

Presbytery of Des Moines

Sexual Misconduct Response Team Policies

Theological Statement

As God who called you is holy,
Be holy yourselves in all your conduct.
Tend the flock of God that is in your charge,
Not under compulsion but willingly,
Not for sordid gain but eagerly,
Do not lord it over those in your charge.
But be examples to the flock

I Peter 1:15, 5:2 NRSV

We affirm that;

1. God creates in the Divine image, male and female, and all are equal in the eyes of God.
2. The human body is a good and special part of the divine creation. It is the temple in which the Holy Spirit dwells and a place where the word is made flesh. I Cor. 6:12-20.
3. Human sexuality is an integral part of our humanity. Its physical, emotional and spiritual expression should be based on a loving commitment and accountability to God, to the other person, and the community.
4. God calls persons to wholeness through Jesus Christ and to participate in the Body of Christ, the community of faith whose central quality is redeeming love.
5. There are persons within the Church community whose gifts and promise of future usefulness are observable to the community and who respond to God's call as leaders.

**Effort shall be made to maintain confidentiality throughout
conduct of investigations and implementation of these procedures.**

Reporting Sexual Misconduct within the Presbytery of Des Moines

If you believe that you or another person has received unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, from a pastor, minister member, officer, employee, volunteer or participant in any Presbytery related activity do the following:

1. Call/notify one of these persons as soon as possible after the alleged incident. They are leaders of the Presbyterian Church in the Presbytery of Des Moines.
 - a. Executive Presbyter - O: 515-276-4991
 - b. Stated Clerk - O: 515-276-4991
2. Give them the following information:
 - a. The names and addresses of the parties involved.
 - b. A brief summary of the allegations.
 - c. The date(s), time(s), location(s) and setting(s) of the alleged incident(s).

3. If you are 18 years of age or under, your parents or legal guardian may be notified in writing that sexual misconduct may have taken place, unless such person is the subject (directly or indirectly) of the report.
4. Please immediately complete and return the “Complaint Form” provided by the Presbytery. Mark the envelope CONFIDENTIAL and send it to:

Stated Clerk
2400 86th St, Suite 20
Urbandale, IA 50322
515-276-4991

Definitions for terms used in this policy relating to sexual misconduct are attached to this Policy as Appendix #1.

Response to a report of sexual misconduct

The Book of Order provides in Rule G-4.0302:

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.

When a Teaching Elder or Deacon or Ruling Elder or any person responsible for or involved with the workings of the church gets a report of sexual abuse, child abuse, sexual harassment, or other sexual misconduct, that person should immediately notify the Executive Presbyter, Stated Clerk, or Presbytery Moderator.

The person receiving such notice shall notify the Sexual Misconduct Response Team, and (as applicable) the Stated Clerk. If a member of the Sexual Misconduct Response Team receives the report initially, they should contact the Stated Clerk. If the Stated Clerk is not available or may have a conflict of interest in relation to the alleged incident, the reporting person or persons referenced in this paragraph shall notify the Executive Presbyter or the Moderator of the Presbytery.

Formation of Investigating Committee

Upon receipt of a report of sexual misconduct, the Stated Clerk shall advise the Executive Presbyter who shall, in consultation with the Stated Clerk, name no more than five, but no less than three, persons to serve on an Investigating Committee. The Investigating Committee will be composed of Elders and Ministers with no more than three of either category. These

individuals will not be part of the Sexual Misconduct Response Team. The Investigating Committee shall meet as soon as possible after its formation.

Role of the Investigating Committee

All allegations of sexual misconduct will be investigated through the appropriate process. In cases of members under the jurisdiction of the Presbytery of Des Moines, judicial process as provided in the Rules of Discipline will be followed. In cases involving employees, the provisions of the personnel policy will be followed. For employees who are members of Presbytery the disciplinary process will take precedence.

The Investigating Committee should speak to the reporting person, the alleged victim and a teaching elder of the church and any other person with knowledge of the event. The Investigating Committee shall maintain regular contact with the person making the allegations, keeping her/him informed about the status of the investigation. Under no circumstances shall the Investigating Committee contact the person being accused without first advising the person making the allegations of the date of that contact.

Organization of the Sexual Misconduct Response Team

The Sexual Misconduct Response Team is a group of approximately seven people not serving on Presbytery Council which responds to allegations of sexual misconduct. The team members shall be nominated and elected through the Presbytery Nominating Committee. Team members shall be divided as equally as possible between clergy and laity as well as gender. The team shall choose its own moderator. Either the Executive Presbyter or the Stated Clerk shall serve as a resource person for the Sexual Misconduct Response Team unless such person is involved in the allegation. The team shall be elected without term of office. As team members make responses to allegations they will be asked if they choose to continue on the team or resign. If they resign, the Nominating Committee will nominate someone to replace them on the team.

