

**GRACE PRESBYTERIAN CHURCH
ARLINGTON, TEXAS
SEXUAL MISCONDUCT POLICY**

G-3.0106 **All councils shall adopt and implement a sexual misconduct policy.**

Book of Order

These guidelines are intended to safeguard and protect the well-being of adults. This document does not replace the Child Protection Policy of Grace Presbyterian Church. Nothing in this policy is intended to conflict with federal, state, or local law. To the extent any provision in this policy is inconsistent with any legal requirement, legal requirements will supersede any conflicting terms of this policy.

At Grace Presbyterian Church, we are called by God, through the Holy Spirit, into loving relationship with Jesus Christ and with each other. Within its facility and through all church ministries and programs, we are called to provide a secure haven in which all individuals are treated with respect and dignity. Conduct toward church personnel or non-personnel which has the purpose or effect of creating a hostile, offensive, or intimidating environment, and/or which impedes physical, mental, emotional, and spiritual safety, will not be tolerated.

This document is targeted at persons who are 18 years and older. Grace Presbyterian Church, Arlington, Texas has a Child Protection Policy for protecting youth and children who are 17 years of age and younger.

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INTRODUCTION

Sexual misconduct is behavior which focuses on a person or persons, including but not limited to, sexual harassment and unwelcome activity of a sexual nature. Examples of sexual misconduct include, but are not limited to:

- Request for sexual favors
- Unwanted sexual advances, including verbal advances and propositions
- Making or threatening reprisal after a negative response to sexual advances
- Leering; obscene gestures; suggestive sounds
- Displaying pornographic or suggestive objects, pictures, cartoons, or posters
- Using inappropriate terms of endearment
- Verbal abuse of a sexual nature
- Graphic commentary about an individual's body
- Sexually degrading words to describe an individual
- Suggestive or obscene letters, notes, invitations
- Inappropriate use of social media, text, twitter, email and/or SPAM
- Unwelcome touching or fondling

An individual who believes he or she is being harassed should directly inform the offender that the behavior is unwelcome and must stop. In situations of alleged illegal behavior, adults must lodge their own complaint with civil law enforcement authorities.

This document is targeted at persons who are 18 years and older. Grace Presbyterian Church, Arlington, Texas has a Child Protection Policy for protecting youth and children who are 17 years of age and younger.

"AT-RISK" ADULTS

Grace Presbyterian Church (GPC) is committed to the welfare and protection of at-risk or vulnerable adults who may participate in the programs of the church. ("At-risk" includes persons 18 and older who are developmentally and/or cognitively disabled. At risk individuals may also include the elderly.) If an at-risk person reports abusive conduct at a church-sponsored event, then the safety of the individual should be secured and the incident reported immediately (per Book of Order, *G-4.0302*). Any person accused of committing a prohibited act should be immediately suspended from participation in all ministries to at-risk or vulnerable adults.

Purpose

The purpose of this document is to define the policy by which allegations of sexual misconduct are handled.

This document is focused on three different aspects of dealing with an allegation of sexual misconduct:

- Reporting – how do we act when an allegation of sexual misconduct is made?
- Responding – how should we respond?
- Remediating – how do we remediate and heal?

Grace Presbyterian Church, Arlington, Texas – Sexual Misconduct Policy

Scope

This document is limited to allegations of sexual misconduct against adults and how to respond to both the accuser and the accused. Any acts in violation of local, state, or federal laws should be immediately reported to the appropriate civil authorities.

This policy document does not replace the GPC Child Protection Policy.

Per the Presbyterian Church USA (PCUSA) Book of Order, Section G-3.0101, each of the councils has jurisdiction as follows:

- Session - The session of a church has original jurisdiction in disciplinary cases involving members and employees of that church.
- Presbytery - The presbytery has original jurisdiction in disciplinary cases involving teaching elder (ministers of the word and sacrament), members of that presbytery and ruling elders commissioned to pastoral service in congregations in the presbytery. (G-3.0307)

While the scope of this document does not specifically address allegations of sexual misconduct against teaching elders, it is important to note that the sections in this document on reporting, responding, and remediating allegations of sexual misconduct may be used as a guide to help provide structure and guidance for the designated response team.

