

**POLICY AND PROCEDURES ON
SEXUAL MISCONDUCT/HARASSMENT/CHILD SEXUAL ABUSE
St. Johns Presbyterian Church of Jacksonville, Florida**

I. POLICIES

A. Statement of Policy

- to provide procedure for inquiry and effective response to allegations of the breach of duty of emotional, spiritual and physical care and protection of the church,
- to serve as a guide for the prevention of sexual misconduct/harassment/child sexual abuse,
- to demonstrate the church's concern for the victims of, as well as those accused of sexual abuse, and
- to serve the peace and purity of the church.

The church is obliged to set and enforce standards of ethical behavior consistent with scripture and secular law

It is the policy of St. Johns Presbyterian Church that all pastors, church officers, church members, church employees (member and non-member) are to maintain the integrity of the ministerial employment, and professional relationship at all times. Sexual misconduct/harassment/child sexual abuse is not only a violation of the principles set forth in Scripture, but also of the integrity of the St. Johns Presbyterian Church and is never permissible

B. Principles of Conduct - the basic principles guiding this policy are

1. Sexual misconduct/harassment/child sexual abuse is a violation of the role of pastors, church officers, church employees (members and non-members) and volunteers who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. The church has a covenant to act in the best interests of members and co-workers which is broken when sexual misconduct/harassment/child sexual abuse occur
2. Sexual misconduct/harassment/child sexual abuse is a misuse of authority and power which breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitive and unjust manner
3. Sexual misconduct/harassment/child sexual abuse takes advantage of the vulnerability of children and persons who are less powerful and therefore less able to act for their own welfare
4. Purposes - St. Johns Presbyterian Church of Jacksonville, Florida adopts this policy on sexual misconduct/harassment/child sexual abuse for the following purposes:
 - i. To set and enforce standards of ethical behavior consistent with scripture and

- ii. To provide procedure for inquiry and effective response to allegations of the breach of duty of emotional, spiritual and physical care and protection of the church
- iii. To serve as a guide for prevention of sexual misconduct/harassment/child sexual abuse
- iv. To demonstrate the church's concern for the victims of, as well as those accused of sexual abuse
- v. To serve the peace and purity of the church
- vi. Establish a Response Coordination Team

II. DEFINITIONS (in alphabetical order)

Accused is the term used to represent the person against whom a claim is made of sexual misconduct/harassment/child sexual abuse

Accuser is the term used to represent the person claiming knowledge of sexual misconduct/harassment/child sexual abuse of a person covered by the policy. The accuser may or may not be the victim of this alleged sexual misconduct/harassment/child sexual abuse. A person, such as a family member, friend, or colleague of the victim may be the accuser whose information initiates the inquiry.

Alleged Victim is the term used to identify the person said to have been injured by the sexual misconduct/harassment/child sexual abuse

Child Sexual Abuse includes, but is not limited to any contact or interaction between a person of any age and a minor when the minor is being used for the sexual stimulation of that person or of a third person. The behavior may or may not involve touching. Sexual behavior between a minor and a person of any age is always considered forced, whether or not consented to by the minor. The age of majority is governed by the state law

Church when spelled with the initial letter capitalized, refers to the Presbyterian Church (U.S.A.) Church, when spelled with the initial letter in lower case, refers to the local church. The word *congregationis* used loosely for members and participants

Employee is the comprehensive term used to describe individuals who are hired or called to work for the church for salary or wages

Persons covered by this policy include church members, church officers, ministers, non-members who are employees or volunteers under the supervision of the church

Response is the action taken by the church when a report of sexual misconduct/harassment/child sexual abuse is received. Response may include:

- i. Inquiry into facts and circumstances

- ii. Possible disciplinary action (administrative or judicial or both)
- iii. Pastoral care and rehabilitation.
- iv. Recommendation of no action or such other action as may be considered appropriate

Response Coordination Team is a body constituted by the Session of the church to facilitate the process of responding to allegations of sexual misconduct/harassment/child sexual abuse by a person covered by this policy. The structure of the Response Coordination Team should be no fewer than five persons, its chairperson shall be appointed by the session and its membership will include

- i. A trained psychological counselor
- ii. A trained legal professional
- iii. A trained medical person
- iv. A trained insurance professional
- v. There shall be a minimum of two men and two women on the team. Team members should commit to serve for a period of no

less than three years to assure a professional level of skill and continuity. The team should meet no less than one time each year to familiarize itself with this policy

Secular Authorities are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate and/or bring civil or criminal charges against individuals accused of sexual crimes or offenses against adults and children

