

**First Presbyterian Church
Tallahassee, Florida
Sexual Misconduct Policy**

Purpose

First Presbyterian Church is committed to creating and maintaining a church community where all elders, employees, volunteers, and members are free from any type of sexual misconduct.

Teaching and ruling elders have a particular responsibility for the community because they have been called to fulfill special roles within the ministry of the church: “Their manner of life should be a demonstration of the Christian gospel in the church and in the world.” Book of Order G-2.0104. The responsibility for maintaining a community free of sexual misconduct is not limited to elders, however, but also extends to employees, volunteers, teachers, and advisors of any kind who are called to enter into a relationship of trust with members of the church community.

This policy statement has been drafted and approved by the Session of First Presbyterian Church to provide guidance in preventing and, if necessary, responding to, situations involving this most serious breach of trust.

I. Standards of Conduct

A. General Statement

All elders, employees, volunteers, and members of First Presbyterian Church (FPC) share in the responsibility for maintaining an environment free of sexual misconduct, and for responding promptly to allegations of improper behavior.

B. Definitions¹

Sexual misconduct is a general term that includes sexual abuse, sexual harassment, sexual battery, sexual malfeasance, and misuse of technology.

Sexual abuse is 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 office or position.”

¹ These definitions are adapted primarily from the Presbyterian Church (U.S.A.) Sexual Misconduct Policy and Its Procedures, available at <http://www.pcusa.org/media/uploads/oga/publications/sexual-misconduct-policy.pdf>.

(Book of Order D-10.0401c.)

Sexual abuse of a child includes any interaction between an adult and a child when the child is being used for the sexual stimulation of the adult or a third party. The behavior may, but does not need to, involve touching. The behavior is considered forced because a child is unable to consent to sexual behavior. For purposes of this definition, anyone under the age of eighteen is considered to be a “child.”

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment;
- b. submission to, or rejection of, such conduct is used as the basis for employment decisions; or
- c. such conduct has the purpose of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive work environment.

Sexual harassment also includes unwelcome sexual jokes, unwelcome touching, or display of sexual materials that insult, degrade, or sexually exploit any person, whether adult or child.

Sexual battery is any sexual contact that takes place without consent or through the use of force, threat, or intimidation.

Sexual malfeasance includes sexual activity within a professional or ministerial relationship that results in a misuse of office or position.

Misuse of technology is the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images. The misuse of technology can also be child abuse when it includes a person under the age of eighteen. It is never appropriate to view pornography on FPC property. There is no expectation of personal privacy when using technological equipment owned by FPC, which includes the wireless network available at FPC, or within the context of ministry.

II. Prevention

A. Screening

Prospective employees will, as part of their application for employment, verify that they have no criminal record involving sexual misconduct or any record of church discipline, regardless of the church or denomination involved, involving sexual misconduct. Their application will include a release allowing the personnel committee or its designee to obtain information relating to any form of sexual misconduct from any previous employer, law

enforcement agency, or judicial authority. Any volunteers who work with youth will make a similar representation and release allowing the Director of Christian Education, or the director's designee, to obtain such records.

The Director of Christian Education or the director's designee will verify, for each employee or volunteer who will work with children in any capacity, that the employee or volunteer is not listed on the Florida Department of Law Enforcement website as a sexual offender or predator (or the corresponding website of another state, in the case of an individual who has recently moved from another state).

B. Training and Education

Employees, volunteers, and elders will be provided with a copy of this policy, as well as all parents of children and youth who participate in programs sponsored by FPC. The Session will inform the congregation of the adoption of the policy and will make a copy available to members through the FPC website. When elders join the session, any training or education they receive before ordination or installation will include a review of the policy. The existence of the policy will also be added to any new member class or training conducted for new or prospective members of FPC.

The Spiritual Formation Team (or any future team or council charged with providing and overseeing educational programs for adults or youth) will seek opportunities to provide education for the congregation relating to recognizing and preventing sexual misconduct. The Spiritual Formation Team and Director of Christian Education will be responsible for providing education and training, including training in avoiding inappropriate behavior, to those who work with youth. The Spiritual Formation Team and Director of Christian Education, to the extent possible, will make the Session aware of training opportunities for ruling elders that may be offered within or outside of the denomination.

III. Reporting and Response

The principles underlying any response to allegations of sexual misconduct are simple: the church should seek healing for those involved; should seek to uphold the dignity of all persons involved, as well as their families; and should respect the privacy of those involved through maintaining communications confidential to the fullest extent possible. As discussed below, a "Response Team" will be created to ensure that the Session is prepared to respond to allegations in an appropriate way.

A. General Guidelines

Because the Session cannot control to whom a victim of sexual misconduct will disclose the misconduct, it is important for all current Session members, as well as FPC staff, to understand how to respond to allegations. The response will depend in part on whether the allegations involve a teaching elder (minister of word and sacrament), an elder or member of FPC, or a non-member employee or volunteer. However, in all cases the person alleging misconduct should be directed to the Response Team, described below.

