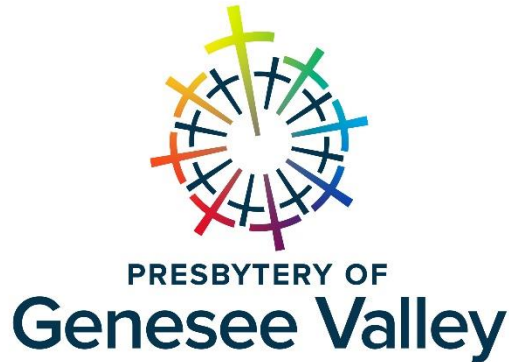




SEXUAL MISCONDUCT PREVENTION POLICY

Understanding Sexual Misconduct:

A Living Policy to Expand the Conversation for a Faithful Response to Boundary Violations

Approved 7/25/23

I. WHAT IS THIS POLICY AND WHY DO WE HAVE IT?

As God who called you is holy, be holy yourselves in all your conduct. 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 your charge but be examples to the flock...

And all of you must clothe yourselves with humility... in your dealings with one another, for God opposes the proud, but gives grace to the humble...

Discipline yourselves, keep alert. You know that we who teach shall be judged with greater strictness.

1 Peter 1:14; 5:2; 5:5b; James 3:1 (NRSV)

We believe and proclaim, as we are taught in the Scriptures and Book of Confessions, that all people are created by God, that God values all human life, and that God intends that everyone—adults and children—share worth and dignity in all relationships. As God's beloved, all people are inherently deserving of being treated with equality, respect, and justice. In accordance with that proclamation and belief, this policy seeks to nurture a safe, just, compassionate, and caring community within our Presbytery.

The *Book of Order* mandates that all councils have a policy for addressing sexual misconduct, and as instruments of Christ's love and justice, we are all called to work to create ministry and worship environments where God's people can flourish. Every person has a right to a ministry and worship environment that is free from relational misconduct in all its forms. All forms of abusive behavior, and especially sexually abusive behavior, exact immeasurable spiritual, psychological, and physical costs in terms of suffering, human potential, social stability, and damage to the credibility, viability, and very call to be the community of Christ.

This policy, therefore, approaches and understands sexual misconduct not as simply an infraction between two people to be mediated, but as abuse embedded in unhealthy systems and perpetuated by cultures rooted in inequity that have made space for abusive patterns to continue without consequence.

The goal of this policy is to lay out expectations for relational boundaries and behavioral ethics around sexual misconduct, to provide a starting place for larger conversations about the ways that we interact with each other as the Body of Christ, and to provide a framework for further training and education so that we

may continue to hold each other accountable and grow together to create a Church culture where sexual misconduct can be prevented, and where those impacted by abusive behavior can find support, healing, compassion, and justice.

This policy does not intend to address every potential incident of sexual misconduct or boundary violations, nor does it seek to dictate prescriptive procedures for responding to every possible eventuality. (Procedural details can be found in the appendix document.) Such circumstances are complex systemic issues, and no one policy can address every situation of sexual misconduct or boundary violation. As such, this policy is a living document, and will be re-evaluated by the Committee on Ministry after every incident of sexual misconduct, at the request of the Resource Team (see below), or at least every 2 years, as we live into best practices and continue to grow into healthier ways of being together.

II. WHO AND WHAT DOES THIS POLICY COVER?

The various offices in the church do not establish a dominion of some over the others; on the contrary, they are for the exercise of the ministry entrusted to and enjoined upon the whole congregation.

Declaration of Barmen, 8.20

Who

This policy applies to all persons serving in any capacity in the Presbytery of Genesee Valley, including **pastoral leaders, inquirers, candidates, staff, employees, officers, volunteers, retired ministers, and pulpit supply preachers**, because of the nature of their roles, entrusted with the teachings and leadership of Christ's love and the fiduciary responsibility of leading God's people.

By virtue of their calling and by example of our Servant-Savior, those called into leadership in the Church have been given the responsibility to maintain fiduciary trust with all those they lead, serve, and serve with. The intentional maintenance of this trust is a holy act. Those who engage in ministry—both clergy and lay persons—have a responsibility to acknowledge the inherently imbalanced dynamic of power that exists because the people to whom they relate place trust in the offices and roles of ministry, as well as a responsibility to avoid any temptation to take advantage of this imbalance.

