

**Presbytery of Glacier
Presbyterian Church (U.S.A.)
Sexual Misconduct Prevention and Response Policy**

INTRODUCTION

The Presbytery of Glacier, in an effort to further the peace, unity and purity of the church through the prevention and remediation of sexual misconduct within the church, has adopted the following policy and procedures. The structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order. (G-3.0106) This policy shall apply to all Teaching Elders and Active Commissioned Ruling Elders, inquirers and candidates for the same, and Presbytery staff in a supervisory capacity who are members of, under care of or employed by Glacier Presbytery. Others who serve the church, paid and volunteer, are under the jurisdiction of the session of the particular church.

The Purpose of this Document is to:

1. Lay out the Presbytery of Glacier Policy on Sexual Misconduct, and
2. Define what sexual misconduct is.

PRESBYTERY OF GLACIER POLICY ON SEXUAL MISCONDUCT

1. General Statement: Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture as well as of ministerial, pastoral, employment, and professional relationships. Sexual misconduct by a Teaching Elder or Commissioned Ruling Elder, inquirer or candidate for the same, or Presbytery staff in a supervisory capacity violates the ordination vows of the Presbyterian Church (USA) and the Standards of Ethical Conduct of the Presbytery of Glacier. The responsibilities, structures and procedures for responding to allegations of sexual misconduct, such as the roles of the Committee on Ministry and an Investigating Committee are mandated by the Book of Order.

2. Dissemination of this Policy: All Teaching Elders and Commissioned Ruling Elders, inquirers and candidates for the same, and Presbytery staff in a supervisory capacity shall be given copies of this policy and be required to sign an acknowledgment of its receipt. This same acknowledgment of receipt shall be required of those who enter Glacier Presbytery in these same capacities. This document shall also be available to all church members and to the public. This policy will be sent to every clerk of session annually. This policy will be posted on the Presbytery of Glacier's website.

3. Mandatory Training: All Teaching Elders and Commissioned Ruling Elders, inquirers and candidates for the same, and Presbytery staff in a supervisory capacity shall attend a seminar offered by the Presbytery on the issues of sexual misconduct at least once every three years. All Candidates and Inquirers of the Presbytery shall attend a seminar offered by the Presbytery on the issues of sexual misconduct. Failure to attend such a seminar within one year of being received by the Presbytery will result in the Teaching Elder or Commissioned Ruling Elder member being placed on unpaid administrative leave and excluded from the exercise of ministry until such time as the seminar is attended. Such an administrative leave shall be automatic, requiring no further action by the

Presbytery. The Presbytery shall offer Sexual Misconduct training at least once each year.

The Committee on Ministry may allow a Teaching Elder, Commissioned Ruling Elder, Candidate or Inquirer to attend a similar training seminar or class which is satisfactory to the Committee on Ministry.

4. Insurance and Recordkeeping: The Presbytery and its congregations shall periodically obtain from their insurance agents, confirmation that their liability insurance policy covers sexual misconduct liability for its programs and activities. The Presbytery of Glacier will include in every employee's personnel file, including Teaching Elders and Commissioned Ruling Elders a signed receipt for receiving the sexual misconduct policy.

5. Pre-employment Screening:

a. **Reference Checks:** Pre-employment screening includes specific questions related to previous complaints of sexual misconduct. The Presbytery reviews the Sexual Misconduct Information of the Presbyterian Church (USA) Personal Information Form when interviewing persons seeking ministerial calls.

The General Presbyter or Stated Clerk is responsible for making reference checks through the Synod Executive, General Presbyter, or other authorized persons to ascertain whether those persons have any history of sexual misconduct. The General Presbyter reports to the Committee on 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.

b. **Background Checks:** Pre-employment screening for prospective incoming clergy also includes a mandatory Criminal History Background Check performed by a private investigative firm which will access the misdemeanor and felony conviction records of courts in the United States. The criminal background check is based on the last seven years' residential history of the applicant.

As part of the Committee on Ministry's clearance process, all prospective incoming clergy shall be required to sign a written consent and release form authorizing the criminal record background check. The Committee on Ministry will provide all prospective incoming clergy with a written disclosure that a criminal record background report will be requested.

Only the Stated Clerk shall order and review the criminal record background reports. The discovery of a criminal conviction will not automatically exclude the person from entry into the Presbytery and work in its congregations. The use the Presbytery makes of the criminal record background report will be determined on an individual case by case basis. The General Presbyter and/or the Committee on Ministry will counsel both with the prospective clergy person and the calling

congregation where appropriate. At the same time, Committee on Ministry will take with full seriousness the failure of incoming prospective clergy to volunteer critically important information regarding criminal history.

The Stated Clerk shall ensure the confidentiality and appropriate retention of criminal record background reports.

A Teaching Elder or Commissioned Ruling Elder who claims that the information in the report is inaccurate, false or incomplete shall have the right to dispute it with the investigative firm.

6. Disciplinary Process: Any allegations of Sexual Misconduct in Glacier Presbytery will be resolved in accordance with the Rules of Discipline chapter 10.

7. Limitations: This policy only addresses sexual misconduct by Teaching Elders, Commissioned Ruling Elders, inquirers and candidates for the same, and Presbytery staff in a supervisory capacity of Glacier Presbytery and does not apply to the church professionals, officers, members, non-member employees, and volunteers of congregations within the Presbytery. Each congregation and organization in the Presbytery of Glacier is responsible for developing its own policy which is consistent with the Book of Order.

A DEFINITION OF SEXUAL MISCONDUCT

Sexual misconduct in the ministerial relationship is an abuse of authority and power, breaching Christian ethical principles by sexually misusing a trust relationship to gain advantage over another for personal gratification in an exploitative and unjust manner. It is the comprehensive term used in this policy to include: (1) Sexual harassment (2) Sexual abuse of children or adults, and (3) rape or sexual assault. These categories of sexual misconduct are described below. 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.

1. 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 in either a professional or volunteer capacity.

b. Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or volunteer performance by creating an intimidating, hostile, or offensive working environment.

d. 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:

- Sexually oriented jokes or humor
- Sexually demeaning comments
- Verbal suggestions of sexual involvement or sexual activity
- Questions or comments about sexual behavior
- Unwelcome or inappropriate physical contact

- Graphic or degrading comments about an individual's physical appearance
- Express or implied sexual advances or propositions
- Display of sexually suggestive objects or pictures
- Repeated requests for social engagements after an individual refuses

2. **Sexual abuse** occurs whenever a person in a position of trust engages in a sexual act or sexual contact with another person to whom he or she owes a professional responsibility with or without consent. 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. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring generally may be a mandated reporter under the law. Sexual abuse includes, but is not 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 Teaching Elders or Commissioned Ruling Elders and laity with whom they have a professional relationship. This includes consensual physical relationships. Sexual relationships, even when consensual, are not acceptable. The imbalance of power between the Teaching Elder or Commissioned Ruling Elder and the lay person undermines the validity of such consent.
- 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 which substantially impairs the ability of that person to appraise or control the nature of the conduct.
- f. Compelling another person to view child or adult pornographic media or websites.

I have reviewed and understand the Clergy Sexual Misconduct Prevention and Response Policy of Glacier Presbytery.

Signature

Date

Print Name