

PRESBYTERY OF SAN FERNANDO SEXUAL MISCONDUCT POLICY

REVISION ADOPTED APRIL 26, 2022

It is the policy of the Presbytery San Fernando (hereinafter referred to as PSF) that all Persons identified in Section I. Scope who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also in violation of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct.

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, 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

I. 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.
- Supervisors of Presbytery sponsored events while they are at and are in transit to and from the events.
- Volunteers that provide services for governing bodies and entities of the Presbytery, including persons elected, appointed, or selected to serve on boards, committees and other groups.
- Professional lay persons employed by the Presbytery of San Fernando in both exempt and non-exempt positions.
- Commissioned Ruling Elders

Collectively, those governed by this policy are referred to as "Leaders."

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, nor does it apply the churches of the Presbytery. The Churches of the Presbytery are required (G-0106) to adopt and implement their own policies and procedures on sexual misconduct which may be modeled on this policy.

Disciplinary matters, if any, arising out of the performance of the Leaders' duties in relation to the PSF will be handled by the Permanent Judicial Commission of the Presbytery and governed by the rules of the Presbytery Permanent Judicial Commission. In the case of Commissioned Ruling Elders, the matter may be dealt with by the Committee on Ministry having jurisdiction. In the case of candidates

PRESBYTERY OF SAN FERNANDO SEXUAL MISCONDUCT POLICY
REVISION ADOPTED APRIL 26, 2022

or inquirers the matter may be dealt with by the Committee on Preparation for Ministry having jurisdiction. The Committee on Ministry has control over approving and whether to continue the designation of the Commissioned Ruling Elder. The Committee on Preparation for Ministry has the same authority for candidates and inquirers.

II. DEFINITION OF SEXUAL MISCONDUCT

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

1. Sexual misconduct is a violation of the role of Leaders who are called upon to exercise integrity, sensitivity, and caring in a trusting relationship. Sexual Misconduct breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trusting relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the Leader's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. This antithetical to the Gospel's call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

Definitions:

Sexual abuse as 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 ordered ministry or position"

Sexual harassment; defined in this Policy as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution or congregation;
2. submission to or rejection of such conduct is used as the basis for decisions affecting such an individual;
3. such conduct has the purpose or effect of unreasonably interfering with individual's work performance or relationship with the congregation by creating an intimidating, hostile, or offensive environment; or
4. when an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women,

PRESBYTERY OF SAN FERNANDO SEXUAL MISCONDUCT POLICY
REVISION ADOPTED APRIL 26, 2022

or children,

Sexual contact including but not limited to rape, includes any sexual action by force, threat, or intimidation.

Sexual conduct that utilizes suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another. Sexual conduct does not require physical contact. It may include communication by photography, videos, electronic messaging over the Internet, text messaging, etc. which have a sexual component;

Sexual Malfeasance is defined by the broken trust resulting from sexual activities within a Leadership relationship that results in misuse of office or position arising from that Leadership relationship..

Adultery, which is sexual conduct or advances by persons one of whom is married.

Examples of sexual misconduct include, but are not limited to, the following behaviors:

- Verbal conduct such as epithets, derogatory jokes, comments, slurs, posts, or messages
- Unwanted sexual advances or invitations;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, Internet sites, cartoons, drawings, or gestures;
- Sexual acts, sexual contact or sexual advances with a minor;
- Sexual acts,sexual contact or sexual advances involving inducement, threat, coercion, force, violence, or intimidation of another person;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex or gender;
- Sexual acts, sexual contact or sexual advances,with a person while in the context of a professional relationship. This includes, but is not limited to, a person acting in a pastoral role and a member of the pastor's spiritual community.
- Sexual acts, sexual contact or sexual advances with a person who is mentally incapable of understanding the nature or consequences of the behavior or is physically incapable of declining participation;
- Sexual acts, sexual contact, or sexual advances involving the use of drugs or intoxicants that impair the ability to govern the situation;
- Rape and physical assault of a sexual nature;
- The use of pornographic materials, including on the Internet within the course and scope of work

PRESBYTERY OF SAN FERNANDO SEXUAL MISCONDUCT POLICY
REVISION ADOPTED APRIL 26, 2022

III. RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT

A. Principles

In responding to allegations of sexual misconduct, Leaders, members, officers, and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, Leaders, members, officers, and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

PSF has the duty to inquire into the allegations and, if the allegations are proven, to take those steps necessary to ensure the safety of others in the community, to provide pastoral care for all those involved and if appropriate, to initiate disciplinary action against the Leader, initiate action to correct the behavior of the Leader or both. Allegations of sexual misconduct are considered an offence against Scripture and this Policy and it triggers the Reporting Requirements in Section B.

B. Reporting Requirements of Sexual Misconduct

A person who reports that a Leader has committed sexual misconduct is encouraged to seek guidance from the PSF Stated Clerk or their designee regarding filing of a report. The person who is accusing a Leader of committing sexual misconduct must report the allegations in writing. A report of the allegations must be placed in a written statement which shall include a statement of the alleged offense, together with any supporting information. The statement shall give a clear narrative and allege facts that, if proven true, would likely result in disciplinary action as defined by the Book of Order.

C. Process following a Report of Sexual Misconduct

The Stated Clerk or their designee will follow the process of responding to allegations of sexual misconduct according to the requirements of the Rules of Discipline as outlined in the Book of Order. In addition to the Investigative Committee process, there may also be a process to address the impact of the Inquiry.

1. The Committee on Ministry may determine that a Pastoral Care Team (PCT) of at least two

**PRESBYTERY OF SAN FERNANDO SEXUAL MISCONDUCT POLICY
REVISION ADOPTED APRIL 26, 2022**

persons (one male and one female) be formed to address the emotional, spiritual, and psychological impact of the allegations for the accused, the victims, their families and the congregation as a whole.

2. The PCT shall be specially trained in the area of sexual misconduct and shall provide prayer and confidential counseling.
3. In providing care and support during the process of the investigation, the PCT has no role in investigating pastoral misconduct allegations. The PCT will make available a list of professional mental health referrals and resources specializing in the area of sexual misconduct.
4. The Executive Presbyter and/or Chair of the Committee on Ministry will consult with the PCT about appropriate communication and any support needed for the congregation as a whole.

D. The Investigating Committee determines whether charges should be filed. If charges are filed, the process as described in the Book of Order shall be followed to adjudicate the charges.

IV. DISTRIBUTION AND TRAINING

This policy is approved by the Presbytery, and it (or its amended form) will be provided for distribution and training as the Presbytery deems appropriate.

V. ACKNOWLEDGEMENT OF RECEIPT OF THE SEXUAL HARASSMENT AND MISCONDUCT PREVENTION POLICY

I acknowledge that I have received a copy of, read, and understand the PRESBYTERY OF SAN FERNANDO SEXUAL MISCONDUCT CONDUCT POLICY.

I understand that failure to comply with the policy will result in disciplinary action up to and including termination of employment.

Employee Signature

Date

Employee Name (please print)