should be a demonstration of the Christian gospel to the world." (Form of Government G-6.0106) So they join Elders of the Presbytery in adopting a Sexual Conduct Policy, to govern the behavior of Ministers of the Word and Sacrament who are members of the Presbytery of Northumberland.

SC-1.0200 Lay employees of the Presbytery of Northumberland are subject to the Personnel Policies of the Presbytery, as a condition of employment.

SC-1.0300 Other lay officers and lay volunteers serving in the committees and programs of the Presbytery voluntarily accept the provisions of the Presbytery's Personnel Policy on Sexual Harassment as a part of their personal commitment to voluntary service in the Presbytery.

SC-2.0000 STANDARDS OF SEXUAL CONDUCT

SC-2.0100 It is the expectation of the Presbytery that the ministry of every Minister of the Word and Sacrament in the Presbytery shall be conducted in accordance with the following standards of sexual conduct.

SC-2.0101 1. The ministry shall reflect the quality of life demonstrated by the Lord Jesus Christ, by honoring and respecting all other persons as children of God.

SC-2.0102 2. The ministry shall reflect the Scriptural teaching that religious leadership is a covenantal relationship with God, calling for the trustworthy exercise of ministerial skills and authority for the wholeness and well-being of other persons.

SC-2.0103 3. The ministry shall reflect the reality that persons in positions of religious leadership in Presbytery are given a spiritual trust by the people and the churches of Presbytery and by their colleagues in the Ministry of the Word and Sacrament.

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- SC-2.0104 4. The ministry shall reflect the basic principle that sexual misconduct in any form is never permissible; is a violation of ministerial, professional and employment relationships; and is a sin against both God and the victim of the sexual misconduct.
- SC-2.0200 In recognition of the realities of the society in which the church lives and witnesses and the responsibility of the Presbytery to provide appropriate oversight of its Minister members and churches, all Ministers seeking membership in the Presbytery shall complete Part VI, Sexual Misconduct Information, of the Personal Information Form (June 1994) of the Presbyterian Church (U.S.A.). The completed form shall be submitted to the Stated Clerk of the Presbytery before the Committee on Ministry will recommend approval of Presbytery membership.
- SC-2.0300 Present members of the Presbytery shall complete Part IV, Sexual Misconduct Information of the Personal Information Form (June 1994) of the Presbyterian Church (U.S.A.). The completed form shall be submitted to the Stated Clerk of the Presbytery, within six months after the adoption of this policy.
- SC-2.0400 All completed responses shall be reviewed by the Stated Clerk of the Presbytery and held in a sealed and locked file in the Office of the Stated Clerk of the Presbytery. Access to this file shall be limited to the Stated Clerk and the Presbytery Solicitor, and, for specific cause as approved by those two persons, to the Chairperson of the Presbytery's Committee on Ministry or **an investigating committee**.
- SC-2.0500 A current copy of the Sexual Conduct Policy of the Presbytery of Northumberland shall be posted in the Presbytery Office, in the office of the Stated Clerk of the Presbytery, and in each particular church of the Presbytery, **and shall be given to Ministers of the Word and Sacrament, Commissioned Lay Pastors, and Certified Christian Educators of the Presbytery.**
- SC-2.0600 Every Minister of the Word and Sacrament, **Commissioned Lay Pastor, and Certified Christian Educator** shall participate at least once in a training program on the prevention of adult sexual misconduct and child sexual abuse, to be developed and implemented at least once each year under the direction of the Church and Community Committee of the Presbytery **and funded through the Presbytery's Administrative Budget.**
- SC-2.0700 **Persons required to comply with this policy shall attend this training within two years. The Stated Clerk of Presbytery shall keep a record of attendance, and report the names of those who do not comply to the Committee on Ministry.**