What

This policy covers all forms of sexual misconduct - a broad term for the breaking of boundaries through violations and abuses of trust of a sexual nature. Terms to describe specific forms of these abuses include:

1. **Sexual Malfeasance** refers to sexual misconduct committed by an individual functioning within the context of a ministerial or professional role. Examples include:
 - a. a pastoral leader with a church member, congregant, co-worker, employee (paid or unpaid), counselee, or volunteer
 - b. a lay employee with a church member
 - c. a presbytery staff member with other staff, volunteers, members of presbytery, or members of a congregation
2. **Sexual Abuse** is both a criminal and ecclesiastical offense. It is defined by the *Book of Order*, Church Discipline (D-7.0801) as any offense involving sexual conduct:
 - a. in relation to a minor
 - b. in relation to an adult who lacks the mental capacity to exercise informed consent
 - c. involving the use of force, threats, coercion, intimidation, or abuse of position of power in ordained ministry or Presbytery role
3. **Sexual Harassment** refers to unwelcome conduct which is either of a sexual nature or directed at an individual because of that individual's sex, sexual orientation, gender, or gender identity. Examples include:
 - a. Physical acts of a sexual nature including touching, patting, kissing, hugging or any unwanted physical advance that the recipient might find confusing, discomforting, or upsetting.

- b. Verbal behavior including sexually explicit comments, sexually discriminating remarks, demeaning jokes based on gender or gender identity, derogatory references regarding physical appearance, bullying, yelling, name calling, or offering spiritual and theological rationale to justify questionable conduct (e.g., “God has brought us together.”). The sexual content of the verbal behavior may be direct and explicit, or indirect and implicit, and may include innuendo.
- c. Visual or verbal behavior may occur in person or via text, email, written communication, or through posting sexual or bullying content online, whether from personal devices or Presbytery or church owned devices.
- d. Hostile actions taken against an individual because of their sex, sexual orientation, gender, or gender identity, such as destroying or damaging a person’s reputation, property, or work.
- e. Any action that has the purpose or effect of interfering with an individual’s work performance, creating an intimidating, hostile, or offensive environment, causing the recipient discomfort or humiliation, or interfering with an individual’s ability to participate in the life of the church.

Sexual misconduct of any nature is especially pernicious when accompanied by the imposition of secrecy or submission surrounding the relationship as an explicit or implicit condition of their continuing in their current role, church participation, or employment status.

Sexual misconduct in the Church is an abuse of power and trust and is therefore unjust and sinful. Religious leadership is authentically expressed in a covenant relationship that requires the trustworthy exercise of power on behalf of those for whom we care. The breaking of this sacred trust through sexual misconduct damages the survivor in body, mind, and spirit, violates their personhood, and exemplifies a denial of the value of the perpetrator’s own body, mind, and spirit before God. In addition to the pain caused to the survivor of sexual misconduct, a betrayal of this trust seriously harms the well-being of the Church as a whole.

III. WHAT DO WE DO IF SEXUAL MISCONDUCT HAPPENS?

We believe...that God, in a world full of injustice and enmity, is in a special way the God of the destitute, the poor and the wronged; that God calls the church to follow God in this; for God brings justice to the oppressed and gives bread to the hungry;...that God wishes to teach the church to do what is good and to seek the right.

The Confession of Belhar 10.7

The Presbytery of Genesee Valley affirms that our goal in responding to sexual misconduct should always be rooted in our obligation as followers of Christ to provide a safe, just, compassionate, and caring environment for all who worship and serve within our bounds. As such, it is not the intent of this policy to elevate or seek one universal, prescriptive outcome for every situation of sexual misconduct. Every case of sexual misconduct is unique, and therefore our response needs to make room for the individual nuances of each situation. We affirm that the outcome sought in each situation should be driven by the desires of the identified victim, weighed with the particular nuances of the context, aimed toward preventing further instances of sexual misconduct, and seeking the wholeness and flourishing of all of God’s people.

Many response policies have focused on a goal of personal reconciliation between the person who has been victimized and the person accused, but personal reconciliation is not always the desired outcome of the identified victim, nor is it always a realistic or healthy short-term goal. A process that emphasizes this singular goal can lead to re-victimization for the identified victim, and it can ignore the systemic effect of sexual misconduct by shutting out other parties and community members who are affected.

