

SEXUAL MISCONDUCT POLICY - APPENDIX J
NEW CASTLE PRESBYTERIAN CHURCH (P.C.U.S.A.)
SEXUAL MISCONDUCT POLICY

INTRODUCTION

1. The New Castle Presbyterian Church of the Presbyterian Church (U.S.A.), in an effort to further the peace, unity and purity of the church through the prevention and remediation of sexual misconduct within the church, has developed the following policy. The structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order. This policy applies to all members and other leader/helpers who serve the church, paid or unpaid. Ministers of Word and Sacrament (Teaching Elders) are subject to the authority of the Presbytery of New Castle and its policy.

PART I. THE PURPOSE OF THIS DOCUMENT is to define sexual misconduct and to describe the procedures for preventing sexual misconduct and reporting it to the Session.

A. Definition of Sexual Misconduct

1. Sexual misconduct is an abuse of authority and power, breaching Christian ethical principles by misusing a trust relationship to gain advantage over another for personal gratification in an exploitative and unjust manner. It is the comprehensive term used in this policy to include: sexual abuse of children or adults, rape or sexual assault, sexual harassment, and viewing, storing, or transmitting pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited, to computers and cellular telephones.

Categories of sexual misconduct are:

2. **Sexual abuse:** Sexual abuse occurs whenever a person in a position of trust or authority engages in a sexual act or sexual contact with another person to whom he or she owes a professional responsibility. Such abuse shall include, but not be limited to, the following:

- a. Sexual acts or sexual contact with a minor.
- b. Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person.
- c. Sexual acts or sexual contact with another person who is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act or sexual contact.
- d. Sexual acts or sexual contact arising from the administration to another person of a drug or intoxicant which impairs the ability of that person to appraise or control the nature of the conduct.
- e. Suggesting or compelling another person to view pornography in any form.

3. **Child sexual abuse.** Child sexual abuse includes, 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. Child sexual abuse between an adult and a child is always considered forced whether or not

consented to by the child. Child sexual abuse is a crime in all states and must be reported to civil authorities and to the Pastor or any ruling elder or deacon. Anyone who knows or has reason to suspect that child abuse has occurred or is occurring may be a mandated reporter under the law. All ruling elders and deacons are mandated reporters according to the Book of Order.

4. Rape or sexual assault. Rape or sexual assault is a crime in every state and should be reported to civil authorities and to the Pastor or any ruling elder or deacon.

5. Sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature when:

a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or his or her continued status in an institution in either a professional or volunteer capacity;

b) submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual; or

c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or volunteer performance by creating an intimidating, hostile, or offensive working environment. Sexual harassment can consist of a single intense or severe act or multiple persistent or persuasive acts.

d) Sexual harassment may include, but is not limited to:

- sexually oriented jokes or humor;
- sexually demeaning comments;
- verbal suggestions of sexual involvement or sexual activity;
- questions or comments about sexual behavior;
- unwelcome or inappropriate physical contact;
- graphic or degrading comments about an individual's physical appearance;
- express or implied sexual advances or propositions;
- display of sexually suggestive objects or pictures;
- repeated requests for social engagements after an individual refuses.

B. Policy on Sexual Misconduct

1. Sexual misconduct is never permissible. It is a violation of the principles set forth in Scripture as well as of caring and serving relationships.

2. Training shall be made available by the Session for all officers and leader/helpers with children and youth that acquaints them with the issues of sexual misconduct. Training is required for all volunteers and officers.

PART II. RESPONSIBILITIES AND ROLES OF NEW CASTLE PRESBYTERIAN CHURCH IN POLICY IMPLEMENTATION

A. AVAILABILITY OF POLICY AND PROCEDURES

1. All leader/helpers with children and youth shall be given a copy of the policy and be required to sign an acknowledgment of receipt.
2. This document shall also be available on the NCPC's web site and shall be available to all church members and to the public.
3. NCPC employees shall receive this document as a supplement to the New Castle Presbyterian Church Personnel Policies.

