

Hilton Presbyterian Church Policy and Procedure for Handling Sexual Misconduct

1.0 INTRODUCTION

Hilton Presbyterian Church (HPC) 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, HPC adopts this Statement of Policy Regarding Sexual Misconduct by its trusted leaders.

This document is primarily based on the [PEVA Policy and Procedure for Handling Sexual Misconduct](#).

SEXUAL MISCONDUCT IS HARMFUL AND UNACCEPTABLE BEHAVIOR AND WILL NOT BE TOLERATED IN OUR CHURCH.

HPC 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, all who serve in the staff, programs, any position of leadership (volunteer or paid) or are just participating in church activities of the church 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 church, Presbytery, 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.
- 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 or physical ability to refuse. 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: 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.

4.0 REPORTING AND PROCESSING ALLEGATIONS OF SEXUAL MISCONDUCT

In that sexual misconduct will not be tolerated in our church, 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. Sexual misconduct involving ministers, or church activity participants shall be

reported to the pastor for further action or allegations may be submitted in writing to the clerk of session 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 church staff will be handled in accordance with this HPC 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 (i.e., Pastor) 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) An Elder on current Session 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 church 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 Written statements of alleged offense of sexual abuse received by the pastor or clerk of session will be thoroughly and promptly investigated. The Church will treat complaints as confidential to the greatest extent possible.

4.4(a) Complaints received will be handled by an investigative team of at least 3 people (1 must be an currently serving Elder) appointed by the Session. They will thoroughly and promptly investigate all claims of harassment or discrimination and will meet with the person who filed the complaint to discuss the results of the investigation and the proposed resolution process of the matter. If an investigation confirms that harassment or discrimination has occurred, disciplinary action will be taken, up to and including the immediate termination of the offending party, if appropriate.

4.4(b) This investigative team shall:

- i. Receive any written or verbal reports.
- ii. Begin further inquiry within five business days.
- iii. Confirm that the civil authorities have been notified, if applicable.
- iv. Gather as much information as possible from all parties involved.
- v. Advise the one filing the complaint that action is being taken.
- vi. Assure adherence to this policy by all parties involved.
- vii. If the offending party is a member of or is a minister of the Presbyterian Church (U.S.A.), then the investigative team and the Session shall comply with the procedures in the Book of Order, Rules of Discipline, Sections D-1.000, et. seq., applicable to Disciplinary Cases.

4.4(c) This investigative team shall not:

- i. Advocate for any party involved.
- ii. Act as legal counsel for any party involved.

5.0 Response to Sexual Misconduct Allegations

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.

Note: The following procedure is written assuming the Pastor is not the person accused of sexual misconduct. If the Pastor IS the person accused of sexual misconduct, substitute the word “Pastor” with the phrase, “A ruling Elder or Elders selected by the Session in coordination with PEVA.”

Recognizing this, the Pastor and/or his or her designee(s) will facilitate counseling. Therefore, the Pastor and/or his/her designee(s) will initiate and guide the “healing process” and will be independent of the investigative team.

The Pastor and his or her designee(s) will also seek and recommend ongoing resources, and coordinate professional care for all involved as necessary. The Pastor and his/her designee(s) will not investigate an allegation or in any way usurp the role of the investigating team.

6.0 EDUCATION - this section is to be considered guidance until further review has been completed.

It is not enough to state by policy that SEXUAL MISCONDUCT WILL NOT BE TOLERATED AT HILTON PRESBYTERIAN CHURCH, it must be part of the church’s education process and enculturation process.

6.1 All teaching elder members and commissioned ruling elders, and church staff shall review this policy during their initial indoctrination and acceptance into service of our church. They shall acknowledge this initial training by completing and submitting attached form as acknowledgement of training as provided in this procedure to the Clerk of Session that they have read, reviewed, and understand HPC policy on Sexual Misconduct

6.2 Annual recertification for all personnel identified in paragraph 6.1 shall submit a statement (copy professional care for all involved as necessary.

6.3 Training/education for staff and volunteers working with youth (younger than 18).

6.3(a) All staff and volunteers working with youth (those younger than 18) are required to complete the following units in Praesidium Academy – Preventing Sexual Activity Between Adolescents, Keeping Your Church Safe, It Happened to Me, Meet Sam, Abuse Risk Management for Volunteers. This training is required to be completed every 3 years.

6.3(b) The above should be coordinated with the Office Manager to gain access to this web-based training.

6.3(c) The Office Manager should track education completions.

6.3(d) Session Committees sponsoring youth activities are responsible for validating that all volunteers have been properly trained.

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 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, this church wants to make it clear to all the trusted leaders that **SEXUAL MISCONDUCT WILL NOT BE TOLERATED AT HILTON PRESBYTERIAN CHURCH**. Allegations of Sexual Misconduct will be treated seriously and dealt with as a matter of the highest priority.

Report of Suspected Sexual Misconduct – Hilton Presbyterian Church

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

Do not reproduce or distribute without written permission of the Pastor or Clerk of Session

My signature below is to acknowledge that I have read, reviewed and been instructed in the Hilton Presbyterian Church Sexual Misconduct Policy and Procedures as part of my indoctrination into service within the church.

Printed Name

Date

Signature

Distribution:
Original to Office Manager
Copy to Individual