Response Plan

The Committee on Ministry will establish and maintain a standing, trained Sexual Misconduct Resource Team (the “Resource Team”) to respond to allegations of sexual misconduct, and to provide a safe space and confidential sounding board for anyone in the Presbytery to bring questions or issues surrounding relational boundaries or sexual ethics, regardless of whether they are connected to a specific incident or not, and regardless of whether the individual(s) or any specific situation fall under the jurisdiction of this policy.

This Resource Team is not an investigative committee. Its purpose is not to assess the validity of a complaint, but to provide a “first response” to potential incidents of sexual misconduct, as well as to provide support and resources to affected parties as they discern a path forward.

1. **The Resource Team may be reached at smp-resourceceteam@pbygenval.org or phone contact information may be found using the Presbytery directory at <https://directory.in-c.net/pgv/>. Contacting the Resource Team does NOT trigger any avenue of official investigation or ecclesial or legal process.**
2. The primary responsibility of the Resource Team is to walk with an identified victim through the process of discerning desired outcomes and navigating options, including legal, ecclesial, and personal paths forward.
3. As is necessary and appropriate to the specific situation, the Resource Team may also work with other involved parties, including but not limited to:
 - a. Working with the person accused to help them understand options, what is in their control, and what is not.
 - b. Working with any affected communities (e.g., session, congregation, Presbytery staff) to provide communication, support, and an understanding of options, responsibilities, and potential paths forward.
4. We affirm and recognize that there are a range of valid and healthy options available beyond the legal paths of pursuing a complaint through the ecclesial process in the *Book of Order* and/or NYS workplace sexual harassment policies.
5. When a path forward is determined by the identified victim, the Resource Team may make provision for an ongoing plan of care for affected parties, and, when appropriate, may provide consultation to the Committee on Ministry or other relevant entities regarding plans and healthy steps forward toward healing.
6. The Resource Team will hold all conversations in confidence, unless the situation involves a child or vulnerable adult, or unless permission to share information is given by the reporting individual. In situations where the Resource Team feels there is crucial information or learning that needs to be shared with COM or another entity, the Resource Team will be in dialogue with the reporting individual and/or any identified victims to discuss how information may be shared while preserving anonymity.

Procedural details relating to the composition and work of the Response Team may be found in the accompanying appendix document, which may be amended by the Committee on Ministry as we continue to learn and live into best response practices.

Mandatory Reporting

The issue of mandatory reporting can raise conflicting ethical responsibilities for leaders serving in ministry. While pastoral leaders are not considered by New York State to be mandatory reporters, it is important to balance the ethical duty to protect children and vulnerable adults with the responsibility to hold in confidence sensitive information revealed in the practice of pastoral care.

In accordance with the *Book of Order*:

“A minister of the Word and Sacrament or a commissioned pastor (also known as commissioned ruling elder) may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person.” **G-4.0301**

“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.” **G-4.0302**

Retaliation

No person covered by this Policy shall be subject to adverse action because of reporting an incident, providing information, or otherwise assisting in any investigation of a sexual misconduct complaint. The Presbytery will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual misconduct. Any individual who retaliates against a person involved in a sexual misconduct investigation may be subjected to disciplinary action. Examples of retaliation may include but are not limited to any of the behaviors listed above under the definition of Sexual Harassment as well as intentional false reporting or intentional false allegations.

IV. HOW ARE WE REPORTING SEXUAL MISCONDUCT?

But Jesus called them together and said, “You know that the rulers in this world lord it over their people, and officials flaunt their authority over those under them. But among you it will be different. Whoever wants to be a leader among you must be your servant...”

Matthew 20:25-26 (NLT)

Preventing sexual misconduct must begin with reshaping our understanding of ourselves as leaders in the Church. As servants of Christ, entrusted with guiding and shepherding God’s people, we all participate in shaping the culture of the Church, and in enacting God’s love within and beyond it. We all, therefore, bear individual and communal responsibility for changing and correcting the cultures we have inherited, so that we can prevent sexual misconduct and create a safe space for all people to flourish.

This work of prevention starts with and includes:

- Being aware of our own behaviors and boundaries,
- Maintaining and modeling healthy relationships within our ministry contexts,
- Holding each other accountable,
- Fostering ministry cultures where healthy boundaries and relational ethics are not taboo topics but open realities that can be discussed,
- Hearing and responding swiftly to incidents of sexual misconduct,
- Reversing the Church’s historical patterns of sweeping abuse under the rug.

