

**Presbytery of Wabash Valley, Presbyterian Church (U.S.A.)**

**Sexual Misconduct Policy**

**For The Prevention of**

**And**

**Response To Instances of Sexual Misconduct**

**THIS POLICY IS SUBORDINATE TO**

**THE CONSTITUTION OF THE PRESBYTERIAN CHURCH (U.S.A.)**

**Article I. INTRODUCTION with THEOLOGICAL AND SCRIPTURAL  
RATIONALE**

Section 1.01 God intends for the church to be a safe place for all to encounter God and grow into lives of service and fulfillment. We are called to be a holy community. "As the one who called you is holy, be holy yourselves in all your conduct." (1 Peter 1:15) "Holiness is God's gift to the church in Jesus Christ ... because in Christ the Church is holy, the Church, its members, and those in its ordered ministries strive to lead lives worthy of the Gospel we proclaim." **F.1.0302b**

Believing the witness of Scripture, Christ our Lord, and the Constitution of the PC (USA) together call us to standards of responsible conduct in all of life including human sexuality, the intent of this Policy is to promote healthy relationships, create a safe environment for all God's children, and provide protections for all, especially the most vulnerable in our midst.

God creates all persons in the image of God. (Genesis 1:27) The gospels tell of Jesus ministering to persons of all ages, teaching and healing all who came to him, treating them with dignity and respect. Throughout the scriptures, God calls us to honor the integrity of our neighbors and their personhood.

God intends all persons to have worth and dignity in their relationships. We are one connected body, and when one part of the body is injured physically, emotionally, or spiritually, the entire body is rendered less than God intended. Sexual abuse of any kind violates a person's wholeness and is an unjust use of status and power. It is sinful behavior against God and the other person(s). The scriptures reveal a God whose love brings about justice, mercy, and grace. The Church is called to express God's love in concrete actions of compassion and healing for all God's people.

The basic principles of conduct guiding this Policy are:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. Sexual misconduct is a breach of trust and breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students. The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church, for through them, an understanding of God and the gospel's good news is conveyed.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role, observe professional boundaries, and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including minors. It is antithetical to the gospel's call to work as God's servant in the struggle to bring wholeness to a broken world. Sexual misconduct violates the mandate to protect the vulnerable from harm.

Section 1.02 To those called to exercise special functions in the church...Their manner of life should be a demonstration of the Christian gospel in the church and in the world.  
(Excerpt G-2.0104.)

Section 1.03 Minister members and all other church professionals of the Presbytery of Wabash Valley (PWV) shall not engage in sexual abuse, misconduct, or harassment. Sexual abuse in the professional relationship is a breach of Christian ethical principles, an abuse of the authority and power of office, and a misuse of a trust relationship to gain advantage over another for personal gratification in an exploitative manner.

Section 1.04 This Policy applies to

- a. all Ministers of Word and Sacrament and Commissioned Ruling Elders laboring within the bounds of PWV (whether retired, at-large, or serving in a congregation or other validated ministry.)
- b. all staff members of the PWV regardless of membership in the Presbyterian Church (U.S.A.),
- c. all those in the ordination process under care of the Commission on Preparation for Ministry (CPM) of PWV, and
- d. any other individual working on behalf of PWV.

## Article II. PURPOSE

## Section 2.01 The purposes of this Policy are to:

Safeguard the members, congregants, and staff of the churches of the PWV, the members and staff of the Presbytery, and the people we serve, especially those who are vulnerable, against any form of sexual misconduct, abuse or harassment.

Provide definitions and information useful in the identification and prevention of sexual misconduct. Definitions are included in Article VIII of this Policy.

Express our commitment to prevent sexual misconduct by creating an atmosphere in our Presbytery where acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice.

Work toward justice and compassion in cases that involve accusations of sexual misconduct within our Presbytery.

Promote healing for all persons, congregations, or entities in cases involving sexual misconduct.

Ensure the effectiveness of our Presbytery's judicial processes in cases of sexual misconduct so that the truth may be determined, the due process rights of those involved shall be honored, wrongdoing shall cease, and Christian repentance and restoration may be achieved.