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- SC-2.0800** Non-resident Ministers of the Word and Sacrament shall attend the sexual conduct training offered by the Presbytery within whose bounds they reside, and shall submit documentation of this participation to the Stated Clerk of Presbytery.
- SC-2.0900** Other lay employees, officers and committee members of the Presbytery shall be invited and encouraged to participate in this training program. An open invitation to participate shall be extended to officers, church school teachers, and youth leaders of the particular churches of the Presbytery.
- SC-3.0000** **DEFINITIONS OF SEXUAL MISCONDUCT**
- SC-3.0100** Sexual misconduct is dehumanizing for all persons involved and is an unwarranted misuse and abuse of power or manipulation on the part of one person against another. It results in the breaking of trust within a ministerial, professional or employment relationship.
- SC-3.0200** Allegations of sexual misconduct by a Minister of the Presbytery may include either allegations of misconduct involving a minor child or allegations of misconduct involving another adult person. **Sexual misconduct includes but is not limited to sexual abuse as defined in the Rules of Discipline, D-10.0401.b.**
- SC-3.0300** Sexual misconduct by a Minister involving a minor child "includes any form of sexual contact or exploitation in which a minor is being used for the sexual stimulation of the perpetrator.... Child sexual abuse may be violent or non-violent (and) is an exploitation of the child's vulnerability and powerlessness in which the abuser is fully responsible for the actions. (It) involves children in sexual behaviors for which they are not personally, socially, and developmentally ready. Child sexual abuse includes behaviors that involve touching and non-touching aspects." **
- SC-3.0400** Sexual misconduct by a Minister involving another adult person includes any of the following:
- SC-3.0401** 1. Physical sexual contact within a ministerial, professional or employment relationship, including relationships with persons who are not members or employees of particular churches or governing bodies of the Presbyterian Church (USA).
- SC-3.0402** 2. Sexual conduct that is injurious to the physical or emotional health of another, such as offensive, obscene or suggestive actions or language (verbal or written), unwelcome touching or fondling, risqué jokes, innuendoes, insults, ingratiating and over-solicitous behavior including

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sexually inappropriate visits, phone calls, mail, questions about sexual activity, or flattery that is sexual in intent.

- SC-3.0403 3. Rape or sexual contact by force, threat or intimidation. It also includes but is not limited to all behaviors and actions prohibited by the PA Crimes Code and the Child Protective Services Law. It may also include sexual activities and conduct as that conduct is defined as exploitation in the Older Adults Protective Services Act or as is forbidden in the Protection From Abuse Act.
- SC-3.0404 4. Sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when one or both of the following occur: (1) submission to or rejection of such conduct is explicitly or implicitly a term or condition of employment or volunteer service; (2) such conduct unreasonably interferes with work or volunteer service performance by creating an intimidating, hostile, or offensive environment for employment or volunteer service.

** from Reducing the Risk of Child Sexual Abuse in Your Church, p. 13, by Richard R. Hammer, Steven W. Klipowicz & James W. Cobble, Jr., 1993, published by Church Law & Tax Report; used by permission

SC-3.0500 The Minister is responsible for maintaining appropriate sexual boundaries in a ministerial, professional or employment relationship.

SC-4.0000 RESPONSES TO SEXUAL MISCONDUCT

- SC-4.0100 Allegations of sexual misconduct by a Minister member of the Presbytery of Northumberland shall be filed in accordance with the disciplinary process described in the Rules of Discipline of The Book of Order.
- SC-4.0200 Members of the Permanent Judicial Commission of the Presbytery shall be trained in the program described SC-2.0600, and shall be trained in the Rules of Discipline of the Presbyterian Church (USA) by the Stated Clerk of the Presbytery.
- SC-4.0300 Members of **investigating committees** of the Presbytery **shall be trained in** the program described in SC-2.0600, and shall be trained in the Rules of Discipline of the Presbyterian Church (USA) by the Stated Clerk of the Presbytery.
- SC-4.0400 When an allegation of sexual misconduct by a Minister is filed with the Stated Clerk of the Presbytery, the Stated Clerk shall, in addition to the required Constitutional actions, immediately notify the Presbytery Solicitor, the Presbytery Response Teams, and the Presbytery's insurance carrier.

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- SC-4.0500 To implement sections SC-4.0400 and SC-4.0500 of the Presbytery's Sexual Conduct Policy, the Presbytery shall elect a Response Team for Alleged Victims and a Response Team for Accused Persons, as follows:
- SC-4.0501 1. Each Response Team shall consist of three persons, elected for three-year terms in classes, including laypersons and Ministers, female and male, of different ages and backgrounds. Each Team shall be self-organizing. Team members may be re-elected for an indefinite number of additional terms.
- SC-4.0502 2. The work of each Team, including appropriate training experiences, shall be funded through the Administrative Budget of the Presbytery, with careful attention to confidentiality when disbursing funds.
- SC-4.0503 3. Each Team shall include persons who are impartial yet sensitive, well respected, compassionate, and able to maintain confidentiality. They shall be willing to learn new understandings, to keep themselves up to date on issues related to sexual harassment, and to be supportive listeners.
- SC-4.0504 4. Each Team shall act in consultation with the Presbytery Solicitor and the Presbytery's insurance carrier. Each Team may invite additional persons with special skills to assist them in their duties.
- SC-4.0505 5. No member of either Team shall in any way investigate the allegations made, discuss the allegations or the persons and particular churches involved with any person outside their Team (except as noted in SC-4.0504 above), or make any public statement about the allegations or the persons or particular churches involved in the allegations.
- SC-4.0506 6. The Teams shall be the persons duly appointed by the Presbytery of Northumberland "to provide counseling services for persons within the jurisdiction of the governing body," in accordance with Section D-14.0203 of the Rules of Discipline of the Presbyterian Church (USA). No member of either Team shall be called upon to "testify before a session or permanent judicial commission, except that the restriction may be waived by the party or witness about whom the testimony is sought." (Rules of Discipline, D-14.0203.)
- SC-4.0507 7. Members of the Response Teams shall participate in the training program described in SC-2.0600, and shall be trained in the Rules of Discipline of the Presbyterian Church (USA) by the Stated Clerk of the Presbytery. The Teams shall also be trained in listening, confidentiality, and sensitivity skills in a program developed and implemented under the guidance of the Stated Clerk of the Presbytery.