As preliminary steps toward that growth together, all individuals serving in ministry in any capacity in the Presbytery of Genesee Valley will receive this policy and will be required to sign the accompanying behavioral covenant in agreement to its terms, including:

- a) All Ministers of Word and Sacrament who are members of the Presbytery or have permission to labor within its bounds,
- b) All Inquirers and Candidates for Ministry,
- c) All Certified Christian Educators,
- d) All Commissioned Pastors,
- e) All Presbytery employees,
- f) All individuals approved for the Pulpit Supply List,
- g) All individuals serving on the Committee on Ministry,
- h) All individuals serving on the Committee on Preparation for Ministry,
- i) All individuals serving on the Pastoral Care Committee (or its successor),
- j) All individuals serving on the Big Picture Team,
- k) All individuals serving on the PGV Personnel Committee
- l) All individuals serving on the PGV Permanent Judicial Commission
- m) All individuals serving on the PGV Trustees

In addition, this policy will be distributed to all committees and entities of the Presbytery and all clerks and

moderators of sessions for their information and understanding.

The Presbytery will require mandatory educational training—to be implemented by the Committee on Ministry and the Resource Team—to continue our collective learning and growth in understanding and living into healthy relational boundaries. **This training is required in addition to the mandated annual NYS Workplace Sexual Harassment training.** This training must be completed within the first year of Presbytery membership or active service within the Presbytery and is required at least every 3 years by everyone in the above list. This training is also recommended for all elders serving on Sessions, and all individuals serving on their congregation's Personnel committee.

Records of training will be kept by the Presbytery office. In the event that an individual fails to complete this mandatory training, the appropriate council, committee, or overseeing body will be informed, including the Master Insurance Policy carrier if applicable, and clergy cards will be withheld when applicable. The Presbytery and/or its committees may impose additional consequences including being placed on unpaid administrative leave, change in membership status, or exclusion from certain forms of service within the Presbytery until such training is completed.

V. HOW DO WE MOVE FORWARD TOWARD HEALING?

One of the scribes came near and heard them disputing with one another, and seeing that he answered them well, he asked him, "Which commandment is the first of all?" Jesus answered, "The first is, 'Hear, O Israel: the Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.' The second is this, 'You shall love your neighbor as yourself.' There is no other commandment greater than these."

Mark 12:28-31

Boundary and relational violations and sexual misconduct take place in a culture that has allowed practices and traditions created to serve a portion of the community to take precedence over Jesus' call to love your neighbor as yourself. Such violations hurt and traumatize those directly involved, and the hurt, trauma, and impact ripple out to affect widening circles in and beyond the particular community where the misconduct occurred. The conditions that are a precursor to a violation, the violation itself, and the response to the violation all have sociocultural implications for the particular and the wider community.

There is often a sense of shock and disillusionment associated with a situation of boundary violations—for any and all parties involved—which can lead to an inclination to try to "sweep things under the rug," or a temptation to minimize the situation, blame individuals, or rush forward without addressing the underlying cultural issues that enabled the situation to take place. But this type of response does not make room for the larger-picture, systemic healing that is necessary in order for a community to truly move forward.

Communities affected by sexual misconduct may find themselves in a variety of emotional and spiritual places in the aftermath of a violation, but healing for the individuals, the particular community, and the wider community should involve taking proactive steps to address the many and varied needs of all parties involved.

Some common characteristics of healthy steps forward include:

1. Disclosure that honors a primary commitment to the truth, recognizes concerns for privacy and confidentiality, respects formal ecclesiastical and/or secular investigations, and makes use of trained resource personnel to assist in conversations.
2. Assessment of shared accountability that reviews the cultural norms and organizational practices that risk creating an environment open to misuse of power and violation of boundaries.
3. Naming the need for and working toward a concrete plan for healing that makes space for all voices to be heard.

Again, these are complex systemic issues, and no one policy can address every situation of relational misconduct or boundary violation. Ultimately, our goal as the Body of Christ together should always be to create a culture that encourages living in respectful relationships with all our siblings in Christ, and the best way to live into that call is to create a culture that is mindful of preventing sexual misconduct and boundary violations before they happen.