

1 **Presbytery of Whitewater Valley, Presbyterian Church (U.S.A.)**

2
3 **Sexual Misconduct Policy**
4 **for the Prevention of and Response to Instances of Sexual**
5 **Misconduct**

7 **Article I. PREMISES OF THIS POLICY**

8 **Section 1.01 Theological Premises and Rationale. The theological principles that underlie**
9 **this Policy include the following:**

- 10 (a) To those called to exercise special functions in the church, special gifts are given.
11 “[T]hose who undertake particular ministries should be persons of strong faith, dedicated
12 discipleship, and love Jesus Christ as Savior and Lord. Their manner of life should be a
13 demonstration of the Christian gospel in the church and in the world.” (See Presbyterian
14 Church (U.S.A.) BOOK OF ORDER, G-2.0104.)¹
- 15 (b) God intends for the church to be a safe place for all to encounter God and grow into lives
16 of service and fulfillment. We are called to be a holy community. “As the one who called
17 you is holy, be holy yourselves in all your conduct.” (I Peter 1:15) “Holiness is God’s gift
18 to the church in Jesus Christ ... because in Christ the Church is holy, the Church, its
19 members, and those in its ordered ministries strive to lead lives worthy of the Gospel we
20 proclaim.” F.1.0302b
- 21 (c) God creates all persons in the image of God. (Genesis 1:27) The gospels tell of Jesus
22 ministering to women, men, and children, teaching and healing all who came to him,
23 treating them with dignity and respect. Throughout the scriptures, God calls us to honor
24 the integrity of our neighbors and their personhood.
- 25 (d) God intends all persons to have worth and dignity in their relationships. We are one
26 connected body, and when one part of the body is injured physically, emotionally, or
27 spiritually, the entire body is rendered less than God intended. We are called together to
28 responsible conduct in all aspects of life including human sexuality and to avoid conduct
29 that violates another person’s wholeness and well-being. The scriptures witness to a God
30 whose love brings about justice, mercy, and grace. The Church is called to express God’s
31 love in concrete actions of compassion and healing for all God’s people.

32 **Section 1.02 Responsible Use of Position and Power. Believing the witness of Scripture,**
33 **Christ our Lord calls us to standards of responsible use of position and power. The intent**
34 **of this Policy is to promote healthy relationships, create a safe environment for all God’s**
35 **children, and provide protections for all, especially the most vulnerable in our midst. The**
36 **basic principles of conduct guiding this policy are:**

- 37 (a) Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors,
38 supervisors, teachers, and advisors of any kind who are called upon to exercise integrity,
39 sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best
40 interests of parishioners, clients, co-workers, and students. The ethical conduct of all who
41 minister in the name of Jesus Christ is of vital importance to the Church, for through
42 them, an understanding of God and the gospel’s good news is conveyed.

¹ Hereafter references to the Presbyterian Church (U.S.A.) are “PC(USA).”

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- 43 (b) Sexual misconduct is a misuse of authority and power that breaches Christian ethical
44 principles by misusing a trust relation to gain advantage over another for personal
45 pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client,
46 or employee initiates or invites sexual content in the relationship, it is the pastor's,
47 counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and
48 prohibit a sexual relationship.
- 49 (c) Sexual misconduct takes advantage of the vulnerability of persons who are less powerful
50 to act for their own welfare, including children. It is antithetical to the gospel call to work
51 as God's servant in the struggle to bring wholeness to a broken world. It violates the
52 mandate to protect the vulnerable from harm.

53 **Section 1.03 Breach of Christian Ethics and Violation of Trust. In all ministerial,**
54 **pastoral, teaching, and other professional relationships within the church (such as but not**
55 **limited to counselors and therapists), Sexual Misconduct is a breach of Christian ethics and**
56 **a violation of a trust relationship. Engaging in Sexual Misconduct while called to ordered**
57 **ministry or serving in a pastoral or professional relationship is an abuse of one's power and**
58 **position.**

