

SEXUAL MISCONDUCT & ABUSE - POLICY AND PROCEDURES

First Presbyterian Church Port Angeles

We believe and proclaim that all people are created by God. God values all human life and intends that everyone—men, women and children—have worth and dignity in all relationships. We further believe in justice for all persons. Sexual misconduct is an abuse of power and trust, therefore, unjust. Scripture asserts that religious leadership involves a covenant relationship that presumes the trustworthy exercise of power on behalf of those in our care. A betrayal of this trust is more than just a personal tragedy for the victim. It reflects a tragic breakdown in the character of the abuser that seriously threatens not only those immediately affected but the well-being of the church itself.

First Presbyterian Church Port Angeles (FPCPA) declares that the good of the Church can never be served by overlooking an abuse of power and trust, that sexual misconduct is wrong. We further declare that charges of misconduct must be dealt with promptly, fairly, and with compassion for both the alleged injured party and the alleged perpetrator. The overriding aim being to preserve the purity, unity, and purpose of the Church; to ensure fairness and justice for all involved; and – when necessary – to bring members to repentance and restoration. Church discipline is not a substitute for the civil judicial system, but rather is to build up the body of Christ in redemptive ways. Too, what follows does not diminish the biblical imperative to “come to terms quickly with your accuser while you are on the way to court” (Matthew 5:25). Therefore, all other possible avenues for conciliation should be explored first, unless or until it is deemed necessary to engage these disciplinary proceedings.

The purpose of this policy is to make clear FPCPA’s position on sexual misconduct and abuse and to establish the procedures to be followed in investigating and resolving instances where misconduct is alleged to have occurred. The following policy and procedures are adapted from Albany Presbytery’s Policy and Procedures on Sexual Misconduct and are informed by The General Assembly Policy and Procedures on Sexual Misconduct, Northwest Coast (NWC) Presbytery’s Policy and Procedures on Sexual Misconduct, and the Rules of Discipline per the PC(USA) Book of Order.

I. THE POLICY STATEMENT

Sexual misconduct, defined as including sexual harassment and abuse, whether of a child or adult, is a violation of the principles set forth in Scripture and is never permissible. This policy applies to all clergy and staff, paid and volunteer, officers, church members and those using church property. This policy recognizes that victims of sexual misconduct may include church members and their children, church employees, ministers, and other persons regardless of church membership or association. It is the policy of this church that charges of sexual misconduct be treated with the seriousness they deserve and be dealt with promptly and fairly for the benefit of all parties concerned. In keeping with American law and tradition, the presumption of innocence regarding the accused must be respected.

It is against the policy of FPCPA, and illegal under state and federal law, for any clergy and staff, paid and volunteer, officers, church members and those using church property to engage in any form of sexual misconduct, including sexual harassment and abuse as defined by this policy.

FPCPA is committed to providing a safe place for our faith community to worship, work and gather that is free from this unlawful conduct. The adoption and enforcement of the provisions of this policy are in keeping with this commitment.

II. Definition of Terms

A. Sexual Harassment

Sexual harassment is a form of sex discrimination. This policy applies to all members and employees of FPCPA, both paid and volunteer, as well as those who use the property. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation;
2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment or participation decisions affecting the individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual's participation in the community or work performance or creating an intimidating, hostile, or offensive church environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

1. Either explicitly or implicitly conditioning any term of employment (i.e. continued employment, wages, pay raise, evaluation, advancement, assigned duties, assigned shifts, etc.) or participation on the provision of sexual favors;
2. Touching or grabbing a sexual part of a person's body;
3. Touching or grabbing any part of a person's body after that person has indicated, or it is known, that such physical contact is unwelcome;
4. Continuing to ask a member or employee to socialize on or off church property when that person has indicated that she/he is not interested;

5. Displaying or transmitting sexually suggestive pictures, objects, cartoons, posters, etc.;
6. Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
7. Referring to or calling a person a name with sexual connotations if it is known or should be known that the person does not welcome such behavior;
8. Telling sexually suggestive jokes or using sexually vulgar or explicit language;
9. Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
10. Harassing acts or behavior directed against a person on the basis of his/her sex or sexual orientation;
11. Off-site conduct which falls within the above definition and affects the work environment or community of the church at large.

