

Presbytery of San Francisco

# Sexual Misconduct Prevention Policy and Procedures

Approved November 17, 2007

Revised August 27, 2019



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## I. INTRODUCTION

The Presbytery of San Francisco has zero tolerance for sexual misconduct. Sexual misconduct is always wrong.

The Presbytery of San Francisco believes that incidents of sexual misconduct cannot be ignored, rationalized, or covered up “for the good of the church.” The Presbytery hereby proclaims that the good of the church can never be served by overlooking an abuse of power and betrayal of trust. Charges of misconduct must be dealt with swiftly, fairly and with compassion for all parties involved.

The Presbyterian Church (U.S.A.)’s Sexual Misconduct Prevention Policy states:

1. “Sexual misconduct is a violation of the role of Ministers of the Word and Sacrament (hereafter referred to as minister), employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship.”
2. “Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner.”

The procedures outlined in this document explain the process for how an allegation is made, the pastoral response those involved can expect from the Presbytery, and an overview of disciplinary procedures stated in the *Book of Order*, the constitution of the Presbyterian Church (U.S.A.). The Rules of Discipline section of the *Book of Order* identifies the principles and procedures for the judicial process.

### A. DEFINITION OF SEXUAL MISCONDUCT

Sexual misconduct is the comprehensive term used in this Policy to cover the following:

1. **Sexual Abuse** is any contact or interaction with a minor, a child under the age of 18 or with an adult who lacks mental capacity or is physically incapacitated, when that person is being used for the sexual stimulation of another person. The behavior may

or may not involve touching. Sexual behavior between an adult and a minor is always considered sexual abuse whether or not there is perceived consent.

2. **Inappropriate Sexual Conduct** is language, visual contact, touching or other behavior judged by a person to be injurious to his or her physical or emotional health. It involves crossing a reasonable boundary the allegedly injured person was attempting to set.
3. **Rape** is genital contact by force, threat, intimidation, or coercion.
4. **Sexual Malfeasance** is sexual conduct within a pastoral or professional relationship (e.g., minister with a parishioner, counselor with a client, church employee with a church member, Presbytery staff person with a volunteer). It may include sexual advances, requests for sexual favors, behavior of a sexual nature, and romantic relationships whether or not there is consent.
5. **Sexual Harassment** is a sexual advance, request for sexual favors, or other verbal, visual or physical conduct of a sexual nature that is unwelcome. If the behavior is sufficiently severe or pervasive, making it difficult to work or serve as a volunteer, or employee, it can be identified as creating a hostile work environment.

Sexual misconduct does not require physical contact. It may include communication by telephone, photography, videos, electronic messaging over the Internet, text messaging, etc. which have a sexual component. Therefore this Policy also applies to misuse of the telephone, Internet, or any other means of communication as well as in-person communication.

It is the responsibility and duty of ministers, commissioned lay pastors, church staff, ruling elders and other leaders to set professional boundaries, to maintain appropriate role boundaries and to prevent the development of a sexual relationship. Even if a client, parishioner, or student consents to or initiates sexual contact, the sexual relationship is considered sexual misconduct. There is no such thing as presumed consent due to the position

of trust and the disparity of power in a minister-parishioner, an employer-employee, or a staff-participant relationship.

## **B. THEOLOGICAL RATIONALE**

Christian leadership requires trustworthy exercise of power on behalf of those in our care. Sexual misconduct is an abuse of this power and trust, and is, therefore, unjust. We believe and proclaim that all people are created by God. God values all life – men, women, and children – and intends that in all relationships everyone has dignity and worth. Further, we believe that God has shown love for all persons in Jesus Christ, and intends that all people should relate to one another with love, compassion, and justice. We believe, therefore, that sexual misconduct is an offense against God. Our faith in Christ leads us to decry any interactions where people are treated without love, compassion, and justice.

The church has grappled since its inception with the tension between judgment and grace. Though grace predominates, judgment and discipline are expected when individual behavior affects other persons and the church body as a whole. To dismiss an instance of sexual misconduct compounds the misconduct. Maintaining silence is unacceptable. In the words of Paul: “All things are lawful, but not all things are beneficial. All things are lawful, but not all things build up. Do not seek your own advantage, but that of the other” (1 Corinthians 10:23-24).

At the same time, we must remember that as members of Christ’s body we are called to work toward healing and forgiveness. Again, in the words of Paul: “All this is from God, who reconciled us to himself through Christ, and has given us the ministry of reconciliation” (2 Corinthians 5:18). In instances of sexual misconduct, we must provide both support and confidential care, as appropriate, to the individuals involved, as well as to the congregation, if one is also involved. A Presbytery Pastoral Response Team can provide such support and care. The definition, responsibilities and structure of a Pastoral Response Team are described on pages 12-14 and in Appendix A that accompanies this Policy.

