

SEXUAL MISCONDUCT POLICY

Presbytery of Ohio Valley
Synod of Lincoln Trails
Presbyterian Church (U.S.A.)
Approved March 18, 1999

Policy Statement

This policy regarding sexual misconduct by persons in positions of religious leadership including ordained clergy, commissioned lay pastors, elders, deacons, trustees, inquirers, candidates, seminarians, all paid employees, and volunteers [hereafter Presbyterian leaders], is written out of awareness that the Presbyterian Church (U.S.A.) has been given a public and spiritual trust. Sexual misconduct is a violation of scriptures and human dignity, and is **NEVER** permissible.

This policy offers guidelines to assure appropriate intervention in any alleged incidence of sexual misconduct, offers care to all parties involved, and provides information to help prevent further instances of abuse. The Church is also aware of the needs of survivors, alleged offenders, congregations, and those in ecclesiastical employment. The Church's concern is for a policy that will assist in healing, justice, and restoration of and for all persons.

Because work in the name of the Church implies a covenant relationship, a privilege and a trust, it is the responsibility of all persons covered by this policy to observe appropriate boundaries in all Church relationships.

Definition of Sexual Misconduct

Sexual misconduct is any of the following activities that occurs within the scope of Church activities, or that arises from the alleged perpetrator having a position of authority or power through the Church.

A. Abuse of Children is any contact or interaction between a child (under the age of eighteen years) and an adult, when the child is being used for sexual stimulation of the adult. Sexual behavior between a child and adult is always considered misconduct whether or not consented to by the child.

B. Rape is defined by Indiana Code 35-42-4-1.

Sec.1(a) A person who knowingly or intentionally has sexual intercourse with a member of the opposite sex commits rape (a Class B felony) when: (1) the other person is compelled by force or imminent threat of force; (2) the other person is unaware that the sexual intercourse is occurring; or (3) the other person is so mentally disabled or deficient that consent to sexual intercourse cannot be given. Note: For purposes of this Policy, same sex rape is included.

(b) An offense described in subsection (a) is a Class **A** felony if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) it results in serious bodily injury to a person other than a defendant; or (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or

controlled substance without the victim's knowledge.

C. Sexual Malfeasance is the broken trust resulting from unwelcome or irresponsible sexual contact by one or more parties working on behalf of the Church.

D. Sexual Harassment is defined in this Policy by Title VII of the Civil Rights Act of 1964: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment, when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

E. Production, distribution or use of pornography is defined by the General Assembly of the Presbyterian Church (U.S.A.) as follows: Pornography includes any sexually explicit materials (books, magazines, movies, videos, musical lyrics, TV shows, telephone services, live sex acts) produced for the purpose of sexual arousal by eroticizing violence, power, humiliation, abuse, dominance, degradation, or mistreatment of any person, male or female, and usually produced for monetary profit. Any sexually explicit material that depicts children is pornography. Pornography: Far from the Song of Songs. A study paper adopted by the 200th General Assembly. (1988)

Initial Reporting Procedure

Step One: A Presbyterian leader (as defined by this Policy), upon learning of a possible incident of sexual misconduct, under ordinary circumstances will not undertake an inquiry or question the persons involved. This is to reduce the possibility of contaminating evidence and to avoid the circulation of rumors.

When child sexual abuse is alleged, the secular authorities **must**, by law, immediately be contacted to take control of the investigation and disposition of charges against the accused. All persons will cooperate with the secular authorities in any secular investigation of sexual misconduct. Church persons will not take any further actions without notifying the secular authorities.

Step Two: The person receiving the initial information of alleged sexual misconduct from the accuser shall encourage the accuser to submit a written report concerning the incident to the executive presbyter, stated clerk, moderator of the Response Team, **or** moderator of the Committee on Ministry of the Presbytery of Ohio Valley.

Step Three: If the accuser is unwilling to make the written report, the person who has received the initial information still has the responsibility to convey that information to at least **two** of the following: executive presbyter, stated clerk, moderator of the Response Team, or moderator of Committee of Ministry of the Presbytery of Ohio Valley.

Step Four: After at least two of the above Presbytery authorities have consulted to verify that the oral or written report included sufficient information to warrant further investigation, the Response Team will be notified in writing. If the allegations are not in oral or written form, but rumors are so rampant as to adversely affect the peace, purity and unity of the Church, the Response Team

will be notified by one of the above Church authorities to begin its investigation.

Acknowledgment of Receipt of Policy

I hereby acknowledge receipt of the **SEXUAL MISCONDUCT POLICY OF THE PRESBYTERY OF OHIO VALLEY**. I have read and understood the contents and agree to conduct myself in accordance with this policy. I understand that this signed copy will be placed with the stated clerk of the Presbytery of Ohio Valley and a copy will be retained by the church.

Lay persons (clerk of session, active elders and deacons, trustees, paid employees, and volunteers with responsibility for children and youth).

Signature	Position	Date
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NAME OF CONGREGATION: _____

ADDRESS: _____

(Attach additional pages as necessary)