59 Article II. PURPOSES AND APPLICATION OF THIS POLICY

60 Section 2.01 Purposes of this Policy. The purposes of this Policy are to:

- 61 (a) Safeguard and protect the members and staff of the Presbytery, the churches,
62 congregants, members, and staff of member churches within the Presbytery, and the
63 people served by the Presbytery and its missions, especially those who are vulnerable,
64 against any form of Sexual Misconduct within the church.
- 65 (b) Express the Presbytery's commitment to prevent Sexual Misconduct by creating an
66 atmosphere in our Presbytery where acts of silence, ignorance, and minimization
67 regarding Sexual Misconduct are overcome by acts of understanding, respect, care, and
68 justice.
- 69 (c) Promote justice, compassion, and healing for all persons and congregations affected by
70 instances of Sexual Misconduct.
- 71 (d) Ensure the effectiveness of our Presbytery's processes for addressing instances of Sexual
72 Misconduct so that the truth may be determined, the due process rights of those involved
73 shall be honored, those involved may be restored within the community of faith, and
74 wrongdoing will cease.
- 75 (e) Teach this Presbytery's standards of ministry, for those called to particular service within
76 the life of the church, both ordained and not ordained, in relation to Sexual Misconduct to
77 fulfill our individual and collective responsibility to preserve the integrity of those
78 standards and our ministry.
- 79 (f) Work toward justice and compassion for all those involved or affected by Disciplinary
80 proceedings that involve accusations of Sexual Abuse within our Presbytery.
- 81 (g) Provide definitions and resource materials useful in the identification and prevention of
82 Sexual Misconduct. Definitions are included in Article VIII of this policy.

83 **Section 2.02 Application. This Sexual Misconduct Policy for the Prevention of and**
84 **Response to Instances of Sexual Misconduct (hereafter this "Policy") applies to all Minister**
85 **members of the Presbytery of Whitewater Valley (the "Presbytery"), any Minister laboring**

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86 **within the bounds of the Presbytery, as well as any person employed by the Presbytery or**
87 **87 serving as a paid or volunteer, full, part-time or contract staff to the Presbytery regardless**
88 **88 of their church membership, ordination status, or other professional licensure or status.**

89 **Section 2.03 Activity Prohibited. Minister members and all persons subject to this Policy**
90 **as described in Section 1.02 above shall not engage in any form of Sexual Misconduct**
91 **(defined below at Section 8.01), including Sexual Abuse (defined in Book of Order D-7.0901**
92 **while called to or serving this Presbytery. This Policy applies to all forms of Sexual**
93 **Misconduct. “Sexual Abuse” is a particular form of Sexual Misconduct which is a**
94 **Constitutional offense defined in BOOK OF ORDER D-7.0901. Sexual Abuse is a form of, but**
95 **not the only form of, Sexual Misconduct. To be clear, all forms of Sexual Misconduct are**
96 **prohibited by his Policy and may result in adverse employment consequences or discipline,**
97 **even if the conduct is not a Constitutional offense (i.e., Sexual Abuse).**

98 **Article III. RESPONSE TO PERSONS INVOLVED**

99 **Section 3.01 Treatment of Victims and Accusers. To meet the needs of those persons most**
100 **directly involved in instances of Sexual Misconduct, the Presbytery intends for the Victim**
101 **and the Accuser (if not also the Victim) that it will:**

- 102 (a) Listen and take seriously their stories.
- 103 (b) Provide an advocate (see BOOK OF ORDER D-7.01001b), pastoral support, and where
104 appropriate provide or refer them to therapeutic support.
- 105 (c) Inform them about church process, this Policy, and progress regarding the allegations or
106 proceedings to the extent possible, while respecting confidentiality and other Book of
107 Order requirements.
- 108 (d) Support and advocate for the Victim’s family, and provide or refer family members to
109 pastoral, therapeutic, and economic support to as desired and appropriate.