For guidance on responding to Clergy Misconduct, please see the Grace Presbytery document, "GUIDELINES FOR RESPONDING TO ALLEGATIONS OF CLERGY SEXUAL MISCONDUCT" (2004).

REPORTING

Any congregant, visitor, and/or staff member who believes that he or she has been subjected to sexual misconduct should immediately report the incident to the head-of-staff, the clerk of session, or moderator of the personnel ministry. It is the responsibility of paid staff, teachers, parents, members, visitors, and volunteers of GPC to report any questionable circumstance, observation, act, omission, or situation thought to be in violation of this policy.

Illegal acts should be reported first to the appropriate civil authorities and then reported to one of the specified representatives from Grace Presbyterian Church. Any person who witnesses an act of (alleged) sexual misconduct bears responsibility to report the alleged act to the appropriate authority.

Reports can be submitted verbally but must be followed up by use of the attached sample form (see Appendix A).

General or anonymous complaints will not be investigated, unless there is documentation of endangerment.

A complainant may withdraw a complaint in writing.

Any person who reports alleged sexual misconduct will be free from reprisal or retaliation. Any employee found to have violated this policy may be disciplined, up to and including termination.

RESPONDING

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek to assure the protection and healing of all persons.

Our response will be in accordance with the Book of Order “Rules of Discipline” and the “General Assembly Sexual Misconduct Policy.” The session has original jurisdiction in disciplinary cases involving members and elders, each congregation having jurisdiction only over its own members.

Responding to an Accusation

When sexual misconduct is alleged, a Response Team will be formed. This Response Team will be comprised of discreet persons who understand the issue of confidentiality, will be coordinated by the Administrator, and have been approved by the Session. The Response Team shall include the following:

- Response Team Administrator to be appointed by the Session
- The teaching elder of Grace Presbyterian Church
- A ruling elder currently serving on session
- A Pastoral Care Ministry member

If necessary and depending on the magnitude of the accusation, the following people may be added to the response team

- A spokesperson to the media
- An attorney or legal advisor
- A ruling elder or representative of Grace Presbytery

A member of the Response Team will be responsible for all communications on behalf of GPC related to an incident.

The Response Team will do the following:

- a. Meet separately with the accuser and the accused to hear the allegation and the response.
- b. Determine whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
- c. If so, gather additional information necessary to make a decision about correcting the behavior.
- d. Determine any remedies.
- e. Inform the victim and the accused of the remedy.

PCUSA entities must fully cooperate with civil authorities in an investigation of criminal sexual misconduct. Church proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed. The response team is responsible for the preservation and securing evidence of the alleged sexual misconduct that may be of use in a legal situation

Due process must be followed in validating and responding to an allegation of sexual misconduct. Care must be taken that the steps followed are reasonable and fair.

Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained. Complaints of policy violations will be promptly and carefully investigated including interviews with relevant persons. Although investigators will conduct an objective investigation with consideration given to privacy issues, complete confidentiality and anonymity cannot be guaranteed. Information will be communicated only to individuals with a need to know.

Responding to the Accuser

Support must be offered to the accuser during this trying period. Persons impacted should be offered pastoral care as appropriate, including counseling, training, attempted reconciliation and remediation.

The status of the investigation will be communicated with the accuser regularly. The communication to the accuser should be reviewed with legal counsel for liability reasons.

Responding to the Accused

Any person who has been accused of sexual misconduct can expect due process.

Grace Presbyterian Church will mitigate the risk and conflict until the accusation is resolved by doing the following:

- If the accused is an employee of the church, that individual will be placed on leave until the allegation has been resolved.
- Non-employees accused of sexual misconduct will be excluded from all positions and ministries within GPC until allegations are resolved. If the person is found guilty, that individual shall refrain from the exercise of any function other than participation in worship services.
- Any indictment alleging the offense of, or conviction for, sexual abuse, rape, or an aggravated sexual assault will disqualify an individual for volunteer work within Grace Presbyterian Church.
- If an accused is not a member or employee, he or she will be excluded from participation in activities inside Grace Presbyterian Church other than worship.
- If the accusation is found to be false or is withdrawn, the accused will be allowed to participate in activities at Grace Presbyterian Church.