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- SC-4.0600 The concern of the Presbytery for all alleged victims of sexual misconduct by a Minister member of the Presbytery shall be expressed promptly and in person by the Response Team for Alleged Victims, including the following specific expressions of concern:
- SC-4.0601 1. Thank the alleged victim for reporting the accusation.
- SC-4.0602 2. Advise the alleged victim that she/he may contact the proper civil or criminal authorities.
- SC-4.0603 3. Explain the disciplinary process of the Church to the alleged victim.
- SC-4.0604 4. Assure the alleged victim that the complaint will be investigated promptly, with every effort to maintain confidentiality and protect the privacy of the alleged victim.
- SC-4.0605 5. Advise the alleged victim that she/he may choose to have both legal counsel and a personal advocate present during the Presbytery's inquiry into the alleged misconduct.
- SC-4.0606 6. Advise the alleged victim that she/he may choose to seek professional counseling; the Team will encourage the person in that process, **and may recommend to Presbytery that financial support be provided by the Presbytery.**
- SC-4.0607 7. Make certain that the alleged victim has a copy of the Presbytery's Sexual Conduct Policy;
- SC-4.0608 8. Provide for the continuing pastoral care of the alleged victim.
- SC-4.0609 9. Respond to the concerns of persons who believe they are being sexually harassed, but who do not choose to make a formal accusation. The Team shall seek to develop solutions for the parties involved.
- SC-4.0610 10. If a Pastor of a particular church is the accused, the Team shall consult with the Presbytery Solicitor.
- SC-4.0611 11. If the alleged victim is a minor child, the Team shall immediately contact the Presbytery Solicitor for guidance before taking any other action. Pennsylvania law now requires Ministers to report any child abuse to the Child Abuse Hotline, unless doing so would be a breach of confidentiality.
- SC-4.0612 **12. The alleged victim shall be notified of any final findings by the Permanent Judicial Commission, through the Response Team for Alleged Victims, at the time that the accused is notified.**

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- SC-4.0700 The concern of the Presbytery for Ministers accused of sexual misconduct shall be expressed promptly and in person by the Response Team for Accused Persons, including the following specific expressions of concern:
- SC-4.0701 1. Advise the accused that she/he may choose to have both legal counsel and a personal advocate present during the inquiry into the alleged misconduct.
- SC-4.0702 2. Explain the disciplinary process of the Church to the accused person.
- SC-4.0703 3. Assure the accused that the complaint will be investigated promptly, with every effort to maintain confidentiality and protect the privacy of all persons involved in the alleged offense.
- SC-4.0704 4. Advise the accused that she/he may choose to seek professional counseling; the Team will encourage the person in that process, **and may recommend to Presbytery that financial support be provided by the Presbytery.**
- SC-4.0705 5. Make certain that the accused has a copy of the Presbytery's Sexual Conduct policy.
- SC-4.0706 6. Inform the accused that administrative leave is an option when desired by the accused during the process of investigation, subject to agreement by the accused, the particular church or employing body and the Presbytery, in regard to a compensation plan during such administrative leave.
- SC-4.0707 7. Provide for the continuing pastoral care of the accused.
- SC-4.0800 If it comes to the attention of the Committee on Ministry that the Pastor of a particular church is accused of sexual misconduct, the Chairperson of the Committee shall name a Committee member or team to meet with the Session to carry out the following duties:
- SC-4.0801 1. Inform the Session that the Pastor has been accused of an action that requires **an investigation by an investigating committee** of the Presbytery and that the Pastor may ask to be placed on Administrative Leave.
- SC-4.0802 2. Explain The Book of Order disciplinary process and assure the Session that an investigation will be conducted promptly.
- SC-4.0803 3. If administrative leave is to be granted to the Pastor, assist the Session in arranging compensation for the Pastor and pastoral leadership for the congregation, and work with the Session in developing a strategy for the Session to take additional responsibility for leadership in the congregation.

