

1 **PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT**

2 Policy and Procedures

3 The Presbytery of Boston

4
5 I. Statement of Purpose

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7 We believe that Scripture and our faith in Jesus Christ call us to standards of responsible
8 conduct in all of life, including sexual behavior. Human sexuality is an integral part of
9 who we are as persons. However, it can become the basis for betrayal and oppression,
10 where trust relationships are breached and persons are abused. Sexual misconduct is a
11 violation of the principles set forth in Scripture and of the ministerial employment and
12 professional relationship, and as such is never permissible. This policy describes how the
13 Presbytery of Boston will work to prevent and respond to sexual misconduct.
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16 II. Prohibition of Sexual Misconduct

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18 ***The Presbytery of Boston forbids all forms of sexual abuse, sexual harassment and***
19 ***sexual malfeasance.*** The Presbytery of Boston will not tolerate sexual misconduct,
20 including but not limited to sexual abuse, sexual harassment and sexual malfeasance by its
21 clergy, church professionals or any person carrying out the programs of the presbytery.
22 Presbytery will hold its members accountable under its Standards of Ethical Conduct, and
23 it will impose just and stringent consequences in proven cases of sexual misconduct in
24 accordance with the Constitution of the Presbyterian Church (U.S.A), including, but not
25 limited to, the Rules of Discipline.
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28 III. Jurisdiction

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30 A. This policy applies to ministers of Word and Sacrament who are members of the
31 Presbytery of Boston; commissioned lay pastors serving at the direction of the Presbytery
32 of Boston; certified Christian educators serving within the Presbytery of Boston;
33 employees, officers and agents of the Presbytery of Boston; and any other persons working
34 for the presbytery in its programs, ministries, organizations or activities.
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36 B. Church members are under the jurisdiction and care of their individual sessions. In the
37 case that an allegation of misconduct between church members is raised, the General
38 Presbyter, Stated Clerk of the Presbytery, and the co-moderators of the Committee on
39 Ministry will be available to answer questions regarding process.
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41 C. Non-Presbyterian employees of the presbytery working in any of its programs,
42 ministries, organizations or activities who engage in sexual misconduct shall be subject to
43 administrative discipline, up to and including termination of their employment. Non-
44 Presbyterian employees and volunteers working for the presbytery are not subject to

45 judicial proceedings under the Rules of Discipline, but in all other respects are covered by
46 this policy.

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49 IV. Definitions of Sexual Misconduct

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51 Sexual misconduct is a comprehensive term that includes but is not limited to sexual abuse,
52 sexual harassment and sexual malfeasance.

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54 A. Sexual abuse

55 “Sexual abuse” includes but is not limited to:

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57 1. Any sexual acts or sexual contact by coercion, force, violence, intimidation; or
58 any sexual act or contact that may be prohibited by the laws of the Commonwealth
59 of Massachusetts;

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61 2. any contact or interaction between a minor or a vulnerable adult as defined by
62 the laws of the Commonwealth of Massachusetts and an adult when the minor or
63 vulnerable adult is being used for the sexual gratification of the adult person or of a
64 third person. Sexual abuse may or may not involve touching Sexual behavior
65 including but not limited to physical contact, sexually provocative
66 communications as defined below, and any form of sexual relationship between a
67 minor or a vulnerable adult and an adult is always considered forced, whether or
68 not the behavior is consented to by the minor or the vulnerable adult.

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70 B. Sexual harassment

71 “Sexual harassment” is defined by law in the employment context as unwelcome sexual
72 advances, requests for sexual favors, and other verbal or physical conduct of a sexual
73 nature when one or more of the following occur:

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75 1. Submission to such conduct is made either explicitly or implicitly a term or
76 condition of an individual’s employment;

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78 2. Submission to or rejection of such conduct by an individual is used as the basis
79 for employment decisions affecting that individual;

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81 3. Such conduct has the purpose or effect of creating an intimidating, hostile, or
82 offensive working environment.

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84 C. Sexual malfeasance

85 “Sexual malfeasance” occurs whenever a person in a position of trust engages in a sexual
86 act or sexual contact with another person to whom he or she owes a professional
87 responsibility of care and trust. Such misconduct includes but is not limited to:

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89 1. Physical sexual contact and sexual relationships between individuals within a
90 pastoral, ministerial, ecclesial, employment or other relationship within the context
91 of church life. Such contact and such relationships are not acceptable even when
92 consensual, and regardless of whether pastoral care is involved. The inherent
93 imbalances of power between ministers and lay people or staff undermine the
94 validity of such consent.

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96 2. Sexually provocative communications in any form including but not limited to
97 a. sexually oriented jokes or humor;
98 b. sexually demeaning comments;
99 c. verbal or non-verbal suggestions of sexual involvement or sexual
100 activity;
101 d. unwelcome questions or comments about sexual behavior;
102 e. unwelcome or inappropriate physical contact;
103 f. graphic or degrading comments about an individual's physical
104 appearance;
105 g. express or implied sexual advances or propositions;
106 h. unwelcome displays or use of sexually suggestive materials, objects or
107 pictures;
108 i. repeated requests for social engagements after an individual refuses.

