



# SEXUAL MISCONDUCT POLICY

For Lemoore Presbyterian Church (LPC)

## THEOLOGICAL RATIONALE

While affirming that God created us to live together in ways that proclaim the worth and dignity of each individual, human sexuality has been a basis for oppression, degradation, violence and injustice - manifestations of our sinful nature. Our sexuality is a gift from God and when rightly used, leads us to the wholeness of life that God intends for all people. Those who serve through the offices of the Church bear particular responsibility in making manifest the goodness of God's gift of sexuality. 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.

## SCRIPTURAL REMINDERS

Scripture reminds us of our calling as leaders in the Church:

*What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.* Micah 6:8 (NRSV)

*As God who called you is holy, be holy yourselves in all your conduct.* 1 Peter 1:15

*Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with greater strictness.* James 2:15

*Tend the flock of God, that is your charge, not under compulsion, but willingly, not for sordid gain, but eagerly, do not lord it over those in our charge, but be examples to the flock.* 1 Peter 5:2 (NRSV)

## CONSTITUTIONAL REMINDER

Our Constitution speaks of our calling in the Book of Order (F 1.0302b):

*"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."*

## BASIC PRINCIPALS

The basic principles of conduct guiding this policy are as follows:

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. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation 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 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 children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

## **PURPOSES**

The sixfold purpose of this policy is to:

1. Safeguard the members, congregants, and staff of LPC and the people we serve, especially those who are vulnerable against any form of sexual misconduct, particularly the disciplinary offense of sexual abuse.
2. Express our commitment to prevent sexual misconduct by creating an atmosphere in our congregation where acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice.
3. Obtain justice and compassion in cases that involve reports or written accusations of sexual misconduct within our congregation.
4. Promote healing for all persons or entities in cases involving sexual misconduct.
5. Ensure the effectiveness of our denomination's judicial processes in cases of sexual misconduct so that the truth shall be determined, the due process rights of those involved shall be honored, wrongdoing shall cease, those who have been victimized and those who are innocent shall be vindicated, and those who have victimized others shall be held accountable for their actions and their repentance and restoration achieved.
6. Teach this congregation's standards of ministry, for both lay persons and those ordained to office, in relation to sexual misconduct to fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.

## **PROHIBITION OF SEXUAL MISCONDUCT**

LPC is committed to creating a worship and work community in which members, friends, staff, and volunteers can worship and work together in an atmosphere free of all forms of discrimination, harassment, exploitation, or intimidation.

Specifically, all persons associated with LPC should be aware that the church is strongly opposed to sexual exploitation and harassment and that such behavior is prohibited by church policy. Sexual harassment or sexual exploitation of parishioners or other individuals by anyone engaged in the ministry of LPC is unethical and unprofessional behavior and shall not be tolerated within this congregation.

It is the intention and responsibility of the church to take whatever action may be needed to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

## **CONDUCT OF CHURCH LEADERS, STAFF AND VOLUNTEERS**

All persons engaged in the ministry of LPC, including elected or commissioned ruling elders, deacons, employees, volunteers, and ministers of the Word and Sacrament, are responsible for knowing the possible impact of their words and actions in ministering to the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority.

## **SELF-CARE**

Because elected or commissioned ruling elders, deacons, employees, volunteers, and ministers of the Word and Sacrament, often deal with individuals who are emotionally and psychologically fragile or otherwise personally vulnerable, it is imperative that those engaged in the ministry of this church maintain their own psychological, emotional, and spiritual health and that they have adequate preparation and education for helping those individuals they seek to serve in ministry.

It is the policy of LPC to encourage its ruling elders, ministers of the Word and Sacrament, deacons, employees, and volunteers to nurture safety within ministerial relationships by being attentive to self-care, education, and the importance of referring those in need to supportive and helpful resources.

## **SELF-CERTIFICATION**

We expect all ministers, employees or volunteers who work with minors to complete and submit a copy of the self-certification statement attached to this policy. It is expected that active ruling elders, staff, and seminary students shall complete and submit a copy of the self-certification statement attached to this policy.

## **BACKGROUND CHECKS**

All applicants for employment shall be asked to sign a release granting permission to the session, through its authorized agents, to make a thorough investigation of past employment, education, background, including possible criminal background, to identify those persons with a history of civil allegations and/or convictions of sexual exploitation and harassment.