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- SC-4.0804 4. Explain to the Session the importance of absolute confidentiality during the investigation, stressing that all persons who are aware of the investigation or are involved in the investigation are prohibited from discussing the matter.
- SC-4.0805 5. Report the investigation's outcome to the Session.
- SC-4.0806 6. Arrange for persons trained in pastoral counseling in issues of sexual abuse to provide group and individual counseling with the congregation; any cost shall be funded by insurance carriers when applicable, or may be funded from Presbytery's General Expense Account.
- SC-4.0900 Public statements on behalf of the Presbytery about allegations of sexual misconduct by a Minister of the Presbytery shall be made only by Presbytery's Stated Clerk in consultation with the Presbytery Solicitor. No other Presbytery officer or employee, Response Team member, **investigating committee** member or Permanent Judicial Commission member shall make public statements about such allegations.
- SC-5.0000 AMENDMENTS
- SC-5.0100 This Policy may be amended only at a Stated Presbytery Meeting by two thirds of the Commissioners present and voting. Amendments shall be proposed in writing at a previous Stated Presbytery Meeting. Notice shall be given of final action on the proposed changes by inclusion on the docket of the Stated Presbytery Meeting where the action is to be taken.
- SC-5.0200 Because of inherent ecclesiastical and legal issues, proposed amendments shall be reviewed by Presbytery's Stated Clerk and Solicitor prior to final action.
- SC-6.0000 APPENDICES
- SC-6.0100 The attached form, **Part VI - Sexual Misconduct Information**, shall be used in fulfilling the requirements of sections SC-2.0200 through SC-2.0400 of this Policy.

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PART VI - SEXUAL MISCONDUCT INFORMATION

The following information related to sexual misconduct was mandated by the Sexual Misconduct Policy and its Procedures adopted by the 1991 General Assembly, and was revised by the 1993 General Assembly.

(Please check one of the following.)

_____ I certify by the signature below that no civil, criminal, ecclesiastical complaint has ever been sustained* or is pending* against me for sexual misconduct; and that I have never resigned or been terminated from a position for reasons related to sexual misconduct.

_____ I am unable to make the above certification. I offer, instead, the following description of the complaint, termination, or the outcome of the situation with explanatory comments.

The information contained in my Personal Information Form, Church Educator Personal Information Form or Application for Administrative Positions on file with Call Referral Services is accurate to the best of my knowledge and may be verified by the calling or employing entity.

I hereby authorize the entity to which my Personal Information Form or Application is being sent to inquire concerning any civil or criminal records, or any judicial or ecclesiastical proceedings involving me as a defendant, related to sexual misconduct. By means of this release I also authorize any previous employer, and any law enforcement agencies or judicial authorities or ecclesiastical governing bodies to release any and all requested relevant information related to sexual misconduct to the entity to which my Personal Information Form or Application is being sent.

I have read this certification and release form and fully understand that the information obtained may be used to deny me employment or any other type of position from the employing entity.

I also agree that I will hold harmless the employing or judicial authority or any other entity from any and all claims, liabilities, and causes of action for the legitimate release of any information related to sexual misconduct.

Signature

Date

Printed/Typed Name

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***Sustained**

1. In a criminal court, "sustained" means that there has been a guilty plea, a guilty verdict or a plea bargain.
2. In a civil court, "sustained" means that there has been a judgment against the defendant.
3. In an ecclesiastical case, "sustained" means that there has been a guilty plea and censure imposed, or finding of guilty with censure imposed, by a permanent judicial commission in the Presbyterian Church (U.S.A.) or an equivalent body of another church.

***Pending**

1. In a criminal court, "pending" means a criminal charge before a grand jury, in the process of being prosecuted, or in a case in which there is not yet a verdict.
2. In a civil court, "pending" means a case in which there has not been a decision or judgment.
3. In an ecclesiastical case, "pending" means an accusation is being investigated by a special disciplinary committee or charges have been filed but have not yet been decided by a permanent judicial commission; or an accusation or charges are in an equivalent state or process in a church other than the Presbyterian Church (U.S.A.).

(The following is taken from definitions in the General Assembly Sexual Misconduct Policy and Its Procedures, pg.13) "Sexual Misconduct is the comprehensive term used in this policy and its procedures to include: 1) Child sexual abuse, as defined above [refers to Policy]; 2) Sexual harassment, as define above [refers to Policy]; 3) Rape or sexual contact by force, threat, or intimidation; 4) Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another; 5) 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 layperson, 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, social, intimate, or marital relationships; 6) Sexual abuse as found in Book of Order D-7.1100 (see Accuser/Victim.)"