Teach this Presbytery's standards of ministry, for both those ordained to particular service within the life of the church and those not ordained, in relation to sexual misconduct in order to fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.

To meet the needs of all involved:

## a. The Accuser

- 1) To be heard and taken seriously.
- 2) To receive pastoral and therapeutic support.
- 3) To be informed about church process and progress regarding the accusation.
- 4) To be assured of having an advocate of one's own choosing (cf. Definitions).
- 5) To advocate for and provide pastoral support to the accuser's family as desired.

## b. The Accused Person

- 1) To be heard and taken seriously.
- 2) To receive pastoral and therapeutic support.
- 3) To be informed about church process and progress regarding the accusation.
- 4) To be assured of having an advocate of one's own choosing (cf. Definitions).
- 5) To advocate for and provide pastoral support to the accused person's family as desired.

c. The Congregation in a Context of an accusation Sexual Misconduct

- 1) The Stated Clerk shall share with the Session this Policy and the flow chart for the disciplinary process.
- 2) Sexual Misconduct Response Team (SMRT) response:
  - a) Listening to take the congregation's concerns seriously.
  - b) Offering pastoral care.
  - c) Offering access to Resource Person(s) – knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct.
  - d) Offering information about sexual misconduct in general and Presbyterian Church Discipline.

**Article III. DISTRIBUTION AND ACKNOWLEDGMENT OF THIS POLICY**

Section 3.01 This Policy applies to all those identified in Section 1.04. This Policy shall be distributed annually to Ministers of Word and Sacrament on the membership roll of PWV, all Commissioned Ruling Elders, and all Presbytery officers and employees. In addition, this policy shall be distributed to every Clerk of Session, who shall share it with each congregation's officers and members.

Section 3.02 Initially, after adoption of this Policy and after each substantive amendment to this Policy and upon entering the PWV for the first time, the following persons shall be provided a copy of this Policy and asked to sign a written acknowledgment indicating they have received, read, understood, and agreed to conduct themselves in accordance with this Policy:

- Ministers of Word and Sacrament in the Presbytery.
- All Ruling Elders commissioned to service within the Presbytery.
- All persons in the ordination process (Inquirers and Candidates).
- All employees when beginning their service on the staff of PWV.
- All who serve in any capacity as Presbytery leaders.

Signed acknowledgments shall be kept on file by the Stated Clerk of the Presbytery.

Section 3.03 The Stated Clerk shall make this Policy available to all persons who report or present allegations of sexual misconduct, and to all persons against whom allegations are filed.

Section 3.04 This Policy shall also be available to the public through the PWV website.

## Article IV. PREVENTION and EDUCATION

### Section 4.01 Screening

1. Reference Checks. All persons governed by this Policy shall be subject to and agree to reference checks. Pre-employment screening shall include specific questions to ascertain any history of sexual misconduct.
2. Background checks. Criminal background checks and sex offender reviews shall be performed on all persons governed by this Policy. Other background checks, such as motor vehicle record reports, and credit reports, may be performed as needed.
3. Responsibility for reference and background checks. The Presbytery shall be responsible for all applicable reference and background checks and shall maintain appropriate records. All records shall be strictly confidential and may be shared only on a need-to-know basis.

### Section 4.02 Education and Training

1. The PWV provides annual boundary training opportunities on the recognition and prevention of sexual abuse, ethical conduct, the appropriate use of social media, financial boundaries, and other boundary related topics as appropriate.
2. Persons governed by this Policy are required to attend approved boundary training at least once every three years.
3. New minister members of the PWV are required to attend boundary training within the first year of their arrival.
4. Anyone governed by this Policy who fails to comply with the training requirements will be subject to administrative and/or disciplinary action within the authority of the Commission on Ministry (COM) and the Presbyterian Church (U.S.A.) Book of Order and/or subject to employment-related disciplinary action for those who are not members of the PC(USA).