## **TRAINING**

Officers, staff, employees, and volunteers shall be expected to participate in such occasional training on sexual misconduct, harassment, and child sexual abuse prevention training at least every three years.

The goals of the orientation will include:

- Recognition of the imbalance of power between the volunteer and those in their care;
- Understanding the necessity of maintaining appropriate boundaries as well as establishment and maintenance of professional and caring environment and demeanor;
- Awareness that frequent calling visits, frequent phone conversations, extended time together, and physical touching, hugs, and kisses may be associated with sexual advances and are high risk behaviors which may be perceived as unwelcome or an infringement on the rights of others;
- The need for volunteers who work with, counsel, or provide spiritual direction to minors to observe professional cautionary measures such as: limiting time spent with each counselee or directee, making sure that there are other people around the buildings during sessions, ensuring an open door or clear window into any meeting room, and observing a professional caution regarding touching of counselee/directee;
- The need for volunteers who are providing counseling to be in a supervisory relationship with a licensed psychotherapist; and,
- The need for volunteers who are providing spiritual direction to be in direction themselves as well as having a supervising spiritual director.

## **REPORTING ALLEGATIONS**

The Book of Order of the Presbyterian Church (USA), at G-4-0302, requires the following of Ministers of the Word and Sacrament, ruling elders, deacons and certified Christian educators:

*“Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G- 4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.*

The Rules of Discipline of the Book of Order provide detailed procedures to be followed in the case of allegations of sexual misconduct. In the case of a minister of the Word and Sacrament such allegations shall be reported to the Stated Clerk of the Presbytery through the Clerk of Session. In all other cases involving elders, deacons, members, or employees, the Moderator and the Clerk of Session should contact the Stated Clerk of the Presbytery for advice and guidance. All church members who have knowledge or suspicion of child abuse should be aware that state law requires the immediate reporting of such abuse to the civil authorities.

## DEFINITIONS

The following is a comprehensive list of definitions of terms and their intended use in this particular Policy. For the purpose of this Policy:

**Child:** A child is defined as a person between the ages of 0–11.

**Youth:** A youth is defined as a person between the ages of 12–17.

**Minor:** A minor is defined as any child or youth 0–17 years-old.

**Child/Youth Worker:** Any person, volunteer or paid staff or contractor, who participates at any level at church sponsored events or activities involving children and/or youth. This includes chaperones who accompany minors to and during meetings, events, and activities covered by this Policy.

**Vulnerable Adult:** Any person eighteen-years-old or older without the developmental or cognitive capacity to consent.

**Vulnerable Adult Abuse:** Any act or failure to act that results in physical abuse, neglect, and/or sexual molestation or abuse, sexual, psychological, or emotional mistreatment, or exploitation of a vulnerable adult.

**Child/Youth Abuse:** Any act or failure to act that results in physical abuse, neglect, and or sexual molestation or abuse, sexual, psychological, or emotional mistreatment, or exploitation of a child or youth.

**Sexual Abuse:** In the Book of Order, sexual abuse is defined as, “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (Book of Order, D-10.0401c).

**Misuse of Technology:** The use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When pornography depicts a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

**Sexual Misconduct:** Sexual misconduct is the comprehensive term used in this policy to include:

**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, the child, or a third person ([PC §288](#)). The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.

**Sexual Abuse:** as defined in the Book of Order: “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (Book of Order, D-10.0401c).

**Sexual Conduct** is offensive, obsessive, or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.

**Sexual Harassment:** unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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 is used as the basis for employment decisions affecting such an individual;
  - 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; or
  - D. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
  - E. **Rape** or sexual contact by force, threat, or intimidation.

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

**Misuse of Technology.** No clergy, employee, officer, or volunteer shall misuse technology in the following ways:

- Using technology to send suggestive messages and/or images to a minor.
- Having contacts by misuse of technology to contact a minor or vulnerable adult that is not preapproved by the minor's or vulnerable adult's legal guardian with a signed waiver, unless the contact is on an open public medium, such as a church website or church or social media program.
- To view pornography or sites (ex. dating websites) that include pornography or naked bodies on church property or property where children or youth ministry events, gatherings or activities are being held.