

**PRESBYTERY
OF EASTERN VIRGINIA
POLICY AND PROCEDURES
FOR
HANDLING SEXUAL
MISCONDUCT**

Approve by Presbytery on July 26, 2005

Terms and references were changed to conform to the 2011/2013 *Book of Order* on November 29, 2011.

1.0 INTRODUCTION

The Presbytery of Eastern Virginia (PEVA) recognizes that Sexual Misconduct by the Presbyterian Church's trusted leaders can have devastating consequences for a victim and his or her family, for the Church community at large, and for all individuals involved. Therefore PEVA adopts this Statement of Policy Regarding Sexual Misconduct by its trusted leaders.

SEXUAL MISCONDUCT IS HARMFUL AND UNACCEPTABLE BEHAVIOR AND WILL NOT BE TOLERATED IN THE PRESBYTERY OF EASTERN VIRGINIA.

PEVA shall:

- Treat all allegations of Sexual Misconduct seriously;
- Educate Clergy and trusted leaders of the Church community, as appropriate, about the issue of Sexual Misconduct, and shall set in place reasonable training and annual verification of awareness relating to this subject for those serving as clergy or trusted leaders; and
- Cooperate fully with applicable civil authority, subject to the *Book of Order* and in accordance with the Church's constitutionally protected rights.

2.0 BACKGROUND AND APPLICABILITY OF POLICY

From the Book of Order:

“To those called to exercise special functions in the Church—deacons, ruling elders, and teaching elders—God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, natural and acquired, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a council of the church.” (*Book of Order* G-2.0104)

Our sexuality is a gift from God and when rightly expressed leads to the wholeness of life which God intends for all people. Those who serve through the offices of the Church bear particular responsibility for demonstrating the goodness of God's gift of sexuality and abuse of that “goodness” shall not be tolerated.

Therefore, the teaching elder members of the presbytery, Ruling Elders Commissioned to a Particular Service, candidates, inquirers, and all who serve in the staff, programs, and positions of leadership (volunteer or paid) in the presbytery shall:

- Exercise responsible sexual behavior and maintain the integrity of employment and professional relations at all times
- Not engage in sexual misconduct as defined in this policy
- Deal with allegations of sexual misconduct with seriousness
- Shall report accusations or instances of sexual misconduct to the appropriate Presbytery officials and other ecclesiastical and civil legal authorities in accordance with Commonwealth of Virginia and *Book of Order* requirements.

- Respect the rights and reputation of those involved and hold information received in strict confidence to the greatest extent possible in light of the need to report to ecclesiastical and civil authorities and the possible involvement of an investigating committee and the COM.
- In keeping with the Rules of Discipline, American law and tradition, respect the accused's presumption of innocence
- Comply with all applicable civil law

3.0 DEFINITIONS

3.1 Overarching term: Sexual Misconduct is the comprehensive term used in this policy to encompass all forms of child sexual abuse, any sexual conduct with a physically dependent adult or adult without the mental capacity to consent, sexual harassment, sexual malfeasance, rape/criminal sexual conduct/contact by force, threat, or intimidation. Sexual misconduct specifically includes any situation in which the pastoral relationship, leadership relationship, or position of stature/influence/power/authority/office bonds of trust are breached, misused or exploited.

3.1(a) Sexual Misconduct: As used within this policy, and as a part of the overarching definition above, sexual misconduct includes any offense; whether verbal, visual, or physical; such as sexual advances, requests for sexual favors, or other such conduct which creates an exploitative, hostile, intimidating, or coercive environment.

3.1(b) Child Sexual Abuse: Any sexual contact or sexual interaction between an adult and child, minor or adult without the mental capacity to consent. The interaction may be only verbal or visual, and may or may not involve physical contact

3.1(c) Sexual Abuse: Any sexual misconduct resulting from force, threat, coercion, intimidation or misuse of office or position. By definition, in this policy, sexual abuse includes, but is not limited to, Child Sexual abuse and rape/criminal sexual conduct.

