

THE PRESBYTERY OF EAST IOWA
SEXUAL MISCONDUCT POLICY

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A. Introduction

Our faith in Jesus Christ and Holy Scripture calls us to standards of responsible conduct in all of life, including sexual behavior.

Human sexuality is an integral part of who we are. It can become, however, the context for oppression, where trust relationships are breached and persons are abused.

The Presbytery of East Iowa endeavors to promote the peace, unity and purity of the Church by preventing sexual misconduct through the promotion of professional and ethical behavior consistent with the Reformed tradition and by adjudging sexual misconduct according to the procedures of and in conformity with church law.

B. Purpose of this Policy

1. To prevent and eliminate sexual abuse within the Presbytery of East Iowa.
2. To safeguard the Church's members and staff from abuse through any form of sexual misconduct.
3. To seek justice by assuring effectiveness of the church's administrative, investigative, and judicial process in determining truth, protecting the innocent, and in dealing appropriately with those who victimize others.
4. To promote proper healing of all persons and congregations where sexual misconduct has occurred.

C. Definition of Sexual Misconduct

Sexual misconduct is the comprehensive term used in this policy to include: sexual abuse of children or adults, rape or sexual assault, and sexual harassment. Sexual misconduct is an abuse of authority and power, breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an abusive, exploitative and unjust manner. Categories of sexual misconduct are described below.

1. Sexual abuse occurs whenever a person in a position of trust or authority engages in a sexual act or sexual contact with another person to whom he or she owes a professional responsibility. Such abuse shall include, but not be limited to, the following:
 - a. Sexual acts or sexual contact with a minor.
 - b. Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
 - c. Sexual acts or contact between ministers and laity with whom they have a pastoral relationship, even if consensual.

- d. Sexual acts or sexual contact with another person who is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act or sexual contact.
 - e. Sexual acts or sexual contact arising from the administration to another person of a drug or intoxicant that substantially impairs the ability of that person to apprise or control the nature of the conduct.
2. Child sexual abuse includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Child sexual abuse between an adult and a child is always considered forced whether or not consented to by the child. Child sexual abuse is a crime in all states and must be reported to civil authorities.
 3. Rape or sexual assault is a crime in every state and should be reported to civil authorities and to the Stated Clerk of the Presbytery.
 4. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in an institution;
 - b. submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment. Sexual harassment can consist of a single intense or severe act or multiple persistent or persuasive acts. Sexual harassment may include, but is not limited to:
 - i. sexually oriented jokes or humor;
 - ii. sexually demeaning comments;
 - iii. verbal suggestions of sexual involvement or sexual activity;
 - iv. questions or comments about sexual behavior;
 - v. unwelcome or inappropriate physical contact;
 - vi. graphic or degrading comments about an individual's physical appearance;
 - vii. express or implied sexual advances or propositions;
 - viii. display of sexually suggestive objects or pictures;
 - ix. repeated requests for social engagements after an individual refuses.

D. Presbytery Policy on Sexual Misconduct

1. Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture, and constitutes a refutation of ordination vows and standards of ministry, as well as of pastoral, employment, and professional relationships.

2. The Presbytery of East Iowa shall educate ministers and ministerial candidates in an understanding of and toward the elimination of sexual misconduct. All minister members (G-11.0401a, b) shall be required to attend a seminar offered at least every two years by the presbytery concerning the nature and prevention of sexual misconduct.
3. The Presbytery of East Iowa shall not approve calls that involve pastoral responsibilities for a permanent ministerial member who has been convicted of sexual misconduct n church or secular court.
4. Whereas this policy addresses sexual misconduct by ministers, each congregation and organization in the Presbytery of East Iowa is responsible for developing a policy for church professionals, officers, members, non-member employees, and volunteer which is consistent with this document.

E. Responsibilities of the Presbytery

The Presbytery Executive Committee has responsibility for the following duties:

1. Establish a Sexual Misconduct Response Committee
2. Mandated reports
 - a. to insurance carriers
 - b. to appropriate local, state, or federal authorities, if the allegations involve the abuse of a minor child or other criminal behavior.
 - c. To the Sexual Misconduct Response Committee.
3. Work with the Sexual Misconduct Response Committee in meeting reasonable needs of persons involved.
4. Collaborate with the Committee On Ministry and other relevant parties to meet the needs of the affected congregation(s).
5. Initiation of mediation and/or the judicial process under the provisions of the *Book of Order: Rules of Discipline*.
6. Work with the Sexual Misconduct Response Committee in setting annual ongoing educational events for the presbytery and its members.