In addition, retaliation of any kind against a person for having filed or supported a complaint of sexual harassment (i.e. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's job duties, work environment, or participation etc.) is also against the law and a violation of this policy.

B. Sexual Abuse

Sexual abuse 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 mental capacity to consent [D-10.0401c. (1)] or
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position [D- 10.0401c. (2)].

Examples of sexual abuse include any and all of the following behavior:

1. Punishing or threatening to punish a person for rejecting sexual attention, requests, and/or demands;
2. Coercing, or attempting to coerce, a person into a sexual and/or dating relationship;
3. The use of spiritual or appointed authority to coerce or the attempt to coerce, persuade. or mislead a person to enter into sexual behavior;

4. Basing employment, promotion, pay increases, training opportunities or participation in this faith community's events on a person's acceptance or rejection of sexual advances;
5. Utilizing a position of trust to engage in sexual contact, with or without consent, involving a person who is subject to the implicit trust relationship which the position conveys (e.g., ministers, pastoral counselors, youth leaders, church school teachers, child care workers, etc.);
6. Any sexual contact by force, threat, or physical intimidation, including but not limited to rape or attempted rape.

C. Child Sexual Abuse

A child is legally defined as a person less than 18 years of age.

Child sexual abuse includes any and all of the following behaviors, whether carried out either on or off site:

1. Any inappropriate sexual interaction between any individual and a child, whether verbal or physical;
2. Any sexual contact by force, threat, or physical intimidation, including but not limited to rape or attempted rape;
3. Any contact or interaction between an individual and a child when the child is being used and/or groomed for the sexual stimulation of the individual or a third party

Child grooming is befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child's inhibition with the objective of sexual abuse or self-satisfaction.

III. Procedures for the Presbytery and Member Churches

A. PRESBYTERY RESPONSIBILITIES

It is the responsibility of the Presbytery to:

1. Insist that Presbytery officers, staff, clergy members of Presbytery and elders of congregations who are members of NWC Presbytery set a personal example by not engaging in sexual misconduct in any form;

2. Explain, through the Presbytery's Committee on Ministry (hereafter COM), that sexual misconduct will not be tolerated. Presbytery will regularly conduct training and educational events and activities for both clergy and lay people, organized and supervised by the COM. Such an event is mandatory for minister members of Presbytery at least once every three years.
3. Take action to address all sexual misconduct by:
 - a. Encouraging the reporting of all accusations;
 - b. Following up with a person who reported sexual misconduct to insure that the behavior has stopped, and that she/he has not experienced any retaliation or reprisal;
 - c. Providing procedures to address sexual misconduct reports or accusations both at the Presbytery and congregational level including, but not limited to, the procedures outlined in this policy;
 - d. Creating a response team as needed (see III D below) and provide by rule for the appointment of an Investigating Committee as needed (see III G below and D-10.0201b in the Book of Order);
 - e. Providing for effective reference checking of ministers received into the Presbytery and strongly encouraging Sessions to carry out their own background checks on employees and volunteers.
4. Protect anyone who reports an instance of sexual misconduct from any and all forms of retaliation.

B. SESSION RESPONSIBILITIES & RESOURCES

Each Session in the Presbytery is responsible for providing a sexual misconduct-free church environment for its employees and members and policies and procedures to enforce the investigation and prosecution of allegations of sexual harassment and abuse within its faith community. A copy of these policies and procedures should be filed with the Stated Clerk of NWC Presbytery.