Secular Law is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under such law

Sexual Harassment as defined for this policy is:

1. Unwelcome or unwanted sexual advances. This shall mean unwelcome or unwanted patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact, of a sexually orientated nature

2. Unwelcome request or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for a sexual favor (this includes unwelcome requests for dates) whether or not it is accompanied by an implied or stated promise of preferential treatment or negative consequence of employment

3. Verbal abuse or kidding that is sex-oriented and considered unwelcome. This includes comments about one's gender, body, or appearance, where such comments go beyond mere courtesy, telling "dirty jokes" that are unwanted and considered offensive; or any tasteless, sexually oriented comments, innuendoes or actions that offend

4. Any type of sexually oriented conduct that would unreasonably interfere with work performance. This includes extending unwanted sexual attentions to someone whether or not it reduces that person's productivity or time available to work at assigned tasks

5. Creating an environment that is intimidating, hostile, abusive or offensive because of unwelcome or unwanted sexually oriented conversations, suggestions, requests, demands, physical contacts or attentions

6. Normal, courteous, mutually respectful, pleasant, non-coercive interactions that are acceptable to both parties are not considered to be harassment

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

1. Child sexual abuse as defined above;
2. Sexual harassment as defined above;
3. Rape or sexual contact by force, threat, or intimidation; and
4. Sexual Malfeasance - Sexual malfeasance is defined for this policy as the broken trust resulting from sexual activities within a ministerial, teaching, or other professional relationship. Examples of professional relationships include, but are not limited to, counselor - client; lay employee - church member; church executive - committee member. Examples of malfeasance include, but are not limited to, adultery, indecent exposure, fornication, and sodomy

Volunteer is the term used for one who provides services for the church and receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on committees and other groups. For purposes of this policy, volunteers are treated the same as employees, and expectations are the same for volunteers as employees

III. DESCRIPTION OF POSSIBLE INDICATORS SYMPTOMS OF CHILD SEXUAL ABUSE

Church workers and staff should be alert to the physical signs of abuse and molestation, as well as to behavioral and verbal signs that a victim may exhibit. Although they do not prove abuse, they are warning signs of possible problems

Physical signs may include:

- (1) lacerations and bruises
- (2) nightmares
- (3) irritation, pain, or injury to the genital area
- (4) difficulty with urination
- (5) discomfort when sitting
- (6) torn or bloody underclothing
- (7) venereal disease

Behavioral signs may include:

- (1) anxiety when approaching church or nursery areas
- (2) nervous or hostile behavior toward adults
- (3) sexual self-consciousness
- (4) “acting out” of sexual behavior
- (5) withdrawal from church activities and friends

Verbal signs may include the following statements:

- (1) I don't like (a particular church worker
- (2) (A church worker) does things to me when we're alone
- (3) I don't like to be alone with (a church worker
- (4) (A church worker) fooled around with me

IV. INCIDENT REPORTING AND RESPONSE PROCEDURE

1. Initial Reports

a. Receiving initial reports. Reports of sexual misconduct harassment/child sexual abuse may occur in a variety of ways. Because the church cannot control to whom the accuser will speak first, it is important that pastors, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. Additionally, reports of sexual misconduct/harassment/child sexual abuse 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 obviously be dealt with as matters of highest confidentiality.

(1) The first person to learn of an incident of sexual misconduct/harassment/child sexual abuse should not undertake an inquiry alone or question either the accuser or the accused

(2) If the accuser is hesitant to talk to “higher authorities,” the person receiving the initial report has a special responsibility to encourage willingness to speak to a “higher authority,” lest the church be unable to respond because no one is able to give first hand information

(3) Initial reports of sexual misconduct/harassment/child sexual abuse should be referred to:

- (a) The Chair of Administrative Committee, if the accused is a non-ordained employee or volunteer
- (b) The Pastor (Head of Staff), if the accused is an ordained employee, or supervised by the Head of Staff, or a member of the Session
- (c) The Executive Presbyter, if the accused is the Pastor

2. Subsequent Reports: The official receiving an initial incident report will promptly forward written copies of the report to the Chair of Personnel Committee and the Chair of the Response Coordination Team, using the format outlined in the attached Exhibit A Report of Suspected Sexual Misconduct/Harassment/Child Sexual Abuse. In response to inquiries from the media and the congregation, the pastor will serve as the designated spokesperson to speak for the church. In his absence, the associate pastor will serve as the designated spokesperson. In his absence, the Clerk of Session and then the Chair of the Administrative Committee will serve as the designated spokesperson.