## Article V. MANDATED REPORTING

1. The State of Indiana Code 31-33-5-1 states: An individual who has reason to believe that a minor is a victim of child abuse or neglect shall make a report as required by the article. Knowingly failing to report one's belief that a minor is a victim of child abuse or neglect is a Class B misdemeanor. Indiana Code 31-33-22-1. Child abuse includes child sexual abuse.
2. Reporting should be made promptly and immediately when there is reason to believe the risk of physical harm to a minor is ongoing or imminent. Unless one of them is the accused, the Pastor / Head of Staff, Clerk of Session, Stated Clerk, and Visioning and Connecting Leader of PWV shall be notified immediately when any report to state authorities has been made that such report has been made.

Article VI. REPORTING AND RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT

Section 6.01 Allegations of all sexual misconduct against Teaching Elders, Presbytery Employees, Commissioned Ruling Elders, Inquirers and Candidates, or those working on behalf of PWV shall be reported in writing and sent via electronic means, mail or personal delivery to the Stated Clerk of PWV. The *Book of Order, Church Discipline* procedures take effect.

Section 6.02 The Stated Clerk shall:

1. Immediately provide for the safety of those directly involved in the incident.
2. Report to the COM and Visioning and Connecting Leader of the Presbytery any allegations of sexual misconduct against a volunteer or non-member employee of the PWV. The presbytery shall respond by using the policies of the Presbytery and appropriate procedures from the *Book of Order, Church Discipline*.
3. If the allegations of sexual misconduct include allegations of nonconsensual sexual activity, the Stated Clerk shall immediately place the pastoral leader on administrative leave (D-7.0905) for two weeks while convening an IC to consider the allegations. If the IC requires additional time to investigate, the Stated Clerk shall communicate with the Permanent Judicial Commission to determine whether additional administrative leave is necessary (D-3.0102 and D-7.0902).

Section 6.03 Documentation

1. An accurate record of objectionable behavior or alleged misconduct is useful in resolving a formal complaint of sexual misconduct. Individuals who believe they were or are currently being victimized are encouraged to maintain a record to effectively prepare and corroborate their allegations.
2. While individuals are encouraged to keep written notes to accurately record offensive conduct or behavior, it must be recognized that, if judicatory proceedings develop from the reported incident, the confidentiality of the accuser's written notes may not be recognized under applicable law, and the notes may have to be disclosed.

(See Indiana State Department of Personnel)

<https://www.in.gov/spd/policies-and-procedures/workplace-harassmentinformation>

Section 6.04 RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT

1. Stated Clerk
  - a. Receives written report of allegation of sexual misconduct.
  - b. Proceeds immediately in accordance with PWV Policy and the procedures outlined in the *Book of Order's, Church Discipline* section.
2. Visioning and Connecting Leader

- 211 a. Directs accuser and if separate from the accuser, the victim to the  
212 appropriate resources.
- 213 b. When appropriate coordinates with COM to initiate action with the  
214 Moderator of the SMRT

215 Section 6.05 SEXUAL MISCONDUCT RESPONSE TEAM (SMRT)

216 Introduction

217 The SMRT of the PWV is charged with providing pastoral care, support, and  
218 advocacy where needed in cases involving accusations of sexual misconduct  
219 within the church or the Presbytery.

220 Maintenance

221 In cases of sexual misconduct there are needs to be met for the good of all persons,  
222 groups, and entities. To ensure that the COM is ready to meet the variety of  
223 needs when presented, an independent SMRT may be named.

224 Composition

- 225 a. There shall be six members of the SMRT, each appointed for a three-year  
226 term by the COM; one member shall be designated as the Moderator.
- 227 b. The SMRT shall be composed, as nearly as possible, of an equal number of  
228 clergy and ruling elders.
- 229 c. Members may serve no more than six consecutive years.
- 230 d. This team shall not investigate allegations or in any way function as an  
231 investigating committee for disciplining members or officers but shall confine  
232 itself to coordinating a process that shall meet the specific needs of the  
233 accuser and their family (if any), the victim (if not the accuser) and their  
234 family (if any), the accused person and their family (if any), employing  
235 entities, congregations, and councils.

