

WINNEBAGO PRESBYTERY SEXUAL MISCONDUCT POLICY

A. **Introduction**

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

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

Winnebago Presbytery 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 Winnebago Presbytery.
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.
5. To serve as a companion document to the *Standards of Ethical Conduct*, approved by the 210th General Assembly (1998), Presbyterian Church (U.S.A.), and the "Child Protection Policy" of Winnebago Presbytery.

C. **Definition of Sexual Misconduct**

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 which 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. 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. Presbytery expects that church professionals or volunteers will be aware of Wisconsin state statutes regarding mandatory reporting. State statutes are available at www.legis.state.wi.us/rsb/stats.html. (see chapter 48.981)
 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:
 - 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.

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 & standards of ministry, as well as of pastoral, employment, and professional relationships.
2. Winnebago Presbytery shall not approve Calls or placement that involve pastoral responsibilities for a permanent ministerial member, commissioned lay pastor, professional staff, or any elder who has been convicted of sexual misconduct in church or secular court.
3. Winnebago Presbytery shall educate ministers, ministerial candidates, commissioned lay pastors, professional staff and others in an understanding of and toward the elimination of sexual misconduct. Presbytery will regularly offer educational opportunities concerning the nature and prevention of sexual misconduct.
4. Whereas this policy addresses sexual misconduct by ministers, candidates, commissioned lay pastors, professional staff and others in pastoral positions, each congregation and organization in Winnebago Presbytery is responsible for developing a policy for church professionals, officers, members, non-member employees, and volunteers which is consistent with this document.
5. Ministers and professional staff entering the life of Presbytery will receive a copy of this Presbytery policy, *The Standards of Ethical Conduct (Presbyterian Church, U.S.A.)*, and Presbytery's "Child Protection Policy."

E. Responsibilities of the Presbytery

1. Presbytery officers and staff have responsibility for:
 - a. Mandated reports
 - to insurance carriers
 - to appropriate local, state, or federal authorities, if the allegations involve the abuse of a minor child or other criminal sexual behavior.
 - b. Contact with the accuser and /or alleged victims and family
 - meeting reasonable needs for counseling
 - establishing a presbytery liaison person, if appropriate
 - c. Contact with the accused and family
 - meeting reasonable needs for counseling
 - establishing a presbytery liaison person, if appropriate

- d. Initiation of mediation and/or the judicial process under the provisions of the *Book of Order: Rules of Discipline*
2. Minister members, candidates, commissioned lay pastors, and others with pastoral duties have responsibility for reporting to appropriate local, state, or federal authorities and to presbytery allegations that involve the abuse of a minor child or other criminal sexual behavior.

F. **Implementation of Presbytery Policy**

1. Availability of Policy and Procedures
 - a. All ministers, candidates, commissioned lay pastors, staff and others with pastoral duties 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.
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 role of the Investigating Committee (D-10.0200). Presbytery shall also provide to minister members, staff, and appropriate volunteers, a copy of the *Standards of Ethical Conduct* (Presbyterian Church, U.S.A.).
2. Liability and Insurance

The Presbytery and its congregations shall obtain confirmation from their insurance agents that their liability insurance policy covers sexual misconduct liability for its programs and activities.
3. Records

The Presbytery 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 a signed receipt for receiving the sexual misconduct policy.

G. **Management of Allegations of Sexual Misconduct**

1. Disciplinary Process

All allegations of sexual misconduct will be investigated. In cases of members under the jurisdiction of Winnebago Presbytery, 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 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 Presbytery and convene an Investigating Committee from those persons appointed by the Moderator from the pool of elected persons (D-10.0201 b). 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 her/him 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 Winnebago Presbytery, 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 matter is then referred by the Personnel Committee (through the Stated Clerk) 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 Presbytery for resolution of the issue and termination. The Presbytery may proceed in its judgment under **G-3.0301(c)** or its Personnel Policy.

H. **Presbytery Strategies for the Prevention of Sexual Misconduct**

1. Education

Winnebago Presbytery 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.

2. Pre-Employment Screening

Pre-employment screening includes specific questions related to previous (formal) complaints of sexual misconduct. The Presbytery shall review the “Sexual Misconduct Self-Certification Statement” of the Presbyterian Church (USA) Personal Information Form when interviewing persons seeking ministerial calls.

The Office of the **General** 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 **General** Presbyter reports to the **Commission** 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. Any 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 information regarding formal complaints, and administrative or disciplinary action related to sexual misconduct by the applicant.

APPENDIX: Acknowledgement Form

**Appendix 1
Sexual Misconduct Policy
Presbytery of Winnebago**

Acknowledgment

This attachment to the sexual Misconduct Policy of the Presbytery of Winnebago is to be signed by all candidates, ministers, employees and volunteers of the Presbytery.

By signing this appendix, you acknowledge that you have received and read the Sexual Misconduct Policy and the Standards of Ethical Conduct.

Signed: _____

Date: _____

This document will be kept in your personnel file.