It shall be the responsibility of the Session to:

1. Inform all employees and volunteers, especially those who work with children or youth, of the church's policy and procedures on sexual misconduct and provide them with a copy;
2. Appoint two to four contact persons in the congregation (see Exhibit B for identified persons), including at least one woman and one man, to whom an allegedly injured party may

go as an alternative to calling the Pastor. It shall be the contact persons' chief responsibilities to explain the policy to the reporter and to inform the Pastor and Clerk of Session, ***who are strongly encouraged to inform the appropriate NWC Presbytery contact persons – namely, the Moderator(s) of COM, Executive Presbyter, and Stated Clerk.*** If the Pastor is the accused perpetrator the contact person must also contact the Moderator(s) of COM, Executive Presbyter, and Stated Clerk;

3. Recognize the importance of and maintain confidentiality regarding both the accuser and accused. It shall be the contact person's responsibility to ascertain what is appropriate confidentiality in discussion with the Pastor or Clerk of Session and to advise the reporter accordingly. It may be appropriate at some point for the Session to communicate with the parties involved and then to inform the congregation of the situation. This should be done in consultation with the either the Moderator(s) of the COM, Executive Presbyter, Stated Clerk, or the Presbytery's Response Coordination Team.

C. REPORTING PROCEDURES

Reports of sexual misconduct will occur in a variety of ways. Because an individual church or the Presbytery cannot control to whom the accuser of sexual misconduct will first speak, it is important that all church leaders and employees understand how reports of incidents are to be channeled to the proper person. Reports of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and of the Church. Reports should be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities.

All persons covered by this policy have a particular duty to report suspected child sexual abuse and shall report the incident to civil or criminal authorities as required by local or state law (see Exhibit C for contact information on local authorities). All persons should be educated by their local church and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse.

The importance of properly reporting allegations of sexual misconduct cannot be overemphasized. Attempts to resolve accusations informally, while understandable, can often result in inappropriate responses, which may make matters worse. Accordingly, the following reporting procedures are to be followed.

1. A victim of sexual misconduct may be a church member, church employee, anyone on church property, or the minister herself or himself. The injured party is encouraged to contact one of the following if she/he has been or is being subjected to any form of sexual misconduct:

- a. The Sexual Misconduct Contact Persons of the local church, appointed by the Session. These will be two to four people, including at least one woman and one man to whom the accuser may go instead of directly to the Pastor. It shall be the contact persons' chief responsibilities to explain the policy to the reporter and to inform the Pastor and Clerk of Session of the accusation. (See Exhibit B for identified contact persons.);
 - b. The Pastor;
 - c. The Clerk of Session;
 - d. Should the alleged offender be the Pastor, the Moderator(s) of COM, Executive Presbyter, and Stated Clerk should be informed;
 - e. Should the alleged offender be the Pastor, the Clerk of Session is assigned the role of the Pastor wherever this role appears in this policy.
2. Allegations received from a third party, but as yet unsubstantiated by the presumed injured party, are to receive a prompt inquiry by the Pastor in consultation with the Moderator(s) of COM, Executive Presbyter, and Stated Clerk. The accused shall be informed of the allegations.
 3. A formal accusation by an alleged injured party will initiate a disciplinary case which will be handled as stipulated by the Rules of Discipline D-10.000 and following. This process is briefly identified in Section III G.
 4. Reprisals as a result of reporting allegations are forbidden and, should such occur, could lead to disciplinary process.
 5. The reporting of false allegations as a vindictive act is also subject to disciplinary process if the person reporting is subject to Presbyterian discipline.

D. RESPONSE COORDINATION TEAM^{1 2}

¹ What follows in Section D is from Presbytery policy.

² The Response Coordination Team **only responds** and does not deal with any disciplinary actions. Coordination of the process will be done by the Session in consultation with the COM, Executive Presbyter, and Stated Clerk as needed.

1. The Response Coordination Team (hereafter RCT) is a trained continuing team appointed by the COM (and reported to the Presbytery for its confirmation) to assist the Presbytery officers, committees, and staff in responding to allegations of sexual abuse. Such RCT shall not have the responsibility of dealing directly with the needs of the persons and groups affected by such allegations. Rather it shall coordinate the Presbytery's response to such allegations. The COM shall name such a team as needed from among its members or co-opted members. Any two members may be designated by the convener to act for the RCT in a particular incident.
2. Whenever an allegation of sexual misconduct or abuse is received by any member or staff of Presbytery, that person shall contact the convener of the RCT.
3. The role of the RCT in response to allegations of sexual misconduct shall be to consult with appropriate staff, officers, and committees of the Presbytery concerning appropriate ways to meet the needs that arise in the context of a sexual misconduct allegation and identify who is responsible for each task.
4. The RCT must be particularly careful not to intrude in or jeopardize the investigative process if/when judicial process begins. The RCT must be in consultation with the Investigative Committee (IC) to ensure that there will be no interference with the investigation. (See Section III G below or D-10.0200 and following.)