The ideal person qualified to serve on the Sexual Misconduct Response Team can see both sides of the story; has listening skills, either because the person is willing to have training in listening skills or already has the training; is not judgmental; does not take sides; is fair; understands the procedures and legal implications of the disciplinary actions described in the Book of Order; is located, along with others on the team, in various places in the Presbytery; is perhaps a person who has served on a Special Disciplinary Committee (or similar entity) for sexual misconduct before; is empathetic with others; and is open to being trained in the aspects of the sexual misconduct policy.

The Sexual Misconduct Response Team shall be trained to respond to allegations of sexual misconduct, identify and recognize the issues involved in sexual misconduct, sexual harassment and child sexual abuse. Training shall include listening skills. Team members must be familiar with the legal, administrative and disciplinary procedures of the Presbytery and the Presbyterian Church (U.S.A.).

After initial training, the team should meet no less than once a year to familiarize itself with this policy, procedures of the Presbytery and to continue its training.

The team shall annually review and recommend to the Presbytery of Des Moines changes to these policies. Others who are knowledgeable in this area may be co-opted by the team for this review. The team shall report to the Presbytery annually at its September meeting.

Role of the Sexual Misconduct Response Team

While an Investigating Committee is engaged in investigation, the Sexual Misconduct Response Team will consult with the affected congregation including the teaching elder if that person is not the accused, ruling elders and perhaps speak to the entire congregation to assist the congregation in responding in a loving way to both the alleged victim and the accused.

The Sexual Misconduct Response Team functions will be to: receive the initial referral from the Executive Presbyter, Stated Clerk or Presbytery Moderator; provide pastoral care within 48 hours (if possible) of receiving the initial referral to the alleged victims, their families and others, and to the accused, their families and others; depending upon the circumstances of the claim (i.e. sexual abuse involving a minor) verify with the county attorney that the alleged incident has been reported as required by Iowa law; inform the alleged victim or parent/guardian of alleged victim and the accused of the disciplinary procedures of the Presbyterian Church (U.S.A.); counsel the alleged victim or parent/guardian of the alleged victim whom to notify if the accused attempts any contact; counsel the accused whom to notify if the alleged victim or parent/guardian of the alleged victim attempts any contact; counsel the alleged victim and the accused that confidentiality may not be maintained if the alleged misconduct involves a minor; counsel the alleged victim and the accused that confidentiality may have to be broken if there is a report of current child abuse, and seek adherence to this policy by all parties involved. The Sexual Misconduct Response Team cannot be called to testify in the courts of the church.

The response team may strongly suggest that the victim begin counseling and that the event be reported to legal authorities. Sexual Misconduct Response Team members will not provide counseling. Some members of the response team are mandated reporters and will honor that commitment.

The Sexual Misconduct Response Team may recommend courses of action as appropriate: including encourage or refer the alleged victim and the accused to consult a professional counselor trained to deal with issues of sexual misconduct; identify personal and pastoral resources for needs of the accuser, alleged victim and the accused; recommend pastoral care to the congregation or employing entity in dealing with their grief, anger and other reactions to assist the congregation, committee or employing entity in the healing process.

The Sexual Misconduct Response Team shall not: recommend to the alleged victim or parent/guardian of the alleged victim, that he or she may want to obtain legal counsel; become

an advocate for any party involved; act as legal counsel for any party involved; act as therapist for any party involved; or replace the functions of a Special Investigating Committee.

Whatever the findings of the Investigating Committee, the Sexual Misconduct Response Team will remain available to the congregation to assist in providing ongoing loving response to everyone involved.

To the extent allowed by law, confidentiality shall be maintained throughout the investigation and implementation of these procedures.

Records and Reporting of the Sexual Misconduct Response Team

The Sexual Misconduct Response Team shall report to the Stated Clerk. If the Stated Clerk is not available or may have a conflict of interest in relation to the alleged incident, the Sexual Misconduct Response Team shall report to the Executive Presbyter. The report shall be in writing and shall include: the name and address of the parties involved; and a summary of the Sexual Misconduct Response Team's actions to date. After the Sexual Misconduct Response Team has submitted a report, the team is still available to all parties to assure adherence to this policy.