F. Responsibilities of the Sexual Misconduct Response Committee

1. Work with the Presbytery Executive committee in contacting the accuser and alleged victim(s) and family(ies); and
 - a. Secure resources for meeting the reasonable needs of the accuser, victim and family(ies);
2. Contact the accused and family(ies) and
 - a. Secure resources for meeting the reasonable needs of the accused and family(ies);
3. Work with the Presbytery Executive Committee in the training of presbytery liaisons.
4. Work with the Presbytery Executive Committee in providing annual and ongoing education events on sexual misconduct and appropriate ministerial relations.

G. Implementation of Presbytery Policy

1. Availability of Policy and Procedures
 - a. All ministers shall be given copies of the policy and be required to sign an acknowledgement of receipt.

- b. This document shall also be available to all church members and to the public.
- c. Presbytery employees shall receive this document as a supplement to the employee handbook.

2. Resource Documents

The responsibilities, structures, and procedures for responding to allegations of sexual misconduct are mandated in part by *The Book of Order*, such as the roles of the Committee on Ministry and an Investigating Committee (see G-11.0502 and D-7.0800). Presbytery shall also provide to minister members, staff, and appropriate volunteers, a copy of *The Standards of Ethical Conduct* (Presbyterian Church, U.S.A.).

3. Liability and Insurance

The Presbytery of East Iowa will include in every employee's personnel file, including ministers, the application for employment, any employment questionnaires, reference responses, and other documents related to this policy, including the signed receipt for receiving the sexual misconduct policy.

H. Management of Allegations of Sexual Misconduct

1. Disciplinary Process

All allegations of sexual misconduct will be investigated through the appropriate process. In cases of members under the jurisdiction of the Presbytery of East Iowa, judicial process as provided in *The Book of Order: Rules of Discipline* will be followed. In cases involving employees, the provisions of the Personnel Policy will be followed. For employees who are members of the Presbytery, both personnel policy and disciplinary process will apply.

2. Judicial Process

If the Stated Clerk receives written allegations under D-10.0100, the Clerk shall inform the Moderator of the Presbytery and convene an Investigating Committee from those persons appointed by the Moderator from the pool of elected persons (D-10.0202) as soon as possible upon formation. The Investigating Committee shall conduct its investigation in accordance with D-10.0202.

The Investigating Committee shall maintain regular contact with the person making the allegations, keeping him/her informed about the status of the investigation. Ordinarily, the Investigating Committee will not contact the person being accused without first advising the person making the allegations of the intention and date of that contact.

3. Administrative Process

Following an accusation of misconduct against a staff member of the Presbytery of East Iowa, the Personnel Committee shall consult with the accuser, the accused, and any other involved parties (e.g. staff, presbytery units, or other governing bodies) first to determine if administrative leave for the accused is warranted. If the staff member is under the jurisdiction of the Presbytery, the

Personnel Committee (through the Stated Clerk) then refers the matter to an Investigating Committee. If the staff person is not under the jurisdiction of the Presbytery, the Personnel Committee shall then investigate and may make a recommendation to the Presbytery for resolution of the issue and termination. The Presbytery may proceed in its judgment under G-11.0103o or its Personnel Policy.

4. Reporting Sexual Misconduct to the Presbytery of East Iowa
 - a. Known or suspected sexual misconduct by a minister member shall be reported to the Stated Clerk of the Presbytery of East Iowa and to other authorities where required.
 - b. Sexual misconduct involving children shall be reported to civil authorities and, if applicable, to the related Presbytery entity (e.g. the session of a congregation) as well as to the Stated Clerk.
 - c. Ministers are subject to inquiry and discipline under *The Book of Order: Rules of Discipline*. A final report, including any charges filed and actions taken, shall be made by the Stated Clerk to the Presbytery. A copy of the report will be filed in the permanent personnel file of the accused.
 - d. A written complaint to the Stated Clerk alleging sexual misconduct by a minister member of the presbytery subjects that minister to any Presbytery of East Iowa policy on administrative leave in effect under the policies and guidance of the Committee on Ministry.
 - e. A minister may make a written confession of misconduct without a victim complaint to the Stated Clerk. The Clerk will then proceed with the disciplinary process according to the provisions of *The Book of Order: Rules of Discipline*.

I. Presbytery Strategies for the Prevention of Sexual Misconduct

1. Education

The Presbytery of East Iowa has a commitment to offer, provide resources for, and to publicize educational opportunities to prevent sexual misconduct in the church. Presbytery staff, ministers, ministerial candidates, and all persons and committees working with the issue, including local congregations will be invited to read the resources and attend sexual misconduct prevention seminars. All minister members (G-11.0401a, b) of the Presbytery are required to attend an educational program, to be offered at least once every two years, on the Sexual Misconduct Policy.