E. TASKS TO BE ADDRESSED BY THE RCT³

1. Required reporting (normally this shall be done by the Stated Clerk or the Executive Presbyter):
 - a. To insurance carriers;
 - b. To appropriate local, state, or federal authorities if the allegations involve the abuse of a minor child or other criminal behavior.
2. Contact⁴ with the accuser and the accused shall be for the purpose of:
 - a. Acknowledging in writing to the parties that an allegation has been received by the Presbytery;

³ What follows in Section E is from Presbytery policy

⁴ The contact person or persons will vary depending upon the source of the accusation. For instance, the accuser's pastor would normally be involved, if the pastor is not the accused.

- b. Providing the parties with copies of the allegation;
 - c. Providing the parties with copies of the policy and procedures on sexual misconduct;
 - d. Informing the parties of the resources that are available to them to meet their needs, such as counseling, advocacy, etc.;
 - e. Explaining when an Investigating Committee (IC) gets involved;
 - f. Meeting his/her/their needs (i.e., counseling, advocacy).
3. Contact with the session and congregation (if a congregation is involved), based upon need-to-know decisions, in order to help the session and congregation deal with the situation. (If a Disciplinary case is involved the Stated Clerk will be the contact point for the Pastor and Session.)
 4. Contact with others affected. (This may include other persons in the Presbytery or an agency. Contact persons will be determined by the RCT and the Officers of the Presbytery.)

F. PROCEDURES FOR NON-DISCIPLINARY CASES

It is expected that all allegations involving sexual abuse will lead to the creation of an Investigating Committee as provided for in the Rules of Discipline (see Section III G below). In instances where the initial allegations relate to sexual harassment exclusively, the following procedures may be followed unless or until it becomes clear that an Investigating Committee is needed.

1. A Response Team will be selected to hear the party or parties bringing the report of sexual harassment. The same Response Team will then meet with the alleged offender and communicate the allegations.
2. If the Response Team is able to achieve a resolution of the report which is satisfactory to all parties, it shall report this to the Session and t o t h e Moderator(s) of COM, Executive Presbyter, and Stated Clerk. The Session and/or the Response Team shall follow-up with subsequent reviews after one month and six months.
3. If the Response Team is unable to achieve a resolution of the report which is satisfactory to all parties, the team or the accuser should file a letter of alleged offense according to the Rules of Discipline (see Section III G below).

G. PROCEDURES FOR DISCIPLINARY CASES

A formal accusation of an alleged sexual misconduct offense will initiate a disciplinary case which will be handled as stipulated by the Rules of Discipline, Chapter X. What follows is a simplified outline and should not be used in place of the Book of Order.

1. An individual submits a written statement of the alleged offense along with supporting information to the Clerk of Session or Stated Clerk (D-10.0101). *(A complaint form is available in Exhibit D – Whenever possible, the form should be completed by the person(s) directly involved. Contact persons listed in Exhibit B are available to assist in the completing of the form and/or can submit the form to the Clerk of Session or Stated Clerk as appropriate.)*
2. The Clerk of Session or Stated Clerk reports to the Session or Presbytery that an offense has been alleged and of the necessity to appoint an Investigating Committee (D-10.0103). The Session or Presbytery, whichever council has jurisdiction over the member, appoints the Investigating Committee (D-10.0201).
3. The Investigating Committee inquiries into the alleged offense and determines if charges should be filed per D- 10.0200 and following.
4. If charges are filed, the Investigating Committee designates a prosecuting committee (D-10.0202).
5. If the Investigating Committee has decided to file charges, it informs the accused and asks if the person wishes to plead guilty. It indicates the censure it will recommend (D-10.0302).
6. The charge is submitted in writing to the Clerk of Session who forwards it to the Session of the church (D- 10. 0404).
7. The Session conducts a pre-trial conference per D-10.0405. The Session may request to refer the trial to Presbytery, as it deems it appropriate (D-4.0000).
8. The trial is conducted by the Session or the Permanent Judicial Commission of the Presbytery per D.
9. If the person is found guilty, the possible outcomes are rebuke, temporary exclusion from exercise of ordained office or membership, or removal from ordained office or membership.