110 **Section 3.02 Treatment of the Accused. To meet the needs of those persons most directly**
111 **involved in instances of Sexual Misconduct, the Presbytery intends for the Accused person**
112 **that it will:**

- 113 (a) Treat them with fairness and respect.
- 114 (b) Respect the Accused person’s right to remain silent throughout a Disciplinary process
115 (see Book of Order D-7.1003a), but also to listen and take seriously their stories if the
116 Accused person chooses to speak
- 117 (c) Provide an advocate (see Book of Order D-7.01003c), pastoral support, and where
118 appropriate provide or refer the Accused person to therapeutic support.
- 119 (d) Provide counsel or assist in providing counsel if disciplinary charges are filed against the
120 Accused person (see Book of Order D-7.01003d).
- 121 (e) Inform the Accused person about church process and this Policy, and progress regarding
122 proceedings that are not part of a disciplinary case to the extent possible, while respecting
123 confidentiality and other Book of Order requirements.
- 124 (f) Support and advocate for the accused person’s family, and provide or refer family
125 members to pastoral, therapeutic, and economic support to as desired and appropriate,
126 recognizing that the Accused person’s family members may also be victims in the
127 situation.

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128 **Section 3.03 Treatment of Congregations. To meet the needs of those persons most**
129 **directly involved in instances of Sexual Misconduct, the Presbytery intends when a**
130 **Minister, member of its staff, or congregant of a church within the Presbytery is involved**
131 **in an instance of Sexual Misconduct that:**

- 132 (a) The Stated Clerk will share with the senior Minister/head of staff (unless that person is
133 the Accused) and the Session this Policy and the flow chart for the disciplinary process.
- 134 (b) The Executive Presbyter (or their designee) will meet with the senior Minister/head of
135 staff (unless that person is the Accused) and the Session at the earliest practical
136 opportunity to discuss the situation and explain the role and response of the Presbytery's
137 Sexual Misconduct Response Team (SMRT) and other Presbytery personnel or entities
138 such the Committee on Ministry or other liaisons from the Presbytery to the church,
139 which may include in some instances special task groups or an administrative
140 commission.
- 141 (c) In an instance where a Minister or member of the ministerial staff of a church is the
142 Accused person and has been placed on administrative leave (see Book of Order D-
143 7.0902) the Executive Presbyter (or their designee) will be in contact with the senior
144 Minister/head of staff (unless that person is the Accused) and the Session within 24 hours
145 of the administrative leave decision by the Permanent Judicial Commission ("PJC") of
146 the Presbytery to arrange for any necessary pastoral and other support, and in any
147 instance where the PJC did not impose administrative leave on the Accused person, to
148 address any restrictions that should be imposed on the Accused person. These discussions
149 will include consideration of arrangements for paid administrative leave when it has been
150 imposed.
- 151 (d) Recognizing that the effects of an instance of Sexual Misconduct may affect many people
152 and persist for an extended time within a congregation, throughout any situation
153 involving instances of Sexual Misconduct, where a Minister, member of its staff, or
154 congregant is involved, the Presbytery, acting through its Stated Clerk, Executive
155 Presbyter, Committee on Ministry, other liaisons, and SMRT will delegate persons or
156 teams to
- 157 (e) In all instances, listen to the congregation, church leaders and staff and take their
158 concerns seriously.
- 159 (f) Offer pastoral care and support.
- 160 (g) Provide information about sexual misconduct in general, PC(USA) Discipline, and
161 related topics.
- 162 (h) Provide access to or referrals to resource persons knowledgeable about PC(USA) polity
163 and the effects of sexual misconduct in the church, consultants or therapists with
164 knowledge and experience in dealing with sexual misconduct, or legal counsel
165 knowledgeable about PC(USA) polity, secular (civil and criminal) law pertaining to
166 Sexual Misconduct, Child Sexual Abuse, reporting of child abuse, or similar topics.
- 167 (i) Assist the church staff or leaders in notifying and working with the church's insurers
168 when appropriate.

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169 Article IV. DISTRIBUTION AND ACKNOWLEDGMENT OF THIS POLICY

170 **Section 4.01 Distribution to Presbytery Personnel. This Policy applies to everyone within**
171 **the Presbytery regardless of ordination status. This Policy shall be provided to each person**
172 **listed below initially upon their entry of service within the Presbytery and annually**
173 **thereafter:**

- 174 • All Ministers of Word and Sacrament serving within the bounds the Presbytery
- 175 • All Ruling Elders commissioned to service within the Presbytery,
- 176 • All persons in the ordination process (Inquirers and Candidates).
- 177 • All employees on the staff of the Presbytery.
- 178 • All who serve in any capacity as Presbytery leaders, members of Presbytery
- 179 Committees, task forces, or commissions.