## **C. PURPOSE**

The goals of this Policy are:

1. To safeguard the Church's members, their families, visitors, and staff from abuse through any form of sexual misconduct within the Presbytery of San Francisco.
2. To provide an appropriate response to any allegation of sexual misconduct within the Presbytery of San Francisco.
3. To seek justice (Rules of Discipline, D-1.0101):
  - a. correct or restrain wrongdoing in order to bring members to repentance and restoration.
  - b. restore the unity of the church by removing the causes of discord and division.
  - c. uphold the dignity of those who have been harmed by disciplinary offenses.
4. To assure appropriate care and promote proper healing for all persons and congregations where sexual misconduct has occurred.

## **D. SCOPE OF THE POLICY**

This statement is binding on all ministers who are members of the Presbytery of San Francisco of the Presbyterian Church (U.S.A.); all commissioned lay pastors, temporary ministers, ministers of other denominations serving in pastoral relationships within the Presbytery, tentmakers, Christian educators, seminary students serving in local congregations; ruling elders, deacons, candidates, inquirers and members of churches who are part of the Presbytery when they are engaged in any activity organized, sponsored, or conducted by the Presbytery and any of its entities (councils, committees, task forces, commissions), and/or any person who works or acts for the Presbytery in any capacity, whether he or she is a

volunteer or paid employee or agent of the Presbytery. The Policy does not regulate sexual conduct within the churches of the Presbytery; however G-6.0106 states, "All councils shall adopt and implement a sexual misconduct policy and a child and youth protection policy."

When an event is co-sponsored by the Presbytery or if a group rents space from the Presbytery, the Presbytery will advise the other organization or group of the Policy and the Presbytery will require as a condition of its co-sponsorship or property use, that the organization or group sign a Statement of Compliance, which states that they will comply with this Policy.

The Policy is to be interpreted and applied consistently with the *Book of Order*, all other applicable policies of the of San Francisco, and state, federal, and local law and it may be used as evidence in the disciplinary process.

#### **E. DISTRIBUTION**

Copies of this Policy and its procedures will be made available to all those who are members of and/or participate in activities of the Presbytery and will be provided to all ministers who become members of this presbytery or are approved to serve the presbytery. This Policy and its procedures shall be given to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct, and to individuals accused of sexual misconduct.

#### **F. MONITORING AND IMPLEMENTATION**

This Policy will be reviewed and updated as needed. The Office of the Stated Clerk and the Committee on Ministry will be responsible for the monitoring, implementation and enforcement of this Policy.



## II. SEXUAL MISCONDUCT PREVENTION POLICY AND PROCEDURES

### A. PREVENTIVE ACTIONS

The following procedures are measures to reduce the potential for sexual misconduct in the Presbytery of San Francisco.

1. All individuals listed in the Scope of the Policy section of this Policy shall be required to sign a statement acknowledging that they have received a copy of this Policy and that they agree to abide by the terms of this Policy. The Presbytery will maintain signed receipts for individuals receiving a copy of the Sexual Misconduct Prevention Policy and Procedures. Failure to sign within 12 months of adoption of this Policy or being received into this Presbytery may result in loss of validation or position.
2. The *Book of Order* requires ministers of Word and Sacrament, ruling elders, deacons and certified Christian educators to report knowledge of child abuse to civil authorities (See G-4.0302). All minister members of the Presbytery, commissioned lay pastors, temporary ministers serving within the Presbytery, custodians of records of a clergy member, and individuals identified by the California Department of Social Services are mandated reporters according to the provisions of G-4.0302 and the laws of the state of California and they must be familiar with mandated reporting procedures. Mandated reporters must make a phone call as soon as possible to Child Protective Services (CPS) and then send a written report to CPS within 36 hours.
3. All minister members of the Presbytery, commissioned lay pastors, and ministers serving Presbyterian congregations must complete sexual misconduct prevention and mandated reporter training every 5 years. Honorably Retired ministers not engaged in any form of pastoral work and not involved in any work involving youth or children are exempted from this training requirement. The Presbytery will maintain documentation of attendance. After five years, you will be notified of failure to

attend and have one year to complete presbytery training or equivalent or you will lose validation or position.