H. PROCEDURES FOR ADMINISTRATIVE LEAVE

Administrative leave for an accused employee of FPCPA or minister member of NWC Presbytery may commence:

1. As soon as an allegation is made; or
2. When charges have been filed; or
3. At the request of the Pastor, Session or COM⁵; or
4. At the request of the Session of the accused.

During the first three months of administrative leave, full compensation will continue to be paid by the church. While it is desirable that the investigation be completed and the situation resolved within a three-month period, continued administrative leave, up to one year, is negotiable.

I. FOLLOW-UP WITH CONGREGATIONS

The Presbytery acknowledges that special care may be needed for congregations following the departure of an alleged sexual offender. Church members and staff will likely face issues of betrayal, hurt, anger, loss, confusion, etc. The COM is urged to arrange for interim pastoral leadership and/or other professionals who are skilled in caring for congregations that have experienced such injuries.

⁵ In the event that all three are in agreement, the administrative leave may begin immediately and simply be reported to the congregation and the COM. In cases where there is not agreement among the three parties, the Personnel Committee is charged with making a recommendation to the Session and the Session shall decide after having heard from the Pastor and the Personnel Committee.

EXHIBIT A

First Presbyterian Church Port Angeles ACKNOWLEDGEMENT OF RECEIPT

I hereby acknowledge that I received on (date), a copy of the Sexual Misconduct Policy and Procedures First Presbyterian Church Port Angeles, WA, and that I have read the policy, understand its meaning and agree to conduct myself in accordance with the policy.

Signature: _____

Date: _____

EXHIBIT B

First Presbyterian Church Port Angeles IDENTIFIED CONTACT PERSONS

- A. Personnel Team Chair,
- B. Susan Fisher, Personnel Team Member, 360-457-1531
- C. Chuck Whitney, Personnel Team Member, 360-457-2799
- D. Rev. Dr. Matthew Paul, Pastor, 360-452-4781
- E. Sarah Mattson, Clerk of Session, 503-505-1958
- F. Dr. Corey Schlosser-Hall, Executive Presbytery of NWC Presbytery, 425-985-3787
- G. Karen Butler, Moderator of Committee on Ministry of NWC Presbytery, 425-338-4928
- H. Dean Strong, Stated Clerk of NWC Presbytery, 425-210-8997

EXHIBIT C

First Presbyterian Church Port Angeles

CONTACT INFORMATION FOR LOCAL AUTHORITIES

If a child or vulnerable adult is in immediate danger, CALL 9-1-1 If you suspect abuse or neglect of a child or vulnerable adult,

WA DSHS Child Protective Services, Port Angeles Office (360) 565-21800

WA DSHS Adult Protective Services, 1 (877) 734-6277

Port Angeles Police Department Emergency Dispatch, 911 Non-Emergency Dispatch, (360)452-4545

EXHIBIT D

First Presbyterian Church Port Angeles COMPLAINT FORM

Complaint Information

First Presbyterian Church Port Angeles, 139 West 8th Street, Port Angeles, WA (360) 452-4781
Sexual Misconduct Report of Complaint Form

Persons Involved in Incident (names, phone numbers, relationship to church – e.g., member, officer, employee, visitor, etc.)

Date of Incident: _____

Time of Incident: _____

Location of Incident: _____

Please describe the incident in detail (use additional sheets, if necessary):

If there are others who witnessed the incident, please provide their names and phone numbers below:

Is this the first time you have raised this concern about this person? ____ Yes ____ No

Additional Comments (optional)

Reporting Information (*whenever possible, should be person(s) directly involved*)

Name: _____

Phone Number: _____

Relationship to Church (e.g., member, officer, employee, visitor): _____

Signature: _____

Date: _____