3.1(d) Sexual Harassment is a form of sex discrimination that includes: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such behavior constitutes sexual harassment when 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. The victim does not have to be of the opposite sex. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

3.1(e) Sexual Malfeasance: Is any sexual activity; whether verbal, visual, or physical; resulting in a broken trust relationship between the Presbyterian Church's trusted leaders and the alleged victim

4.0 REPORTING AND PROCESSING ALLEGATIONS OF SEXUAL MISCONDUCT

In that sexual misconduct will not be tolerated in the Presbytery of Eastern Virginia, any report of misconduct must be dealt with as a matter of the highest priority and timeliness. Reports of sexual misconduct should never be taken lightly or disregarded or allowed to circulate without concern for the integrity and reputation of the alleged victim, the accused and the church. Situations involving minister members of the presbytery, commissioned ruling elders, candidates, or inquirers shall be reported to the General Presbyter for further action or allegations may be submitted in writing to the stated clerk in

accordance with *Book of Order*, D-10.0100. When a report of Sexual Misconduct is received actions will commence in accordance with *Book of Order*, D-10.0100.

4.1 Alleged sexual harassment is initially an employment matter and situations involving presbytery members and leadership will be handled in accordance with this PEVA policy.

4.2 Child Sexual Abuse is a criminal action. As such, regardless of what other action be taken within this policy or *Book of Order*, Child Sexual abuse shall (1) be reported to the local department of social services with jurisdictional authority in which the child resides or abuse occurred and (2) shall be reported to the law enforcement agency with jurisdictional authority. *Book of Order* requirements include:

4.2(a) A teaching elder shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks the mental capacity when (1) such information is gained outside of a confidential communication as defined in G-04.301 or (2) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302)

4.2(b) A ruling elder shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, of harm, or the risk of harm, related to physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks the mental capacity when (1) such information is gained outside of privileged communication; or (2) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302)

4.2(c) A deacon shall report to ecclesiastical and civil legal authorities knowledge, gained in the course of service to the church, of harm, or the risk of harm, related to physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks the mental capacity when (1) such information is gained outside of privileged communication; or (2) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302)

4.3 In all cases of sexual misconduct in which civil authorities become involved, the Presbytery of Eastern Virginia shall cooperate with such authorities without conceding any abrogation of ecclesiastical privilege or rights to independent due process and administrative/disciplinary action under the *Book of Order*.

4.4 Presbytery of Eastern Virginia should consider establishing a “hot-line” to which reports of Sexual Misconduct may be reported to the general presbyter and to which the confidentiality and protection of the caller’s identity will be properly protected.

4.5 When a written statement of alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a teaching elder, the stated clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission. The moderator of the permanent judicial commission shall within three days designate two members, who may be from the roster of former members of the permanent judicial commission, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. The cost of such shall be borne by the employing entity whenever possible or be shared by the presbytery as necessary. While administrative leave is in effect, a teaching elder or other employee may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptism, funerals, or weddings.

4.5(a) The designated members of the permanent judicial commission, after giving the accused the opportunity to be heard, shall determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires administrative

leave or other restrictions upon the teaching elder's service. Such administrative leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission.

4.5(b) If the designated members of the commission determine that no administrative leave or restriction is required, the investigating committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of administrative leave or other restrictions.

5.0 SEXUAL MISCONDUCT RESPONSE TEAM

Recognizing that a report of sexual misconduct can be particularly harmful, detrimental and destructive to the accused, families of both the victims and the accused and to the congregations, the Response Team will be responsible for providing or facilitating the availability of counseling. Whether or not an allegation of Sexual Misconduct is proven, the allegation itself and subsequent investigation and adjudication can be traumatic and disruptive. All involved will need support and guidance if health and healing are to be achieved by the accused, victim, families of the accused/victim, and congregation following an allegation of Sexual Misconduct. Therefore, this Response Team will be charged with the "healing process" and will be independent of the investigative team and judicial team. The Response Team will report its progress and any extenuating issues that arise to the General Presbyter.