236 Purpose

- 237 a. The purpose of the SMRT is to assure that an expeditious, professional,  
238 objective, effective, and caring response is made by the Presbytery to  
239 charges of sexual misconduct.
- 240 b. The SMRT shall be in contact with the Pastor or head of staff of the church  
241 (unless the pastor is the accused), Session of the church and the  
242 congregation, as needed.
- 243 c. The SMRT shall confine its activities to:
- 244 Coordinating a process that addresses the specific needs of the accuser  
245 and their family members (if any), the accused person and their family  
246 members (if any), and the affected congregation.

247 Confidentiality

Members of the SMRT and any individual participating in the work of the SMRT shall sign a pledge of confidentiality, copies of which shall be maintained at the PWV office and distributed as deemed necessary.

#### Training

All members of the SMRT shall be trained to serve on this team.

- a. Training shall be held at least annually, and as new SMRT members are appointed.
- b. Training shall be provided by professionals who shall focus on such things as compassion, communication, listening, sensitivity to pain, feelings of guilt and anger, etc., and offering resources as needed. Training shall include informing the SMRT members of resources available to assist persons and councils in instances of sexual misconduct.
- c. Records shall be kept for each member of the SMRT as they complete this training and maintained at the PWV office.

#### Activation

The SMRT shall be activated whenever an allegation of sexual misconduct is received by the Stated Clerk, or when deemed appropriate by the Visioning & Connecting Leader in consultation with the Stated Clerk.

#### Process

- a. SMRT shall be in contact with the Pastor/head of Staff (unless the pastor is the accused), Session and congregation (if a congregation is involved.)
- b. Assist in how to respond to the situation in healthy ways.
- c. Others may be co-opted who have skills to assist as needed.
- d. The SMRT shall be in contact with all affected by the incident and offer resources and support as appropriate.

#### Accuser:

1. The SMRT shall be in contact with the accuser to listen to what that person has to say and take their concerns seriously.
2. The SMRT shall assist in arranging support from the appropriate entity, if requested.

#### Victim: (if different from the accuser)

1. The SMRT shall be in contact with the victim to listen to what that person has to say and take their concerns seriously.
2. The SMRT shall assist in arranging support from the appropriate entity, if requested.

#### Accused Person:



284 1. Respecting the accused person's right to remain silent, the SMRT shall be in  
285 contact with the accused person and listen to what that person has to say  
286 and take their concerns seriously.

287 2. The SMRT shall assist in arranging support from the appropriate entity if  
288 requested.