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111 V. Prevention

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113 A. This policy shall be distributed to all ministers, employees, volunteers and entities of
114 the Presbytery of Boston. All candidates, ministers, volunteers and employees of the
115 Presbytery of Boston are required to read and to agree to abide by the terms of this policy.
116 An original signed acknowledgement and agreement to abide by the policy will be kept by
117 the presbytery.

118
119 B. All ministers seeking new calls within the Presbytery of Boston shall complete the
120 Personal Information Form currently used by the Presbyterian Church (U.S.A.) including
121 its Sexual Misconduct Self-Certification Statement or its successor form.

122
123 C. The sexual misconduct policy shall be made available to all persons who accuse others
124 of sexual misconduct as well as to those accused of misconduct.

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126 D. Within one year of call or employment, and at least every five years thereafter,
127 ministers of Word and Sacrament who are members of the Presbytery of Boston,
128 commissioned lay pastors serving at the direction of the presbytery, certified Christian
129 educators serving with the presbytery, employees, officers and agents of the Presbytery of
130 Boston, and any other persons working for the presbytery in connection with any of its
131 programs, ministries, organizations or activities whether paid or unpaid, are required to
132 complete training approved by the presbytery's Committee on Ministry. Those called or

133 employed at the time this policy is adopted by the presbytery are required to complete the
134 training within one year of the adoption of the policy.

135
136 E. Failure to complete the required training will result in direct contact with the member
137 or employee and the appropriate calling or employing entity to achieve compliance with
138 this requirement. The names of minister members of the presbytery, certified Christian
139 educators and commissioned lay pastors who fail to fulfill the training required will be
140 reported directly to the presbytery and those persons will remain on notice until they have
141 fulfilled the training requirement. The general presbyter and the stated clerk shall not
142 certify any minister members of Presbytery, certified Christian educators or commissioned
143 lay pastors for service in another presbytery or for posting on the Presbyterian Church
144 (U.S.A.) job search databases, until the requirement has been fulfilled.

145 146 147 VI. Response Team

148 149 A. Goals

150 1. The response team shall be available to work with all parties concerned in an
151 allegation of sexual misconduct, providing pastoral care under this policy and
152 supporting the policy's procedures for resolving reported incidents of sexual
153 misconduct with compassion and justice for all parties.

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155 2. The response team shall work with the Committee on Ministry to provide for an
156 ongoing preventative program of continuing education for staff, ministers and
157 congregations in the Presbytery of Boston.

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159 3. The response team shall annually evaluate the presbytery's sexual misconduct
160 policy and recommend needed changes to the Committee on Ministry for
161 presentation for presbytery approval.

162 163 B. Membership

164 1. The response team shall be made up of six persons appointed by the Committee
165 on Ministry to three classes of three years each. They shall report to the presbytery
166 through the Committee on Ministry and shall be accountable to the presbytery
167 through COM, which will keep the presbytery informed of the current team
168 membership. As persons appointed by the Committee on Ministry, they will be
169 operating in an official position and will have to comply with the laws of the State
170 of Massachusetts regarding mandatory reporting.

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172 2. The response team is to include both men and women ideally with experience in
173 related legal, pastoral counseling and pastoral care, conflict resolution, insurance
174 risk management, personnel management and educational issues. The response
175 team may seek outside expertise as necessary.

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177 3. The response team shall elect co-chairs from its own membership, reporting
178 these names to the presbytery through the Committee on Ministry.
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180 C. Meetings

181 1. The whole response team shall meet at least annually for its own continued
182 learning, group support, and planning for presbytery training and educational
183 events. When first constituted, the response team shall provide for its own in-depth
184 education in the polity of the PC(USA) and tools for responding in cases of alleged
185 misconduct.
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187 2. Other meetings may be called by the co-chairs at their discretion for dealing
188 with matters needing to be addressed under this policy.
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190 VII. Reports of Sexual Misconduct

191 A. Initial report

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193 1. When a person believes that he or she has been the victim of sexual misconduct
194 perpetrated by a minister member of the Presbytery of Boston, a commissioned lay
195 pastor serving at the direction of the Presbytery of Boston, a certified Christian
196 educator serving within the Presbytery of Boston, an employee, officer or agent of
197 the Presbytery of Boston, or any other persons working for this presbytery in
198 connection with any of its programs, ministries, organizations or activities, the
199 incident should first be reported to the Moderator of the presbytery or to the
200 general presbyter or the chairperson of the Committee on Ministry or to the
201 presbytery's stated clerk. These individuals shall contact each other after learning
202 of an alleged incident and shall proceed immediately to notify the response team;
203 the response team shall then contact the alleged victim to determine what further
204 action is necessary.
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207 2. At any point, a signed written accusation of sexual misconduct received by the
208 stated clerk will require Presbytery to move to resolve the alleged incident as a
209 matter of formal judicial process under the Rules of Discipline of the Presbyterian
210 Church (U.S.A.). In this instance, the Response Team may be asked by the
211 appointed Investigating Committee to provide pastoral care to the parties involved,
212 under the guidance of the Book of Order.
213

