

**THE PRESBYTERY OF
NORTH CENTRAL IOWA
SEXUAL MISCONDUCT POLICY**

THE PRESBYTERY OF NORTH CENTRAL IOWA SEXUAL MISCONDUCT POLICY

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, however, become the central element within oppressive contexts in which trust relationships are breached and persons are abused. The Presbytery of North Central Iowa endeavors to promote the peace, unity, and purity of the Church by preventing sexual misconduct through the maintenance of professional and ethical behaviors consistent with the Reformed tradition and by adjudicating sexual misconduct according to the procedures of and in conformity with church law.

PURPOSES OF THIS POLICY

The purposes for which this policy is written and affirmed by the Presbytery of North Central Iowa include:

1. To work to safeguard the Church's members and staff within the Presbytery of North Central Iowa from abuse through any form of sexual misconduct.
2. To seek justice by assuring the effectiveness of the PC(USA)'s administrative, investigative, and judicial processes in determining truth, protecting the innocent, and in dealing appropriately with those who victimize others.
3. To promote healing of all persons against which, and congregations in which, sexual misconduct has occurred.

OPERATIVE 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 constitutes 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 explicated 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 anyone with whom they have a pastoral relationship, even if such acts or contact are 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, sexual acts 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 appraise 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. This 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 all states and should be reported to civil authorities and to the Stated Clerk of the Presbytery. The Federal Criminal Code of 1986 (Title 18, Chapter 109A, Sections 2241-2233) does not use the term rape, but uses the term *aggravated sexual abuse* to define what is typically described as rape. Two types of *aggravated sexual abuse* are identified: (a) aggravated sexual abuse by force or threat of force, and (b) aggravated sexual abuse by other means. *Aggravated sexual abuse by force or threat of force* is defined as follows: when a person knowingly causes another person to engage in a sexual act, or attempts to do so, by using force against that person, or by threatening or placing that person in fear that that person will be subjected to death, serious bodily injury, or kidnapping. *Aggravated sexual abuse by other means* is defined as follows: when a person knowingly renders another person unconscious and thereby engages in a sexual act with that other person; or administers to another person by force or threat of force without the knowledge or permission of that person, a drug, intoxicant, or similar substance and thereby (a) substantially impairs the ability of that person to appraise or control conduct and (b) engages in a sexual act with that person.
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.

PRESBYTERY POLICY STATEMENT 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 North Central Iowa shall educate ministers and ministerial candidates in an understanding of sexual misconduct, so that they may avoid such conduct. All minister members shall be required to attend a seminar offered by the presbytery concerning the nature and prevention of sexual misconduct.
3. The Presbytery of North Central Iowa shall not approve calls that involve pastoral responsibilities for a permanent ministerial member who has been convicted of sexual misconduct by a church or a secular court.
4. Whereas this policy addresses sexual misconduct by ministers, each congregation and organization in the Presbytery of North Central Iowa is responsible for developing a sexual misconduct policy consistent with this document for church professionals, officers, members, non-member employees, and volunteers.

RESPONSIBILITIES OF THE PRESBYTERY

To address sexual misconduct, the Presbytery of North Central Iowa bears responsibility for the following duties:

1. Establishment of a Sexual Misconduct Response Committee
2. Transmission of mandated reports to
 - a. insurance carriers
 - b. appropriate local, state, or federal authorities, if the allegations involve the abuse of a minor child or other criminal behavior
 - c. the Presbytery's Sexual Misconduct Response Committee
3. Consultation with the Sexual Misconduct Response Committee to meet the reasonable needs of the person(s) involved
4. Collaboration with the Committee on Ministry (COM) 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 stated in *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 concerning sexual misconduct and appropriate ministerial relations.

RESPONSIBILITIES OF THE SEXUAL MISCONDUCT RESPONSE COMMITTEE

1. Work with Stated Clerk and, when appropriate, moderator(s) of appropriate Presbytery committees in contacting the accuser and alleged victim(s) and family(ies) to secure resources for meeting the reasonable needs of the accuser, victim and family(ies);
2. Contact the accused and family(ies) to secure resources for meeting the reasonable needs of the accused and family(ies);
3. Work with the General Presbyter and the Stated Clerk to providing annual and ongoing educational events concerning sexual misconduct and appropriate ministerial relations.

IMPLEMENTATION OF SEXUAL MISCONDUCT POLICY FOR THE PRESBYTERY OF NORTH CENTRAL IOWA

Availability of Policy and Procedures

Each current and future minister working within the bounds of the Presbytery of North Central Iowa shall be provided a copy of the Sexual Misconduct Policy and shall be required to sign an acknowledgement of receipt, which shall be placed in his/her personnel file. All Presbytery employees shall receive a copy the Sexual Misconduct Policy as a supplement to the Presbytery personnel policies. This policy document shall also be available to all church members and to members of the public upon written request to the Stated Clerk.

Resource Documents

The responsibilities, structures, and procedures for responding to allegations of sexual misconduct are mandated by *The Book of Order*. Specifically, *The Book of Order* details the role of the Committee on Ministry (G-11.0502) as well as the role of an Investigating Committee (D-7.0800).