3. Response Coordination Team:

Definition - The Response Coordination Team was defined earlier as the group organized by the Session of the church to facilitate quick and objective response to reports of sexual misconduct/harassment/child sexual abuse. The Chair is appointed by the Session of the church

Responsibility - The Response Coordination Team should be available to work with all interested parties - the accuser, the accused, the alleged victim (if not the same person as the accuser) family, congregation, etc. The Response Coordination Team will be convened when a situation of sexual misconduct/harassment/child sexual abuse is reported

Functions of the team:

- (1) The Response Coordination Team will serve the following primary functions :
- (a) Receive the initial written incident report.
 - (b) Begin inquiry as soon as possible
 - (c) Gather as much information as possible regarding the details of the allegations
 - (d) When circumstances so warrant, assure the civil, criminal and insurance authorities are notified
 - (e) Prepare a written report for the Personnel Committee Chairperson/Session
 - (f) If the accused admits to the misconduct as charged, so advise the accuser
 - (g) If there is no admission, advise the accused of the right to file a written response of the alleged misconduct with the Personnel Committee Chairperson/Session
 - (h) Assure adherence to the policy by all parties involved
 - (I) Be available to all parties
 - (j) Work within the established procedures for discipline in the church's Book of Order

- (2) In addition to its primary functions, during or as a result of its initial inquiry, the Response Coordination Team may
- (a) Advise all parties involved, including the church, to obtain legal counsel
 - (b) Advise all parties to contact their insurance carriers
 - (c) Advise all parties involved to seek psychological counseling
 - (d) Advise all parties they may choose to have an advocate accompany them throughout the inquiry process
 - (e) Recommend educational or employment practices to be implemented at the local level to prevent further instances of sexual misconduct/harassment/child sexual abuse.
 - (f) Recommend actions to be taken to begin the healing
 - (g) Recommend actions for pastoral care
- (3) The Response Coordination Team is not intended to:
- (a) Advocate for any party
 - (b) Act as legal counsel for any party
 - (c) Replace the functions of the committee on ministry, council, or discipline
 - (d) Determine guilt or innocence of the accused
 - (e) Enforce a specific remedy or disciplinary
- (4) Reporting: The Response Coordination Team reports the result of its actions to:
- (1) The Session of the church through the Personnel Committee
 - (2) Secular authorities as required by law
 - (3) Child and Youth Sexual Abuse Prevention

Policy Statement: In addition to the statements, policies, and procedures previously set forth herein, St. Johns Presbyterian Church of further clarifies and amplifies its policies to reflect its commitment to provide protective care for all children, youth and volunteers who participate in church-sponsored activities, by providing that

- (a) Adults who have been convicted of either child sexual or physical abuse will not be acceptable for church employment, nor for volunteer service in any church sponsored activity or program for children or youth
- (b) Volunteers working in church sponsored activities or programs for children or youth will undergo an initial orientation which will feature child sexual and physical abuse information, their responsibilities in observing and reporting questionable behavior, and the policies of this institution relating to same. Refresher orientation and training will be a planning consideration at the beginning of each program year
- (c) Volunteers working in church sponsored activities or programs for children or youth will be known and/or interviewed by a skilled recruiter. If unknown, their prior skills and abilities in working with children or youth may be confirmed
- (d) At the end of the required orientation, volunteers will be asked to certify that they have no personal conviction for either child sexual or physical abuse, that they

understand and agree to their volunteer responsibilities under this policy, and that they understand the terms of their volunteer service

(e) Two or more adult leaders (over age 18) should always be present in church sponsored activities for children or youth, unless circumstances require an exception. New inexperienced volunteers or unknown but screened volunteers will always be paired with an experienced volunteer

(f) Parents or guardians of a child participating in a church sponsored activity may be asked to assist church staff or other regular approved volunteers without the required volunteer orientation or screening, when that service will be in the direct sight and or supervision of the staff member or regular volunteer, and when their service will be generally limited to a specific occurrence of limited duration

(g) All activities for children and youth will be randomly monitored by church program staff, session members, and committee persons as appropriate. A brief record of such monitoring will be maintained by the Director of Christian Education (or the Chair of the Christian Education Committee if the staff position of DCE is vacant), assisted by the Director of Youth Ministries, capturing at a minimum, the date, time, location, volunteers/adults observed and comments, along with the signature of the monitoring official. The respective program Staff Directors will review and arrange for monitoring visits to ensure all activities and programs for children and youth of the church are monitored at least once during the program year,