289 Congregation (when appropriate)

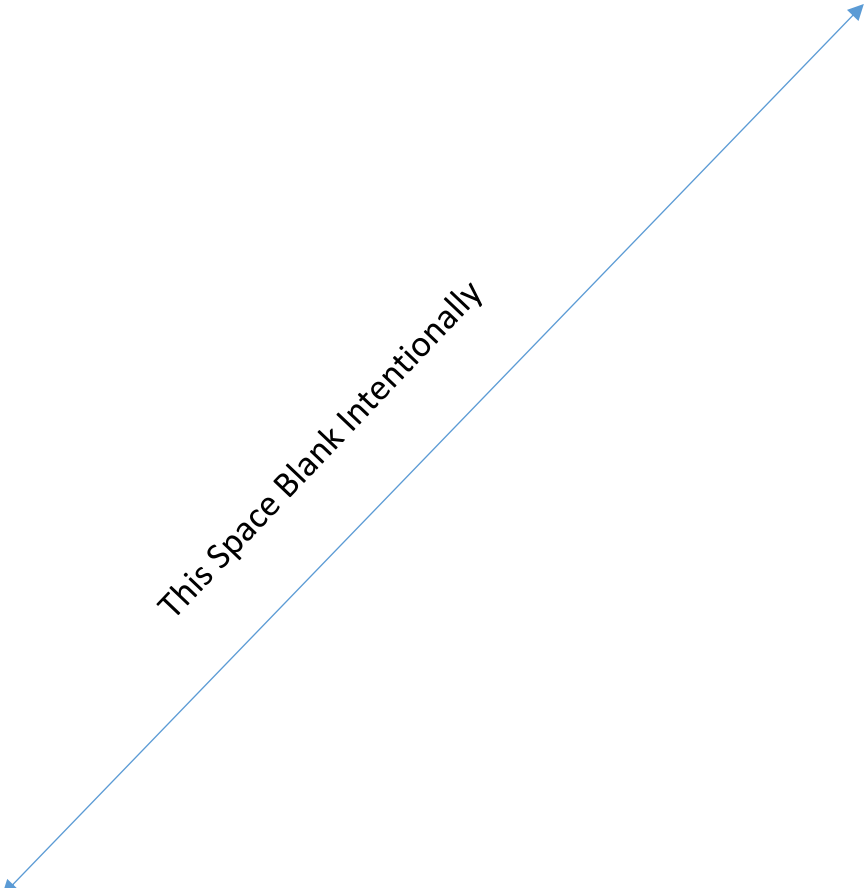
290 1. Listening sessions

291 2. Assist with arranging further support, if requested

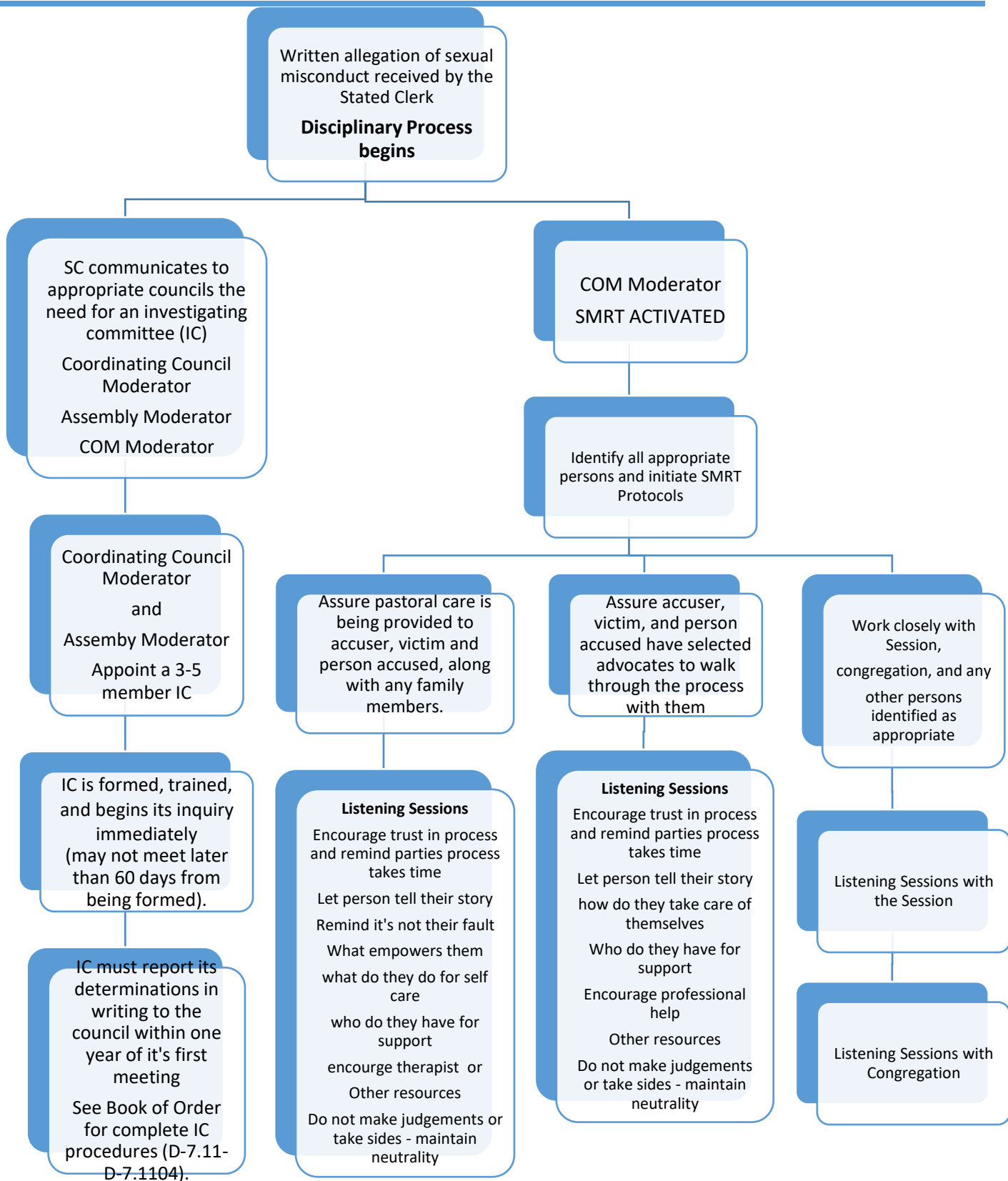
292 3. Assist with additional resources not often considered. i.e. reaching out to an  
293 insurance agent to advise about exposure to issues of liability or coverage.