180 **Section 4.02 Written Acknowledgment. Each of these persons shall sign a written**
181 **acknowledgement of receipt of this Policy and deliver the signed receipt to the Presbytery**
182 **office no later than January 31 each calendar year. Signed acknowledgments shall be kept**
183 **on file by the Stated Clerk of the Presbytery.**

184 **Section 4.03 Distribution to Congregations. To help congregations understand the**
185 **Presbytery's role when Ministers and Commissioned Ruling Elders are accused of Sexual**
186 **Misconduct, the Stated Clerk shall distribute this Policy annually to every Clerk of Session**
187 **in the Presbytery, who shall share it with each congregation's officers and make it available**
188 **to members when requested. The Stated Clerk shall also make this Policy available to all**
189 **persons who report or present allegations of Sexual Misconduct and to all persons against**
190 **whom allegations of Sexual Misconduct are received by the Stated Clerk.**

191 **Section 4.04 Available Online. This Policy shall also be available to the public through the**
192 **Presbytery website to assist congregations in forming their own BOOK OF ORDER mandated**
193 **policies.**

194

195 Article V. PREVENTION and EDUCATION

196 Section 5.01 Screening.

- 197 (a) **Reference Checks.** All persons governed by this policy shall have reference checks.
198 Pre-employment screening shall include specific questions to ascertain any history of
199 sexual abuse or misconduct.
- 200 (b) **Background Checks.** Criminal records background checks and sex offender reviews
201 shall be performed on all persons covered by this Policy. Other background checks, such
202 as motor vehicle record reports, and credit reports, may be performed as needed and
203 appropriate to the person's responsibilities within the Presbytery.

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- 204 (c) **Responsibility for reference and background checks.** The Presbytery shall be
205 responsible to conduct reference and background checks for the persons covered by this
206 Policy, and the Stated Clerk shall maintain appropriate records. All records shall be
207 strictly confidential and may be shared only on a need-to-know basis as authorized by the
208 Executive Presbyter and/or Committee on Ministry.

209 **Section 5.02 Education and Training**

- 210 (a) The Presbytery shall provide boundary training opportunities annually on subjects such
211 as the recognition and prevention of Sexual Misconduct, ethical misconduct, the
212 appropriate use of social media, financial boundaries, and other boundary related topics.
213 (b) Persons covered by this Policy are required to complete approved boundary training at
214 least once every three years or more often as appropriate to the person's responsibilities,
215 position, or circumstances or as appropriate based on changes in applicable laws, rules,
216 standards, or the BOOK OF ORDER. Approved boundary training may include in-person,
217 virtual, or video recorded training events offered by the Presbytery or offered by other
218 councils or organizations and approved by the Presbytery.
219 (c) New minister members and newly Commissioned Elders of the Presbytery are required to
220 attend boundary training within the first year of their arrival/commissioning.
221 (d) Anyone governed by this Policy who fails to comply with the training requirements will
222 be subject to administrative and/or disciplinary action consistent with the personnel
223 policies of the Presbytery, the authority of the Committee on Ministry and the BOOK OF
224 ORDER.

225 **Article VI. REPORTING ALLEGATIONS OF SEXUAL MISCONDUCT**

226 **Section 6.01 Reporting.** Allegations of all Sexual Misconduct accusing Ministers of Word
227 and Sacrament (Teaching Elders), Commissioned Ruling Elders, Inquirers and Candidates,
228 Presbytery employees, or others working for or on behalf of Presbytery shall be made in writing
229 and delivered to the Stated Clerk of the Presbytery in person, by mail, courier service or
230 electronic means. In all instances of allegations of Sexual Misconduct, the Stated Clerk
231 (working with others such as the Executive Presbyter, Committee in Ministry, members of the
232 SMRT, or others) shall immediately provide for the safety of those directly involved in the
233 incident.

