

**PRESBYTERY OF SAN FERNANDO
SEXUAL CONDUCT POLICY**

I. SCRIPTURAL AND THEOLOGICAL BASIS

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

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.

For you were called to freedom, brothers and sisters; only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another. Galatians 5:13

To those called to exercise special functions in the church--deacons, elders, and ministers of the Word and Sacrament--God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, natural and acquired, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a governing body of the church.
Book of Order G-6.0106

We trust in God the Holy Spirit, everywhere the giver and renewer of life. The Spirit justifies us by grace through faith, sets us free to accept ourselves and to love God and neighbor, and binds us together with all believers in the one body of Christ, the Church. The same Spirit who inspired the prophets and apostles rules our faith and life in Christ through Scripture, engages us through the Word proclaimed, claims us in the waters of baptism, feeds us with the bread of life and the cup of salvation, and calls women and men to all ministries of the Church. In a broken and fearful world the Spirit gives us courage to pray without ceasing, to witness among all peoples to Christ as Lord and Savior, to unmask idolatries in Church and culture, to hear the voices of peoples long silenced, and to work with others for justice, freedom, and peace. In gratitude to God, empowered by the Spirit, we strive to serve Christ in our daily tasks and to live holy and joyful lives, even as we watch for God's new heaven and new earth, praying, "Come, Lord Jesus!"

Book of Confessions 10.4

II. SCOPE

The scope of this policy is applicable to:

- Ordained clergy persons on the Presbytery of San Fernando rolls.
- Inquirers and candidates under care of the Presbytery of San Fernando.
- Certified Christian Educators.
- Leaders of presbytery sponsored events while they are at and are in transit to and from the events. Leaders are defined as volunteers who provide services for governing bodies and entities of the Church and receive no benefits or remuneration. Volunteers include persons elected, appointed, or selected to serve on boards, committees and other groups. (See General Assembly Policy Appendix A)
- Professional lay persons employed by the Presbytery of San Fernando in both exempt and non-exempt positions.
- Commissioned Lay Pastors

This policy does not apply to entities, boards, or agencies to which the Presbytery does not elect or appoint a majority of the governing body.

Disciplinary matters arising out of the performance of the above persons' duties in relation to the presbytery will be handled by the Permanent Judicial Commission of the presbytery.

III. POSITION STATEMENT

The purpose of this sexual conduct policy is to define behavior that is inappropriate, to establish procedures when allegations of sexual misconduct and unethical sexual conduct are made, and to assure appropriate care for all involved. It is the position of the Presbytery of San Fernando that those covered by the scope of this policy are to maintain the integrity of their roles as servants of Jesus Christ in the Presbyterian Church (U.S.A.).

A. Regarding Ethical Sexual Conduct

God's call to leadership in the church carries with it a call to high ethical sexual standards. Therefore, the Presbytery of San Fernando affirms that:

- God is the source of our sexuality and as a result our sexual conduct must honor the Creator as well as all our fellow human beings.
- This sexual ethic requires all leaders to be responsible moral decision makers, compels them to seek wholeness in relationships with others, and expects them to be responsible, courageous people of faith as they carry out their leadership roles.
- Marriage is to be held in high esteem and is to be characterized by love, mutuality and faithfulness.
- Persons in positions of leadership are to conduct themselves in an exemplary manner that befits their role as leaders in the church of Jesus Christ.

B. Regarding Sexual Misconduct

Sexual misconduct between those who serve in the church and persons in their care is a betrayal of trust, a betrayal of the position of those who serve in the church, may be an abuse of power, and is therefore never permissible.

All who participate in relationships with religious leaders trust themselves to one whom they expect will provide for their care, safety, and well-being. Pastoral oversight is a privilege and a trust. This is especially the case for those who are vulnerable and need protection and safe-keeping. Such persons entrust religious leaders with symbolic power as representatives of the office of ministry and the God in whose name leaders dare to speak, preach, pray, and bless. A betrayal of this trust by the abuse of power is more than a personal tragedy for the offender; since access to the victim was as a representative of God's love and care, this betrayal is an abuse of a person's spiritual well-being as well as their sexual self. Even if a parishioner, student, client or subordinate employee initiates or invites sexual contact in the relationship, it is the pastor's, counselor's, officer's, supervisor's, or staff member's responsibility to maintain appropriate behavior and avoid sexual misconduct.

Power in ministerial relationships can be unbalanced because of the power associated with the office of ministry as well as the actual power that leaders have in relationships, especially where persons trust that their vulnerability will be honored. The mutual consent necessary for an appropriate sexual relationship is not possible in a context in which power is unequal. Persons in religious leadership, like all others in helping

professions who have access to people in their most vulnerable moments, are always responsible for keeping appropriate boundaries and assuring the safety of those in their trust. Because pastors often deal with individuals who are emotionally, spiritually, or psychologically fragile, or personally vulnerable, there cannot be a mutual sharing of power in the relationship, or a combined bearing of the accountability for wrongdoing. The pastor must always avoid inappropriate contact.