REMEDIATING

Sexual misconduct allegations, the resultant investigation, and the outcome of the investigation can be extremely divisive and disruptive to the life of the church. Regardless of the outcome of the allegation and corresponding resolution, the church needs closure and healing.

Depending on the extent of the allegation and the remediation/healing needed by accuser, accused, and the congregation, the Response Team may consider bringing in a trained consultant to help deal with grief, anger, and other reactions.

If a complaint of sexual misconduct is found to be valid, the following steps should be taken:

- Protect and restore victims
- Discipline the offending individual
- Help restore the offender to health
- Restore the church as a safe environment

The PCUSA Book of Order should be followed where appropriate when responding to the complaint or allegation. The Response Team may choose to add additional steps as they deem appropriate.

If the complaint is found to be invalid and the accused is exonerated, the credibility of the accused should be restored. Where appropriate and with the accused's permission, information about the resolution can be published in the church newsletter or communicated to congregants via the appropriate method(s).

Closure and Healing for the Accuser

Throughout the entire process, care must be taken to respect the rights of the accuser. Acts of sexual misconduct can be extremely traumatic. All communications with the accuser should be made with love and respect.

If the allegation is found to have merit, it is important to understand that for the victim, forgiveness is not unconditional and that the victim needs to heal to let go of the anger and pain.

The Response Team should recommend that prayer and Scripture be a part of the victim's life to help with the healing process. Additionally, the victim should be encouraged to seek counseling.

Closure and Healing for the Accused

An allegation of sexual misconduct can be traumatic to the accused.

In the event that the allegation is found to be valid, in order to restore the accused to a position of trust, the following conditions must be met:

- Genuine remorse for harm done
- Acknowledgement of responsibility for harm done to the victim(s) with a letter of apology
- Repentance – and a fundamental change in behavior and understanding

The Response Team must also answer the following question in determining how to close the event:

“Can you assure the church that this individual will not again violate the boundaries for sexual misconduct?”

If the Response Team cannot answer that question to their satisfaction, care should be taken not to place that individual in a position of trust.

If the accusation is not found to be valid, restoring the credibility of the accused is a priority. The first step is to acknowledge that the complaint was found to have no merit and to communicate that to the accused and to the congregation.

Closure and Healing for the Congregation

An allegation of sexual misconduct can divide a congregation. The allegation should be handled in a timely and legitimate manner to show the congregation that the accusation is being taken seriously.

As the Response Team deems appropriate, status of the allegation should be communicated to the congregation. When the allegation is resolved, the appropriate information should be communicated.

Once an allegation of sexual misconduct is resolved, the Response Team may recommend that a healing service be conducted.

Closing the Event –Session

Following an event, the Response Team will prepare and deliver a report to Session. Following that report, the Response Team will be discharged with thanks.

Session should review the report and determine how to react.

In reviewing the report, Session should ask the following questions

- How will this action/inaction affect the victim?
- How will any action Session takes promote justice?
- How will this action bring healing?
- How can a similar event be prevented from happening again?

The final report should be retained as part of session records. Because of the potential sensitive nature of the information in the report, the final report should be considered confidential and not included in the full session records/minutes.

APPENDIX A – SUSPECTED ABUSE INCIDENT REPORT FORM

**GRACE PRESBYTERIAN CHURCH
SUSPECTED ABUSE INCIDENT REPORT FORM**

Completing this form will activate response by Grace Presbyterian Church. Information provided on this form may be provided on a confidential basis to the appropriate law enforcement agency.

Contact Information of Person Reporting _____

Name(s) of Person(s) involved, including contact information: _____

Please describe the incident (including the names of those suspected of abuse):

What action has been taken, if any? _____

Were there any witnesses?

<u>Name</u>	<u>Phone or other contact (if known)</u>
_____	_____
_____	_____
_____	_____

Report submitted to: _____

Your Signature: _____ Date _____

APPENDIX B – RESOURCES

Resources consulted in the preparation of this document include:

- General policy of First Presbyterian Church, Fort Worth
- General policy of Preston Hollow Presbyterian Church, Dallas
- Book of Order “Rules of Discipline”
- “General Assembly Sexual Misconduct Policy”
- Arlington Independent School District policy
- City of Grand Prairie policy
- Policies of two major national/international corporations
- Mo-Ranch policy