214 B. Non-victim accusers

215 1. A non-victim may bring a third-party report on behalf of an alleged victim of
216 sexual misconduct.
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218 C. Filing for a child

219 1. All persons classified by the laws of the Commonwealth of Massachusetts as
220 mandated reporters of child abuse, including the presbytery's ministers of Word

221 and Sacrament without exception, shall without delay fulfill their moral, legal and
 222 ethical obligation to contact law enforcement and child welfare authorities
 223 concerning alleged or suspected abuse of a child.
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225 2. A parent or other adult acting on behalf of a child alleged to have been abused
 226 by a minister of Word and Sacrament, commissioned lay pastors serving at the
 227 direction of the Presbytery of Boston, certified Christian educators serving within
 228 the Presbytery of Boston, employees, officers and agents of the Presbytery of
 229 Boston, and any other persons working for the presbytery in its programs,
 230 ministries, organizations or activities should contact the Moderator of the
 231 presbytery, the general presbyter or the Committee on Ministry chairperson, who
 232 shall assist the reporter in filing a written accusation with the stated clerk.
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235 D. Timeframes

236 1. Two or more members of the response team shall ordinarily meet with an
 237 accuser within seven days of the report of alleged sexual misconduct, and without
 238 delay undertake its efforts to resolve the situation with compassion and justice for
 239 all parties.
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241 2. The *Constitution* of the Presbyterian Church (U.S.A.) specifies that there is no
 242 filing time limit (statute of limitations) on formal discipline in instances of alleged
 243 sexual abuse (D-10.0401b) reported in writing to the stated clerk of a presbytery.
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246 VIII. Care for Persons Affected by Sexual Misconduct

247 A. Victims of sexual misconduct and their families

248 The presbytery's response team shall offer pastoral care and support for alleged victims of
 249 sexual misconduct and their immediate families. It is important for all involved to be
 250 sensitive to the pain and need for healing experienced by the alleged victims and their
 251 families, and to act by making appropriate pastoral care available. If the alleged victims
 252 and families decline at first, help will continue to be available from the presbytery through
 253 its response team.
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256 B. Accused persons and their families

257 The presbytery's response team shall offer pastoral care for the accused and the immediate
 258 family of the accused, and may recommend further treatment when deemed appropriate. If
 259 the accused is under the jurisdiction of the Presbytery of Boston, any presbytery
 260 involvement in the selection and approval of treatment, who shall receive it, its monitoring
 261 and its financing, will be supervised by the general presbyter and Committee on Ministry
 262 or by a person designated by them.
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265 C. Congregation or employing entity of accuser and accused
266 The response team shall make efforts to recognize and identify problems or damage done
267 to the congregation or presbytery organization resulting from alleged sexual misconduct by
268 a minister, employee and/or volunteer. The response team shall determine when and if it
269 would be helpful to offer the congregation or presbytery organization support, and may
270 meet with the session or organization leaders to advise on the resources available and to
271 help plan their response to the situation.

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274 IX. Education

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276 A. The response team is responsible for identifying and publicizing the presbytery's
277 required sexual misconduct prevention training.

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279 B. The response team shall encourage the congregations of the presbytery to adopt sexual
280 misconduct policies, and shall be a resource to those efforts.

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283 X. Records and Disclosure

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285 A. The response team shall keep and protect careful records of its proceedings, reports and
286 both written and electronic correspondence. These confidential files will be securely
287 stored by the Stated Clerk of the presbytery when an incident is resolved. Members of the
288 response team shall keep no separate or duplicate records of this material.

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290 B. Disclosure will be governed by the Constitution of the PC(USA) and by civil
291 mandatory disclosure laws.

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PRESBYTERY OF BOSTON
SEXUAL MISCONDUCT POLICY
RESPONSE FORM

for

Ministers of Word and Sacrament who seek membership in the Presbytery of Boston, commissioned lay pastors who seek to serve within the Presbytery of Boston, certified Christian educators who seek to serve within the Presbytery of Boston, and employees, officers or agents of the Presbytery of Boston who seek to serve within it. If a "no" answer is returned on any of the following questions, an authorized representative from the Presbytery will follow up for further explanation.

1. Have you been provided and have you read a copy of the Presbytery of Boston's "Preventing and Responding to Sexual Misconduct: Policy and Procedures"?

Response (circle one): Yes No

2. Do you promise to abide by the ethical standards set forth in this policy?

Response (circle one): Yes No

3. Do you affirm and certify that no civil, criminal or ecclesiastical report of sexual misconduct has ever been made against you or is currently pending against you?

Response (circle one): Yes No

4. Do you affirm and certify that you have never resigned or been terminated from a position for reasons related to sexual misconduct by you?

Response (circle one): Yes No

5. Do you affirm and certify that you have never been required to receive professional treatment for reasons related to sexual misconduct by you?

Response (circle one): Yes No

Name (please print): _____

Signature: _____ Date: _____

Received for the Presbytery of Boston by: _____ Date: _____