294 Important: All involved parties deserve listening sessions that are separate from one  
295 another. The impact to the congregation is different from the impact on the accuser or the  
296 person accused. Each will have their own perspective and differing psychological and  
297 spiritual needs and as such, the listening sessions are necessary for each and independent  
298 of each.

299 The following flow chart shows the SMRT process in relation to the disciplinary process  
300 and it's important to note the two processes run independently of each other.



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*Flowchart for SMRT Process in relationship to disciplinary process.*

## Article VII. DEFINITIONS

**Accused** – the person against whom an allegation of sexual misconduct is made.

**Accuser** – the person claiming knowledge of sexual misconduct by a person covered by the Policy. The accuser may or may not be the victim of alleged sexual misconduct. A person such as a family member, friend or colleague may be the accuser.

- The victim (defined below) is the person alleged to have been subjected to sexual misconduct by a person covered under this Policy.

**Administrative Leave** – See D-7.0902 and D-3.0102

**Adult** – a person who is not a minor.

**Advocate** – See D-7.0802. A person who provides support and pastoral care for either the Accuser/Victim/ or the Accused. The role of the advocate is not to speak for the party for whom they are the advocate, but to inform that party of their rights within the investigative process. The advocate shall not give advice regarding civil remedies.

**Allegation** – a written statement alleging an offense of sexual misconduct submitted to the Stated Clerk of the Presbytery or the clerk of session of the congregation having jurisdiction over the individual being accused. Allegations shall include (1) a written statement of the alleged offense or offenses; and (2) facts which, if proved true, would likely result in censure. The process for filing an allegation is outlined in *Book of Order* D-7.02.

**Censure** – See D-9.0101.

**Child** – see Minor.

**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 or gratification of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior of any kind between a child and an adult is always considered forced and may not be consented to by the child. In the Presbyterian Church (U.S.A.), for the purpose of defining Child Sexual Abuse, a child is anyone under age eighteen.

**Church Professional** – see Pastoral Leader.

**Civil Authorities** — are the governmental authorities or entities, whether city, county, state, or federal, that are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults, adults who lack mental capacity, and children (as defined by applicable secular laws).

**Consent** – An agreement, formally or informally given, between participants to engage in intimate (often sexual) activity. In situations with an imbalance of power (e.g., adult-minor, pastor-parishioner, or direct/indirect supervisor-employee), it is very difficult—sometimes impossible—for consent to be granted. **Under no circumstances may consent be given between adults and minors, between pastors and parishioners, or between a supervisor (direct or indirect) and an employee.**

**Investigating Committee** — a group of people, as defined in D-7.06 assigned to investigate an Allegation.

**Mandated Reporter** — includes a person under the PC(USA) constitution or applicable secular law who is mandated to report to the civil authorities any reasonably held belief that there has been an incident of sexual abuse involving a minor.

**Minor** — An individual less than 18 years of age who is not emancipated.

**Misuse of Technology** — use of technology that results in sexual harassment, sexual abuse sexual harassment, sexual malfeasance, sexually explicit conduct, or sexually offensive conduct against another person. This may include texting or emailing suggestive messages and images to persons with whom one has a ministerial or professional relationship. **It is never appropriate to view pornography on church property.** When the use of technology includes messages or images of a person under the age of eighteen, it is considered child abuse. **There is never an expectation of personal privacy when using electronic equipment or software owned by a church or church entity or within the context of ministerial activities.**

**Nonconsensual Sexual Activity** — A broad term encompassing sexual activity in which one or multiple parties do not or cannot offer consent.