Reports of alleged sexual misconduct should be treated with the highest level of confidentiality. If a report is made orally, the person receiving or hearing the report should encourage the person to put the report in writing. The person receiving the report has a responsibility to respond, as stated in the Presbyterian Church (U.S.A.) Sexual Misconduct Policy and Its Procedures:

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant to talk to “higher authorities,” the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

B. Response Team

To facilitate a prompt response to allegations of sexual misconduct, the Session will establish an ongoing Response Team consisting of three elders, one of who may be a teaching elder. The Response Team should be gender-diverse. Once appointed to the Response Team, an elder will normally remain on the team for the duration of his or her term on the Session. The primary job of the Response Team will not be investigation, but to ensure that both accuser and accused are offered support and kept informed of the procedures that will be employed to respond to the allegations. The Response Team thus has a particular responsibility for familiarity with Chapter X of the Book of Order (Disciplinary Cases). During any investigation conducted in response to alleged sexual misconduct, the Response Team will serve as a liaison between the investigating committee and the Session. If secular authorities become involved in a particular investigation, the Response Team will serve as a liaison between those authorities and the Session.

C. Responses in Specific Situations

In response to allegations of sexual misconduct by a ruling elder or FPC member, the Session will establish an investigating committee as provided in the Book of Order (Chapter X - Disciplinary Cases). In addition to the requirements set out in the Book of Order, the investigating team should be gender-diverse. Because the Book of Order requires investigating

committees to be composed of FPC members who are not then currently serving on the Session, the investigating committee is a separate entity from the Response Team. An investigating committee is convened for the purpose of investigating specific allegations of sexual misconduct and, when those allegations are resolved (through either mediation, disciplinary action, other legal action, or exoneration) the investigating committee will be dissolved. The investigation and any subsequent proceedings will be governed by the Book of Order. Internally, ruling elders and FPC members are subject to the jurisdiction of the Session.

Teaching elders (ministers of word and sacrament) are subject to the jurisdiction of the presbytery, and allegations of sexual misconduct by a teaching elder should, therefore, be transmitted to the clerk of the presbytery. When the clerk of the presbytery receives a written allegation of sexual misconduct, the presbytery will appoint a team to investigate the allegations. The team has one year to decide whether or not to file charges within the PC(USA) judicial system against the alleged offender. The investigation and any subsequent disciplinary action will be subject to the Rules of Discipline in the Book of Order.²

In response to allegations of sexual misconduct by an employee or non-member volunteer, the council or team charged by the Session with overseeing personnel matters will establish an investigatory committee to investigate the allegations and recommend a response. The response may include termination, suspension, or some other consequence depending on the committee's findings. Allegations against non-members, whether employees or volunteers, do not involve the Book of Order.

The Response Team will need to consider whether secular authorities and/or FPC's liability insurer also need to be informed of specific allegations. No individual will ever be discouraged from reporting an incident to law enforcement in addition to disclosing it within FPC.

Under Florida law, anyone with knowledge of child abuse, including child sexual abuse, is required by law to report it to the Department of Children and Families. Certain individuals, including teachers, medical personnel and mental health professionals, are required to provide their names and occupations when calling; this requirement does not apply to all Floridians.

²Disciplinary Rule D-10.0106 provides for a teaching elder to be placed on administrative leave in response to certain types of allegations.

Proposed Procedures for Response Team

These procedures are proposed separately from the Sexual Misconduct Policy because they are not intended to be binding, and can be amended or supplemented based on experience. They are included here for discussion and to provide some initial guidelines for implementing the Sexual Misconduct Policy once it is adopted.

1. Creation of the Response Team. The Response Team should be appointed by the Session at its first meeting following the adoption of the Sexual Misconduct Policy. For continuity purposes, the first members who are ruling elders should be drawn from among those elders who are currently in the first or second year of their three-year term on the Session.
2. Training of the Response Team. The Response Team members will be asked to familiarize themselves with Chapter X (Disciplinary Cases). After allowing some time (4 to 6 weeks) for individual team members to review the relevant provisions, the Response Team should hold a meeting to discuss the provisions as well as address questions the team members may have based on their reading. After that meeting it is not necessary for the Response Team to meet regularly.
3. Publicizing the Existence of the Response Team. If possible, when employees, volunteers, elders, and parents of children and youth are provided with a copy of the Sexual Misconduct Policy, they should also be given the names and contact information of the first Response Team. Also, at the time the Session informs the congregation of the adoption of the policy, it should include the names of the response team. The page of the FPC website providing access to a copy of the policy will include the names and contact information of the Response Team, and that information will be promptly updated whenever a Response Team member is replaced for any reason.
4. Replacing Response Team Members. For continuity purposes, it is expected that a member of the Response Team will remain a team member throughout his or her service on the Session. If a ruling elder serves back-to-back terms on the Session, however, and is on the team during his or her first term, he or she will not be expected to remain on the team for the second term. In future years, if a Response Team member needs to be replaced for any reason, the member should immediately notify the Moderator of the Session and a replacement should be selected at the next Session meeting. If a Response Team member will be leaving because of the expiration of his or her term on the Session, then the Session should recruit a new member from among those elders-elect who will be installed or ordained when the next term begins.