- 234 (a) Allegations of Sexual Misconduct against a person covered by this Policy who is not a
235 Minister of Word and Sacrament shall be reported to the Executive Presbyter and
236 Committee on Ministry or Presbytery's Personnel Committee, as appropriate to the
237 Accused person's position or role. The presbytery shall respond by using the personnel
238 policies of the Presbytery and appropriate procedures from the BOOK OF ORDER Church
239 Discipline.
240 (b) Once the State Clerk receives an allegation of Sexual Abuse against a Minister of Word
241 and Sacrament, BOOK OF ORDER D-7.0902 et seq. procedures take effect. The Presbytery
242 may impose paid administrative leave or other restrictions on any person covered by this
243 Policy against whom an allegation of Sexual Misconduct has been made.

244 **Section 6.02 Mandated Reporting**

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- 245 (a) The State of Indiana requires that an individual who has reason to believe that a child is a
246 victim of child abuse or neglect shall make an immediate report to local law enforcement
247 or the Indiana Department of Child Services. See Indiana Code § 31-33-5-1.
248 (b) Ministers of Word and Sacrament, Commissioned Ruling Elders, and Ruling Elders shall
249 follow the requirements of BOOK OF ORDER G-4.03 and should consult with the
250 Executive Presbyter or Stated Clerk for assistance in complying with G-4.03.
251 (a) In any instance when there is reason to believe there is an ongoing or imminent risk of
252 physical harm to a child the Executive Presbyter and or Stated Clerk shall be immediately
253 notified of the situation.
254

255 **Section 6.03 Documentation.** BOOK OF ORDER D-7.1004 describes the responsibilities of all
256 persons in an investigation of Constitutional offense to work cooperatively and preserve records.
257

258 **Article VII. SEXUAL MISCONDUCT RESPONSE TEAM**

259 **Section 7.01 Stated Clerk.** In instances of a written allegation of Sexual Abuse, the Stated
260 Clerk shall proceed immediately in accordance with this Policy and the procedures outlined in
261 the BOOK OF ORDER Church Discipline.

262 **Section 7.02 Executive Presbyter.** The Executive Presbyter shall direct those involved
263 (Accused, Accuser, Victim) to the appropriate resources and when appropriate coordinates with
264 Committee on Ministry and to initiate action with the Moderator of the SMRT.

265 **Section 7.03 Sexual Misconduct Response Team (SMRT).**

- 266 (a) **Purpose and Role.** The SMRT is charged with providing pastoral care, support, and
267 advocacy where needed in cases involving accusations of Sexual Misconduct within the
268 Presbytery or a member congregation. The purpose of the SMRT is to assure that an
269 expeditious, professional, objective, effective, and caring response is made by the
270 Presbytery to charges of Sexual Misconduct. The SMRT shall not investigate allegations
271 or in any way function as an investigating committee for disciplining members but shall
272 confine itself to coordinating a process to meet the specific needs of the Accuser, the
273 Victim and their family (if any), the Accused Person and their family (if any), employing
274 entities, congregations, and others in the Presbytery affected by the situation. See Article
275 III of this Policy. The SMRT shall be in contact with the Session of the church and in
276 contact with the congregation, as needed.
277 (b) **Members.** To ensure that the Presbytery is ready to meet the needs of those involved in
278 instances of Sexual Misconduct, the Presbytery's Committee on Ministry shall (according
279 to its process for naming committee members) name six members of the SMRT, each
280 appointed for a three-year term and one member shall be designated as the Moderator.
281 The SMRT shall be composed, as nearly as possible, of an equal number of clergy and
282 ruling elders, and women and men. Members may serve no more than six consecutive
283 years. Any SMRT member with any connection to the Accused person, Accuser, Victim,
284 or congregation involved shall recuse themselves.