The Response Team is also responsible for providing ongoing education and resources, and for coordinating professional care for all involved. The Response Team will not investigate an allegation or in any way usurp the role of the investigating team.

6.0 EDUCATION

It is not enough to state by policy that **SEXUAL MISCONDUCT WILL NOT BE TOLERATED IN THE PRESBYTERY OF EASTERN VIRGINIA**, it must be part of the Presbytery's education process and enculturation process.

6.1 Teaching elder members, commissioned ruling elders, candidates, and inquirers: All teaching elder members, commissioned ruling elders, and candidates, and inquirers shall review this policy during their initial indoctrination and acceptance into service in the Presbytery of Eastern Virginia. They shall acknowledge this initial training by completing the attached acknowledgement of training as provided for by the Committees on Ministry and Preparation for Ministry.

6.2 Annual recertification for all personnel identified in paragraph 6.1 shall submit a statement (copy attached) to the Stated Clerk that they have read, reviewed, and understand PEVA's policy on Sexual Misconduct.

This PEVA policy shall be distributed to all churches in the Presbytery of Eastern Virginia. It is recommended that all churches within the Presbytery incorporate a presentation of PEVA's policy on Sexual Misconduct into their volunteer training program and so note in their Session Minutes, of the appropriate month(s), that such training has been conducted.

SUMMARY

The Church has always recognized that those who are chosen to be the Presbyterian Church's trusted leaders bear a particular responsibility to pattern their lives according to Jesus' example. Not only are these trusted leaders regarded by the faithful as examples of what a Christian life should be but any moral offense by teaching elders, directors or by laity entrusted with pastoral and educational ministries is especially hurtful because it betrays that trust committed to them by the Church to nurture and care for every member/attende.

In recent years, it has become clear that some leaders of the Christian Church across denominations have engaged in sexual misconduct, which has hurt those very persons entrusted to their care. Unfortunately, in the past, instances of sexual misconduct were often denied by church authorities or dealt with secretly. Therefore, the Presbytery of Eastern Virginia wants to make it clear to all the trusted leaders that **SEXUAL MISCONDUCT WILL NOT BE TOLERATED IN THE PRESBYTERY OF EASTERN VIRGINIA**. Allegations of Sexual Misconduct will be treated seriously and dealt with as a matter of the highest priority.

Report of Suspected Sexual Misconduct – Presbytery of Eastern Virginia

Reported by: Name _____
Address _____
City, State, Zip Code _____
Telephone _____ Cell Phone _____

Date of Report _____

Person Suspected of Misconduct:
Name _____
Address _____
City, State, Zip Code _____
Telephone _____ Cell Phone _____

Other Person(s) involved (Victims):
Name _____
Address _____
City, State, Zip Code _____
Telephone _____ Cell Phone _____

Witness(es):
Name _____
Address _____
City, State, Zip Code _____
Telephone _____ Cell Phone _____

Describe incident(s) of suspected sexual misconduct with as much detail as you are able, including date(s), time(s), and locations(s) _____

Identify eyewitnesses to the incident, including name, addresses & telephone numbers, if available _____

Other information, which may be helpful:

Report taken by: _____

Personal and Confidential

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This is to acknowledge that I have read, reviewed and been instructed in the Presbytery of Eastern Virginia's Sexual Misconduct Policy and Procedures as part of my indoctrination into service within the Presbytery of Eastern Virginia.

Printed Name

Date

Signature

Printed Name – PEVA Representative

Date

Signature – PEVA Representative

Distribution:
Original to Stated Clerk
Copy to Individual

This is to acknowledge that as part of my annual certification to serve in the position of a trusted leader in a church within the Presbytery of Eastern Virginia; I have read and reviewed the Presbytery of Eastern Virginia's Sexual Misconduct Policy and Procedures dated July 26, 2005.

Printed Name

Date

Signature

Distribution:

Original to Stated Clerk

Copy to Personnel Committee of Certifier's Church

Copy to Certifier