IV. DEFINITIONS REGARDING UNETHICAL SEXUAL CONDUCT

Unethical Sexual Conduct is behavior (actions) which may result in ecclesiastical disciplinary proceedings governed by Scripture, the *Book of Confessions* and the Book of Order.

1. Sexual malfeasance is defined as a breach of trust by clergy/professional lay leader, resulting from an inappropriate romantic relationship and/or sexual contact within a ministerial or professional relationship, (e.g. clergy with a member of their congregation, counselor with a client, lay employee with a church member, presbytery administrative staff with a committee member). This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having mutual, social, intimate, or marital relationships.
2. Adultery or marital infidelity
3. Production, distribution, or use of pornography as defined by actions/policy statements of the General Assembly of the Presbyterian Church (U.S.A.)
4. Fornication is voluntary sexual intercourse between two unmarried persons or two persons not married to each other.
5. Homosexual Relations which are defined as: sexual conduct or contact with the body for sexual stimulation by two persons of the same gender.

V. DEFINITIONS REGARDING SEXUAL MISCONDUCT

Sexual Misconduct is behavior (actions) which may result in civil and criminal law proceedings. It is implicitly included in the Unethical Sexual Conduct Section (IV). The following specific categories are included in the definition, but do not limit it.

1. Child sexual abuse is defined as: including, but not limited to, any contact or interaction between a child (under the age of 18 years) and an adult when the child is being used for the sexual stimulation of the adult person or a third person. The behavior may or may not involve touching but may involve: risque jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses, and sexually suggestive pictures between an adult and child.
2. Sexual Harassment is defined as: 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 continued status in the Presbytery

- b. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or participation in presbytery and/or church related activities by creating an intimidating, hostile, or offensive environment based on the declared judgement of the affected individual.
 - c. Lack of intent to harass is no defense. Examples of sexual harassment include, but are not limited to:
 - (1) Verbal: sexual innuendos, risque jokes, sexually suggestive or insulting questions, comments, or sounds, jokes or teasing of a sexual nature, sexual propositions or threats, continuing to make sexual advances or comments or otherwise expressing personal interest after being informed the interest is unwelcome, sexual remarks regarding clothing, body, or love life, or any type of subtle pressure for sexual activity.
 - (2) Visual: sexually suggestive or gender derogatory objects, pictures, computer software, posters or letters; leering, whistling, or obscene or sexually suggestive gestures.
 - (3) Physical: unwanted physical contact, including touching, pinching, brushing the body, impeding or blocking movement, sexual intercourse or assault.
 - (4) Encouraging attitudes or patterns of verbal, visual, or physical conduct (may or may not be obviously directed at a particular person) which may reasonably be perceived as tending to legitimate, rationalize, or make light of unwanted sexual advances.
- 3. Rape or sexual contact by force, threat, or intimidation.
 - 4. Child pornography as defined by the laws of the State of California.

VI. PROCEDURES

- 1. Anyone who has a reasonable suspicion that an act of unethical sexual conduct or sexual misconduct has been committed by those covered under Scope (II) in this policy shall report the incident in writing to the Stated Clerk or the Stated Clerk's designee.

Reasonable suspicion is a belief or opinion based on information or circumstances sufficient for a prudent person to take appropriate action.

The Stated Clerk's designee is someone of the opposite gender than the Stated Clerk who is appointed on an annual basis by the Stated Clerk and approved by the Committee on Ministry.

When a written report is received, the Stated Clerk shall act according to Chapter 7 in the Rules of Discipline in the *Book of Order* and may use as a guideline, the *Sexual Misconduct Policies and Procedures* of the General Assembly, omitting Section IV. B&C.

- 2. The Stated Clerk shall confirm that civil authorities have been notified when appropriate.
 - a. It is the practice of the Presbytery to report allegations of sexual abuse of children to the Department of Children's Services, Child Abuse Hotline (800-540-4000) and also to report to the appropriate police or sheriff's department within 36 hours.

- b. When there is a reasonable suspicion of criminal sexual conduct, civil liability or alleged sexual harassment on the part of a member of the Presbytery, the Presbytery's legal counsel shall be notified immediately.

VII. PASTORAL CARE

1. The Presbytery shall offer pastoral care (arranged by the Executive Presbyter or the Committee on Ministry) for both the alleged victim and the accused and their respective families when appropriate.
2. The Presbytery shall offer pastoral care (arranged by the Committee on Ministry) for the sessions and congregations involved when appropriate.