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- 285 (c) **Confidentiality.** Members of the SMRT and any individual participating in the work of
286 the SMRT shall sign a pledge of confidentiality, copies of which shall be maintained at
287 the Presbytery office and distributed as deemed necessary.
- 288 (d) **Training.** All members of the SMRT shall be trained to serve on this team. Training shall
289 be held at least annually, and as new SMRT members are appointed. Training shall be
290 provided by professionals who shall focus on such things as compassion, communication,
291 listening, sensitivity to pain, feelings of guilt and anger, etc., and offering resources as
292 needed. Records shall be kept for each SMRT members' training and maintained at the
293 Presbytery office.
- 294 (e) **Activation.** The SMART shall be activated whenever an allegation of Sexual Misconduct
295 is received by the Stated Clerk, the Executive Presbyter in consultation with the
296 Committee on Ministry deems it appropriate. In instances involving Sexual Misconduct
297 within a congregation, the SMRT may be activated to assist administrative commissions
298 and others working with the congregation to assist the congregation to respond to the
299 situation in healthy ways. Others who have particular skills or experience (who are not
300 members of the SMRT) may be co-opted to assist as needed.
- 301 (f) **Supportive Role and Listening Sessions.** All involved parties deserve listening
302 sessions that are separate from one another. The impact on a congregation is different
303 from the impact on the Accuser or the person Accused. Each will have their own
304 perspective and differing spiritual and other needs. The SMRT is not intended to be a part
305 of alternative forms of resolution, mediation, or restorative justice processes, although it
306 may suggest such processes to congregations and others.
- 307 (g) **Parallel to Disciplinary Process.** Disciplinary Process and SMRT activities often will
308 run parallel to one another. The SMRT shall not be a part of Disciplinary Process and
309 because of confidentiality requirements, it would be inappropriate for any SMRT member
310 to offer to, be asked to, or to provide testimony in any related Disciplinary Process. A
311 flow chart of these processes is attached as an Appendix to this Policy.
312

Article VIII. DEFINITIONS

314 **Section 8.01 Definitions for this Policy. As used in this Policy, the following terms have**
315 **the meanings set forth below:**

- 316 • **Accused or Accused person** — mean the individual against whom a claim of Sexual
317 Misconduct is made.
- 318 • **Accuser** – means the person claiming to have knowledge of Sexual Misconduct by a
319 person covered by this Policy and who has made an allegation against another person.
320 The Accuser may or may not be the Victim of the alleged Sexual Misconduct.
- 321 • **Advocate** – is a person who provides support and pastoral care for an Accuser,
322 Victim, or Accused Person or a family member of one of them. The role of the
323 Advocate is to listen and provide support, accompany the person to meetings during
324 the process, and inform the person of procedural rights or steps, but an Advocate is
325 not legal counsel and does not give legal advice. Legal counsel may speak for a

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326 person if asked to do by the person being represented; Advocates generally do not
327 speak for the person.

328 • **Allegation** – means a written statement alleging an offense or wrongdoing that is
329 submitted to the Stated Clerk of the Presbytery or the Stated Clerk of the
330 congregation having jurisdiction over the individual being accused. Allegations shall
331 include (1) a written statement of the alleged offense or offenses; and (2) facts which,
332 if proved to be true, would likely result in adverse action under the personnel policy
333 of the Presbytery or this Policy, or in the case of a Constitutional offense, censure
334 within the PC(USA). The process for filing an allegation of a Constitutional offense is
335 outlined in Book of Order D-7.02. An allegation may pertain to a violation of this
336 Policy and may not be a Constitutional offense as defined in the BOOK OF ORDER.

337 • **Child Sexual Abuse** — includes, but is not limited to, any contact or interaction
338 between a child and an adult when the child is being used for the sexual stimulation
339 or gratification of the adult person or of a third person. The behavior may or may not
340 involve touching and may involve Misuse of Technology. A child may never consent
341 to sexual behavior or sexual contact with an adult. In the Presbyterian Church
342 (U.S.A.), the definition of Sexual Abuse includes sexual conduct with anyone under
343 age eighteen. Civil laws generally define a child as someone under the age of
344 eighteen but states like Indiana recognize differences with respect to consent for
345 sexual activity when both persons are over sixteen.

346 • **Civil Authorities** — are the governmental bodies, whether city, county, state, or
347 federal, that are given the responsibility to investigate, criminally prosecute, and/or
348 bring civil charges against individuals accused of sexual crimes or offenses against
349 adults, adults who lack mental capacity, and children. Civil laws are the laws,
350 regulations, codes, and statues enacted by Civil Authorities.