Records of the Sexual Misconduct Response Team are confidential within the bounds of the law. The Sexual Misconduct Response Team shall keep records of its actions and minutes of meetings. They shall keep copies of the initial report and their correspondence. The Sexual Misconduct Response Team will forward its records to the Stated Clerk for permanent maintenance as confidential files. If the complaint involves the current Stated Clerk, the file shall be kept at the office of the Executive Presbyter.

Sexual Malfeasance

It is the responsibility of each executive or individual in a leadership role within the Presbytery or a church within the Presbytery, to provide a working and participation environment free of sexual misconduct. If the parishioner, student, client or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, teacher's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.

All persons in leadership roles are entrusted with tremendous power and authority in regard to the persons they serve. They are responsible to care for others and not to misuse this role to the detriment of any.

Violation of such trust relationships by sexual malfeasance is a sin against God, the victim, the families of the victim, the perpetrator and the redemptive community of the Church. Such conduct is a misuse of authority and power which breeches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gain in an abusive, exploitative, or unjust manner. Such conduct takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the Gospel

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.

Such a violation potentially causes logical, spiritual, and emotional harm to victims and their families; reveals the brokenness of the perpetrator; betrays Christ and the pastoral office in that it abuses the power and authority of ministry by changing it from healing and redemption to exploitation and gratification and tarnishes the symbol of Christ as Healer and Savior; manifests itself not only in sexual misconduct but also in sexism, ageism, racism and other subtle forms of abuse; wounds the local parish and the whole body of Christ in ways which require special efforts for healing.

Because of God's grace and forgiveness, healing can occur for the victim, the perpetrator, their families, and the community. It is recognized that such healing must include repentance on the part of the offender.

Qualification Regarding Pastoral Relationships

It may be permissible for a single pastor to enter into a romantic relationship with a single parishioner, but issues of power, risk and accountability must be honestly addressed before the relationship begins. As in the pastor/spouse relationship, it must be understood that dating a parishioner terminates the possibility of continuing a pastoral relationship with this person, thus changing his/her place in the congregation. Both pastor and parishioner will be protected by eliminating any secrecy which often characterizes coercive and manipulative relationships.

Media Contact

Any inquiries from the media regarding an incident of alleged sexual misconduct must be directed to the Executive Presbyter, unless it involves that person, in which case the inquiry must be directed to Stated Clerk. Questions from the media shall not be addressed by any members of the Sexual Misconduct Response Team, the Investigating Committee, or any person receiving the complaint.

Statue of Limitations

The ability of governing bodies and entities to respond promptly and justly to sexual misconduct is related in part to the opportunity to receive allegations and gather evidence soon after the alleged occurrence. However, this policy recognizes the special problems related to discovery and recognitions of various forms of sexual misconduct. Child sexual abuse may not be recognized until the victim of such abuse reaches adulthood. Recognition of abuse and willingness to come forward by an adult victim may also be delayed for many years. In all instances for persons under the Book of Order "Rules of Discipline", the various sections of the Rules of Discipline on statutes of limitation will be adhered to (D-7.1100).

Additional Scriptures for Consideration and Study

II Peter 1:2-11

Galatians 5:13-23

I Thessalonians 4:2-8

Policy Statement

It is the policy of the Presbytery of Des Moines of the Presbyterian Church (U.S.A.) that all minister members (Teaching Elders, Commissioned Ruling Elders), officers, employees, volunteers and participants in all Presbytery related activities are to maintain the integrity of ministerial, employment, professional and church relationships at all times. Sexual misconduct by any of the above named while engaged in Presbytery-sanctioned activities is expressly prohibited as a violation of Scripture and the Presbytery of Des Moines policy.

Purpose

To demonstrate Christian care and concern on behalf of the Presbytery of Des Moines for the alleged victim(s) and those accused of sexual misconduct.

APPENDIX

Presbytery of Des Moines

Sexual Misconduct Response Team Policies

Definitions

The following definitions, as amended from time to time by the Presbytery, shall apply to, and are incorporated into, this Policy.

- *Child sexual abuse*; including, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.
- *Misuse of technology*; is use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.
- *Sexual abuse* as defined in the *Book of Order* is: “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” (*Book of Order*, D-10.0401c).
- *Sexual harassment*; defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct (whether in person, by the misuse of technology or otherwise) 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 their continued status in an institution;
 - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive working environment; or
 - d. 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, or children.

- *Sexual malfeasance*; is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.
- *Sexual misconduct* is a comprehensive term used in this policy to encompass the behaviors described in the definitions above and includes, in addition, any offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.