**Offense** — See D-2.0302. Any act of omission ... that is contrary to the Scriptures or to the Constitution of the Presbyterian Church (U.S.A.)

**Pastoral Leader** — a term synonymous with Church Professional, referring to all those governed by this policy as defined in Section 1.03.

**Pornography** — a term referring to sexual subject material (such as a picture, video, or written text) that is intended for sexual arousal.

**Rape** — sexual contact by force, threat, or intimidation.

**Rights of the Accuser (D-7.1001):** The investigating committee shall inform the person submitting the allegation (and the victim when the accuser is not also the victim) of the right to be accompanied by an advocate at each conference between the person submitting the allegation and the investigating committee, the prosecuting committee, and the session or permanent judicial commission. The role of the advocate is to provide support and pastoral care.

**Rights of Those Alleged to Have Been Harmed (D-7.1002):** The investigating committee shall notify all persons alleged to have been harmed by the alleged offense of their right to be accompanied by an advocate at each meeting with the investigating committee, the prosecuting committee, and the session or permanent judicial commission. The role of the advocate is to provide support and pastoral care.

**Rights of the Accused (D-7.1003):** At the beginning of each conference with an investigating committee or any of its members, the person against whom an allegation has been made shall be informed by the investigating committee of the right to remain silent, and to be represented by counsel. An accused person may also have an advocate or pastoral support person at each such conference. If charges are later filed, the person against whom charges have been filed has

the right to be represented by counsel (D-7.0104) and the right to have counsel appointed if unable to afford counsel.

**Responsibilities of All Participants (D.7-1004):** All participants in an investigation of an allegation of sexual misconduct have the responsibility to work cooperatively during the investigation. This includes, but is not limited to, the preservation of records of a council, and maintaining appropriate confidentiality throughout the process (cf. D-7.1004).

**Secular law** — the body of municipal, state, and federal laws, often used to refer collectively to civil and criminal law. Prohibited behavior addressed by the Policy may result in criminal and/or civil charges filed under secular law.

**Sexual Abuse** — as defined in D. 7-0901: “Sexual abuse is any offense involving sexual conduct in relation to any person under the age of eighteen years or anyone without the capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position. Sexual abuse is contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A.) and is therefore always an offense for the purpose of discipline.”

**Sexual Activity** – a broad term involving any intimate activity of sexual contact or sexual touching.

**Sexual Assault** – a broad term including any non-consensual sexual contact, sexual penetration, or sexual touching with or against another person. This includes instances in which consent is unable to be given (e.g. the other person is a minor or under the influence of chemical substances.)

**Sexual Contact** – a term referring to any touching by one individual of the intimate area(s) of another individual.

**Sexual Exploitation** – a term describing any conduct that violates the bounds of consensual sexual activity (with or without the knowledge of the other individual) for any purpose.

**Sexual Harassment** — unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly on a term or condition of an individual’s employment, or their continued status in an organization or institution.
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile or offensive working environment.
4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching or display of sexual images that insult, degrade and/or sexually exploit persons of any age.

**Sexual Malfeasance** —is defined by the broken trust resulting from sexual activities within a professional or ministerial relationship that results in misuse of office or the ministerial or professional relationship.

**Sexually Offensive Behavior** -- (a) display of offensive or suggestive language, materials, images or behavior or (b) unacceptable or unwelcome contact, touching or fondling that is injurious to the physical or emotional health of another.

**Sexual Misconduct** – a comprehensive term that includes:

1. Child Sexual Abuse (defined herein.)
2. Misuse of Technology (defined herein.)
3. Rape (defined herein.)
4. Sexual Abuse (defined herein.)
5. Sexual Assault (defined herein.)
6. Sexual Exploitation (defined herein.)
7. Sexual Malfeasance (defined herein.)
8. Sexually Offensive Behavior (defined herein.)

**Victim** — a person claiming to have been harmed and/or abused by a person covered under this Policy.

PWV MISCONDUCT POLICY FULL DOCUMENT

Kevin Bowers, Lucia Hutchison, Jill Kitowski, Carol McDonald, Jan Sandos

Marjorie Reinsch, Jennifer Burns Lewis

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