2. Pre-Employment Screening

Pre-employment screening includes specific questions related to previous complaints of sexual misconduct. The presbytery shall review Part VI, Sexual Misconduct Information of the Presbyterian Church (U.S.A.) Personal Information Form when interviewing persons seeking ministerial calls.

The Executive Presbyter is responsible for making reference checks through the Synod Executive, presbytery executive(s), seminary liaisons, or other authorized persons to ascertain whether the applicant/candidate has any history of sexual misconduct. The

Executive Presbyter reports to the Committee on Ministry or to the Committee on Preparation for Ministry either that there was no reported sexual misconduct, or that the committee should inquire into reported sexual misconduct. A written record of conversations and correspondence with references will be kept in the minister's/employee's personnel file.

The person within the presbytery authorized to give a reference is obligated to give truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct by the applicant.

Applicants shall be given an opportunity to correct or respond to information regarding sexual misconduct obtained from a reference check.

J. Appendices

1. Glossary of Terms

Accused is the person against whom a claim of sexual misconduct is being made.

Accuser/victim is the person claiming knowledge of sexual misconduct by a person covered by this policy or a person claiming to have been the subject of sexual misconduct by a person covered under this policy. The accuser may or may not have been the victim of the alleged sexual misconduct.

Presbytery Liaison is a person, who is appropriately trained in the issues of sexual misconduct, and provides support, and emotional and physical presence, to one of the following: the alleged victim(s) and their family(ies), the accused, family members of the accused, or the congregation involved in a sexual misconduct case. The Liaison also provides clarification of the investigative process of the church and the judicial process of the church to the person(s) with whom he or she works. The role of a Liaison is not to speak for the alleged victim or the accused, but to inform that party of his or her rights within the investigative process. The Liaison shall not give advice regarding civil remedies. When requested, the Liaison may accompany that person to meetings of presbytery entities when that party is testifying.

Mandated Reporter is described by the laws of the State of Iowa as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. State law is to be consulted as to the specific definition of this mandate, when persons having knowledge of such abuse become "mandated reporters," and the specific list of professions whose members are required to report child abuse.

2. Acknowledgement Form
3. Employee/Volunteer Form
4. Syllabus for Mandated Workshop

**Acknowledgement
Appendix 2**

**Sexual Misconduct Policy
The Presbytery of East Iowa**

This attachment to the Sexual Misconduct Policy of the Presbytery of East Iowa is to be signed by all candidates, ministers, employees and volunteers of the presbytery.

By signing this appendix, you acknowledge that you have received, read and understand the Sexual Misconduct Policy and the Guidelines for Ministerial Conduct in the Presbytery of East Iowa's Manual of Operations.

Signed: _____

Date: _____

This document will be kept in your personnel file.

Employee/Volunteer Questionnaire

Appendix 3

Sexual Misconduct Policy
The Presbytery of East Iowa
(Confidential)

Name: _____ Social Security #: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number (s): _____

Emergency Contact: _____

Date of Birth (optional): _____ Place of Birth: _____

All other names by which you have been known

Most recent address: _____ Dates: _____

_____ Dates: _____

_____ Dates: _____

Yes ___ No ___ Are you currently on a registry for sexual offenders?

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

Or

I am unable to make the above certification. I offer, instead, the following description of the complaint, termination, or outcome of the situation with explanatory comments. (Please use the back of this form or additional sheets, if necessary.)

I give my permission for the Presbytery of East Iowa to contact primary and secondary references, and to secure criminal records and credit history as needed.

Signed: _____ Date: _____

Syllabus for mandated Workshop**Appendix 4****Sexual Misconduct Policy
The Presbytery of East Iowa**

It is the policy of the Presbytery of East Iowa that training shall be offered at least once every two years and attendance shall be mandatory for all Ministers of Word and Sacrament or ministers of other denominations or commissioned lay pastors laboring with the bounds of the presbytery of East Iowa.

The content of the training will include at least the following:

- The presbytery's "Guidelines for Ministerial Behavior"
- The General Assembly's statements of ethical behavior for members, volunteers and employees, and ordained officers.
- Why the Presbytery of East Iowa has a sexual misconduct policy.
- What the policy says and does not say.
- Why each congregation needs its own sexual misconduct policy.
- Model congregational policies.
- Why each congregation needs its own liability insurance for misconduct.