351 • **Misuse of Technology** — use of technology (computers, phones and other personal
352 computers or smart devices, the internet) that results in sexual harassment or abuse of
353 another person, including texting, emailing, or sending messages or images with
354 sexual content to another person who has not consented to receive them. When this
355 conduct includes a person under the age of eighteen, it is considered child abuse. It is
356 never appropriate to view pornography on church property or using church owned
357 technology or the church's internet connection. It is never appropriate to view
358 pornography on church property. There is never an expectation of personal privacy
359 when using technology or an internet connection supplied, owned, or maintained by a
360 church or a church entity.

361 • **Sexual Abuse** — is defined in D. 7-0901 as: “Sexual abuse is any offense involving
362 sexual conduct in relation to any person under the age of eighteen years or anyone
363 without the capacity to consent, or any person when the conduct includes force,
364 threat, coercion, intimidation, or misuse of ordered ministry or position. Sexual abuse

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365 is contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A.)
366 and is therefore always an offense for the purpose of discipline.”

367 • **Sexual Harassment** — means unwelcome sexual advances, requests for sexual
368 favors, and other verbal or physical conduct of a sexual nature when submission to
369 such conduct is made either explicitly or implicitly a term or condition of an
370 individual’s employment or their continued status in the Presbytery. It is a violation
371 of this Policy to make employment decisions based on whether a person agreed to or
372 rejected the sexual advances or requests of a person covered by this Policy. Sexual
373 harassment also includes unwelcome sexual jokes or comments, unwelcome or
374 inappropriate touching, behavior or display of materials with sexual content that
375 insults, degrades and/or exploits men, women, or children. Sexual harassment has the
376 purpose or effect of unreasonably interfering with an individual’s work performance
377 by creating an intimidating, hostile or offensive working environment.

378
379 • **Sexual Malfeasance** —is defined by the broken trust relationship resulting from
380 sexual activities within a ministerial or professional (such as counseling or
381 therapeutic) relationship that results in misuse of the ministerial or professional office
382 or position.

383 • **Sexual Misconduct** – is a comprehensive term that includes Child Sexual Abuse
384 (defined herein), Sexual harassment (defined herein), Sexual Malfeasance (defined
385 herein), Sexual Abuse (defined at D-7.0901), and Misuse of Technology (defined
386 herein). As noted above, all forms of Sexual Misconduct are subject to this Policy but
387 not every instance of Sexual Misconduct will be a Constitutional offense.

388 • **Victim** — a person claiming to have been harmed and/or abused by a person covered
389 under the Policy.

390 **Section 8.02 Definitions in the BOOK OF ORDER. Other terms used in this Policy are**
391 **defined in the BOOK OF ORDER. Those definitions also apply to this Policy. Terms defined**
392 **in the BOOK OF ORDER RELEVANT to this Policy include (but are not limited to):**

- 393 • Allegation -- BOOK OF ORDER D-7.0201c.
- 394 • Alternative Resolution -- BOOK OF ORDER D-7.16
- 395 • Charges -- BOOK OF ORDER D-7.1503.
- 396 • Investigating Committee -- BOOK OF ORDER D-7.05.
- 397 • Mediation -- BOOK OF ORDER D-7.1604.
- 398 • Offense – Book of Order D-7.0103.

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- 399 • Rights of the Accuser -- BOOK OF ORDER D-7.1001.
- 400 • Rights of the Victim -- BOOK OF ORDER D-7.1002.
- 401 • Rights of the Accused - BOOK OF ORDER D-7.1003
- 402 • Restorative Justice -- BOOK OF ORDER D-7.1603
- 403 • Sexual Abuse -- BOOK OF ORDER D-7.0901.

404

405 This Policy was adopted by the Presbytery of Whitewater Valley at its duly called regular
406 meeting on _____, 2023, and supersedes any previously adopted or amended policy on Sexual
407 Misconduct for this Presbytery.