B. MANAGEMENT OF ALLEGATIONS OF SEXUAL MISCONDUCT

1. Resource Documents

The responsibilities, structures and procedures for responding to allegations of sexual misconduct are mandated in part by the Rules of Disciplines of the Book of Order (P.C.U.S.A.).

2. Liability and Insurance

The Session shall periodically obtain from NCPC's insurance agents written confirmation that NCPC's liability insurance policies cover sexual misconduct liability for their programs and activities.

3. Record Keeping

The Session shall keep a confidential file of background checks, evidence of training, and any allegations and outcomes for all volunteers.

C. SCREENING FOR PROSPECTIVE LEADER/HELPERS WITH YOUTH/CHILDREN

1. Background Checks

Screening for prospective leader/helpers, paid or unpaid, shall include a mandatory Criminal History Background Check performed by a private investigative firm able to access the misdemeanor and felony conviction records of courts in the United States. The criminal background check will be based on the last seven years' residential history of the applicant.

As part of the Session's clearance process, all prospective leader/helpers shall be required to sign a written consent and release form authorizing the Criminal History Background Check. Only the Pastor or Clerk shall order and review the criminal record background reports. The discovery of a criminal conviction will not automatically exclude a person from leading/helping. The use the Session makes of the criminal record background report will be determined on a case by case basis.

The Pastor and Clerk shall ensure the confidentiality and appropriate retention of criminal record background reports. A leader/helper who claims that the information in the background report is inaccurate, false or incomplete shall have the right to dispute it with the investigative firm.

D. EDUCATION

New Castle Presbyterian Church has a commitment to offer, provide resources for, and publicize educational opportunities to prevent sexual misconduct in the church. All members, especially teachers, youth leaders, and officers, will be encouraged to utilize the resources and attend sexual misconduct prevention seminars.

E. SEXUAL MISCONDUCT RESPONSE TEAM

The Resource Development Committee shall serve as a Sexual Misconduct Response Team when called upon to do so by the Session. The purpose of this team is to assure that an expeditious, professional, objective, effective, and caring response is made by the Session to charges of sexual misconduct.

The team will confine its activities to:

1. Coordinating a process that addresses the specific needs of the alleged victims and their families, those accused and their families, and the congregation.
2. Assigning advocates, if requested by the alleged victims, the accused, family members, or other members of the congregation.
3. Recommending, providing, and participating in education regarding sexual misconduct, its consequences, and its prevention.

PART III. POLICY ON RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT

1. Sexual abuse involving children, and allegations of rape, sexual assault or other misconduct that violates criminal law shall be reported to civil authorities and to the Pastor or Clerk.
2. In the event that an alleged incident of sexual harassment comes to the attention of the Pastor or Clerk, one or both of them will contact the accuser/victim and discuss referring the matter to the appointed team or church session for their consideration and action.
3. Response to all accusations shall observe the Rules of Discipline in the Book of Order (P.C.U.S.A.).
4. The accused shall be removed from contact with youth/children and/or the accuser pending the outcome of the Session's response to the allegations.
5. The accused may make a written confession of misconduct to the Pastor or Session without a victim's complaint. The Clerk will proceed under the Rules of Discipline.
6. The Session will respect the rights of all parties involved: accusers, victims, accused, and the congregation. These rights include:
 - a. To be heard and taken seriously. From the time that sexual misconduct is reported, all persons involved shall receive immediate attention and serious consideration from those representing the Session. A reasonable attempt to identify and to locate the victim(s) will be made in the case of self-accusal.
 - b. To be informed about church procedures with regard to the accusation. One member of the response team will be the contact for each party involved.

- c. To obtain legal advice.
- d. To be offered an advocate. While the response team proceeds to deal with the accusation, the Session has the responsibility to provide each party involved moral support from an individual made available to him, her or them.
- e. To be assured that justice will be pursued through the procedures set forth in the Book of Order and this Policy.
- f. To become engaged in work toward healing and reconciliation.

7. The Session shall design a plan for implementing paragraph 6 above as applicable.

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