Liability and Insurance

The Presbytery of North Central Iowa will include in every employee's personnel file (including all current and future ministers) the employee information sheet, the Pastor Information Form or similar application for employment with employment history, any employment questionnaires, reference responses, and other documents related to this policy, including the signed form indicating receipt of the Sexual Misconduct Policy.

MANAGEMENT OF ALLEGATIONS OF SEXUAL MISCONDUCT

Disciplinary Process

All allegations of sexual misconduct will be investigated using appropriate processes. In cases of members under the jurisdiction of the Presbytery of North Central 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.

Judicial Process

As a part of the allegation process, if the Stated Clerk receives written allegations as provided in D-10.0100, the Stated Clerk shall inform the Moderator of the Presbytery and convene an Investigating Committee from those persons appointed by the Moderator as the pool of elected persons (D-10.0202) as soon as possible. The Investigating Committee shall conduct its investigation in accordance with D-10.0202.

Administrative Process

Following an accusation of misconduct against a staff member of the Presbytery of North Central 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 Presbytery, the Personnel Committee (through the Stated Clerk) shall then refer 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 possible termination of employment. The Presbytery may proceed in its judgment under G-11.0103o or may employ its Personnel Policy.

Reporting Sexual Misconduct to the Presbytery of North Central Iowa

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

PRESBYTERY STRATEGIES FOR PREVENTION OF SEXUAL MISCONDUCT

Education

The Presbytery of North Central Iowa maintains a commitment to offer, provide resources for, and 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 of the Presbytery are required to attend annual educational programming on the current Sexual Misconduct Policy offered by the Presbytery of North Central Iowa, and each time that policy is substantially amended.

Pre-Employment Screening

Pre-employment screening shall include specific inquiry into 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 General Presbyter is responsible for conducting reference checks through the Synod Executive, presbytery executives(s) directly knowledgeable about the individual, seminary liaisons, or other authorized persons with directly relevant knowledge to ascertain whether the applicant/candidate has any history of sexual misconduct. The General Presbyter shall report to the Committee on Ministry and/or 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 permanent personnel file.

All persons within the Presbytery authorized to give references are obligated to provide truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct by individuals employed by or who hold membership in the Presbytery. Applicants shall be given an opportunity to correct or respond to

information regarding sexual misconduct obtained from reference checks.

APPENDIX I—GLOSSARY OF TERMS

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

Accuser is the person or persons claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may also be the victim.

Victim is the person or persons claiming to have been the subject of sexual misconduct by a person covered under this policy. The victim may also be the accuser.

Presbytery Liaison is the person, appropriately trained in the issues of sexual misconduct, who provides support, and emotional and physical presence to one of the following: the alleged victim(s) and family(ies), the accused, family members of the accused, or the congregation involved in a sexual misconduct case. In consultation with the Stated Clerk, the Liaison may provide clarification of the investigative and judicial processes of the church to the persons with whom he or she provides support. The role of the Liaison does not include advocacy. He or she may not speak for the alleged victim or the accused. The Liaison may accompany the person to whom he or she provides support to meetings of presbytery entities when that person is testifying. In this circumstance, the Liaison's role is to provide physical presence.

Mandated Reporter, as legally defined by the State of Iowa, is a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse, that come to his or her attention. State law shall be consulted as to the current specific definition of this mandate to determine when persons having knowledge of such abuse become "mandated reporters" in a legal sense and the current specific list of professions whose members are to report child abuse.

APPENDIX II—ACKNOWLEDGEMENT FORM

**Sexual Misconduct Policy
The Presbytery of North Central Iowa**

This appendix to the Sexual Misconduct Policy of the Presbytery of North Central 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, have read, and understand the Sexual Misconduct Policy and the Guidelines for Ministerial Conduct as stated in *Standards of Ethical Conduct* (Approved by the 210th General Assembly (1998) of the Presbyterian Church (U.S.A.)).

Signed: _____

Date: _____

This document will be placed in your permanent personnel file. Forms for presbytery volunteers will be kept by the Stated Clerk in a confidential file.

APPENDIX III—Employee/Volunteer Questionnaire

**Sexual Misconduct Policy
The Presbytery of North Central Iowa
(Confidential)**

Name _____ Social Security # _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone Number (home) _____ (cell) _____

Emergency Contact _____ Telephone _____

Date of Birth _____ Place of Birth _____

All other names by which you have been known _____

Most recent addresses other than current:

_____ From _____ to _____

_____ From _____ to _____

Is your name currently listed on a registry for sexual offenders? Yes No

If yes, where and since what date? _____

1. _____ 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)

2. _____ **I grant my permission for the Presbytery of North Central Iowa to contact primary and secondary references, and to secure criminal records and credit history as needed.**

Signed _____ **Date** _____

APPENDIX IV—Syllabus for Annual Sexual Misconduct Workshop

The Presbytery of North Central Iowa will offer a workshop on sexual misconduct to all minister, employees, and volunteers new to the presbytery on an annual basis.

The content of the workshop will include at least the following, and may address specific relevant issues:

- The General Assembly's statements on ethical behavior for members, volunteers, employees, and ordained officers
- Why the Presbytery of North Central Iowa maintains a sexual misconduct policy
- What the policy does and does not say—how the policy should be interpreted
- Why each congregation needs to establish its own sexual misconduct policy and procedures
- Model congregational policies
- Why each congregation needs to maintain its own liability insurance for misconduct