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Rev. Terry Epling
Stated Clerk of the Presbytery of Whitewater Valley

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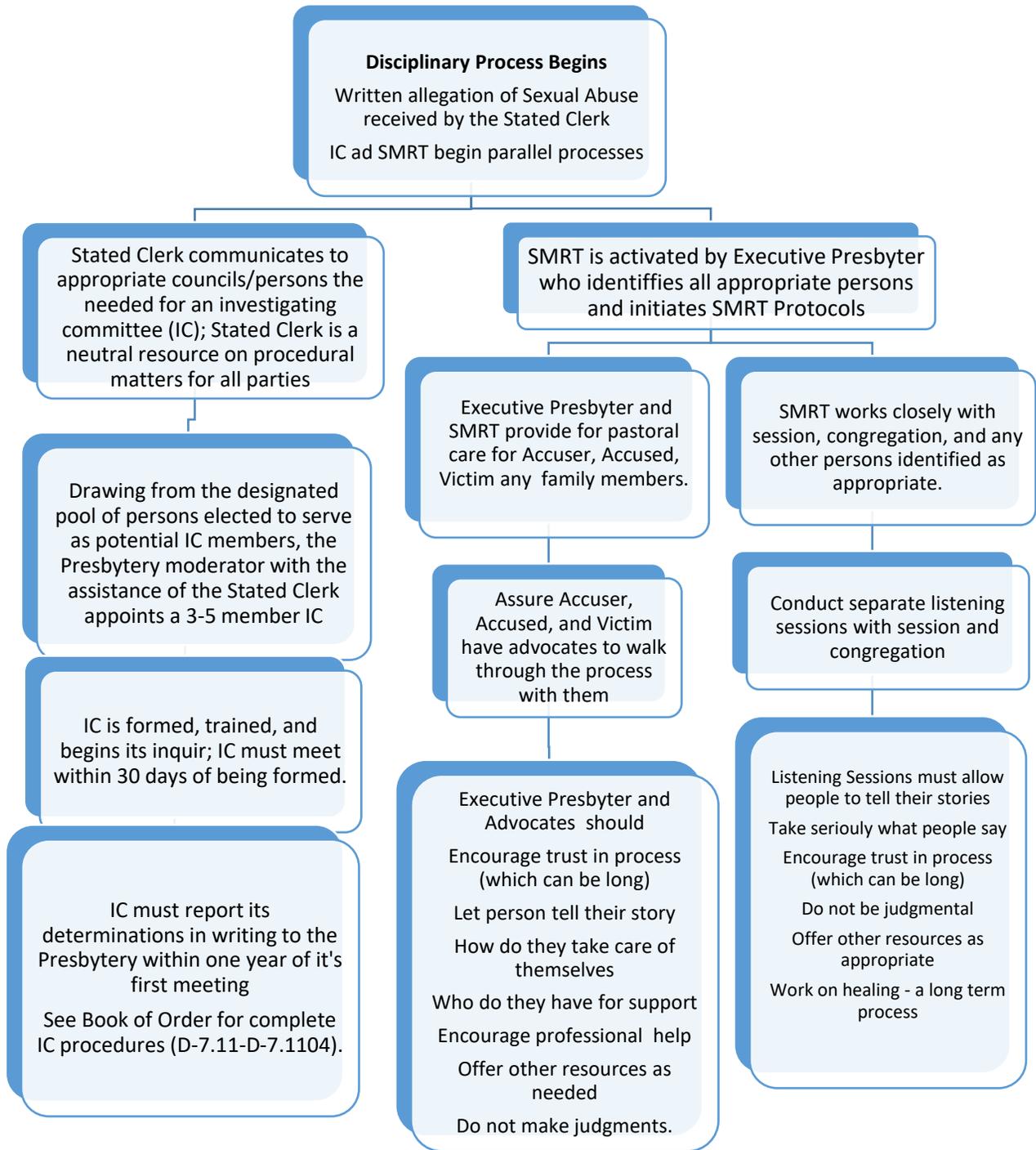
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415 [The remainder of this page is intentionally blank. A flow chart of the intersection of an
416 investigating committee and the Sexual Misconduct Response Team in a disciplinary
417 case is on the next page.]

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Flow Chart of Intersection of an IC and the SMRT in a Disciplinary Case



SEXUAL MISCONDUCT POLICY

Presbytery of Whitewater Valley

Effective Date: February 24, 2023

426 The Sexual Misconduct Policy was approved by Coordinating Council Commission on January
427 24, 2024 and adopted by the Presbytery of Whitewater Valley at its duly called regular meeting
428 on February 24, 2023, and supersedes any previously adopted or amended policy on Sexual
429 Misconduct for this Presbytery.
430