4. This Sexual Misconduct Prevention Policy and Procedures document will be available to the public and to all persons who report or present allegations of sexual misconduct, and to all persons against whom allegations are filed.
5. The Presbytery will provide resources and publicize educational opportunities that address the prevention of sexual misconduct. Training will include topics such as the Sexual Misconduct Prevention Policy and Procedures, good self-care for prevention, mandated reporting rules, boundary issues, and disciplinary response procedures related to allegations of sexual misconduct.
6. The Presbytery will perform a criminal history background check on all prospective ministers, commissioned lay pastors, applicants for employment and for volunteers that work with children during Presbytery sponsored activities.
7. The Presbytery will contact references for prospective ministers, commissioned lay pastors, employees and volunteers that work with children at Presbytery sponsored activities. In addition, the Presbytery Pastor for Mission and Vision, the chief administrative staff person for the Presbytery, will make reference checks through the Synod Executive, General Presbyter or other authorized persons to determine if a person to transfer into the Presbytery from another Presbytery/Synod has a history of sexual misconduct. This information is shared with the Chair of the Committee on Ministry and/or the chair of the search committee. The Committee on Ministry is the Presbytery committee that helps facilitate relationships between congregations, ministers, and the Presbytery and helps settle problems on behalf of the Presbytery.
8. All new minister members, commissioned lay pastors, and ministers serving congregations of the Presbytery of San Francisco, must complete sexual misconduct prevention and mandated reporter training sessions within 2 years of beginning their service in the Presbytery unless they provide documentation of completion of equivalent training. Failure to

meet this requirement may result in loss of validation or position.

## **B. WHERE TO REPORT ALLEGATIONS OF SEXUAL MISCONDUCT (D-3.0000)**

If a person believes or hears that sexual misconduct has been committed by a member, employee, or volunteer of the Presbytery, or if a person self-reports sexual misconduct, or if a member, employee or volunteer is accused by another person of sexual misconduct the allegation should be immediately submitted in writing to the Committee on Ministry, Presbytery Pastor for Mission and Vision, or the Stated Clerk, an officer of the Presbytery (with awareness that if given to the Stated Clerk it immediately initiates a disciplinary process.) The written report should include a clear narrative of the alleged offense together with any supporting facts and information. This written statement will be given to the proper law enforcement bodies as/if required and to the appropriate governing body or council as follows:

1. Allegations against an employee of the Presbytery:

Allegations against an employee of the Presbytery and certified Christian educators shall be filed with the person's supervisor, head of staff, or the personnel chairperson.

2. Allegations against a church member:

Allegations against a church member, ruling elder, deacon, volunteer, or an employee of a congregation shall be filed with that congregation's clerk of session or minister.

When a member is also an employee of the Presbytery, allegations shall be filed with both the person's supervisor and the clerk of session.

3. Allegations against a commissioned lay pastor:

Allegations against a commissioned lay pastor are given to:

- a) the clerk of session when the allegation has nothing to do with the person's service as a commissioned lay pastor.
- b) the Presbytery Pastor for Mission and Vision if the allegation is related to the person's work as a commissioned lay pastor.

4. Allegations against a minister of Word and Sacrament:

Allegations of sexual misconduct against a minister member of the Presbytery shall be filed in writing immediately with the Presbytery Pastor for Mission and Vision and/or the Stated Clerk – with awareness that if given to the Stated Clerk it immediately initiates disciplinary process.

When a minister member is also an employee of the Presbytery, allegations shall be filed with both the person's supervisor and the Presbytery Pastor for Mission and Vision or the Stated Clerk.

5. Allegations against the Stated Clerk or the Presbytery Pastor of Mission and Vision:

Allegations against the Stated Clerk or the Presbytery Pastor of Mission and Vision shall be filed with the Chair of the Committee on Ministry and the Stated Clerk of the Synod.

6. Allegations against other Presbytery employees:

If the person does not fall under the categories of 1, 2, 3, 4 or 5 above but is acting on behalf of the Presbytery or one of its entities, allegations shall be filed with the Stated Clerk of the Presbytery.

## **C. RESPONSE PROCEDURES TO SEXUAL MISCONDUCT ALLEGATIONS**

The response of the Presbytery of San Francisco to allegations of sexual misconduct includes both pastoral and judicial responses to all parties who are impacted by these allegations: the accuser(s), the victim(s), the accused, the congregation, and the families of the individuals involved.

Judicial procedures are fully stated in the Rules of Discipline in *the Book of Order*.

When a sexual misconduct allegation is filed against an employee of the Presbytery (staff, certified Christian educator), the allegation will be dealt with according to the personnel policies and procedures of the Presbytery.

All members of the Presbyterian Church (USA) are under the jurisdiction of the church session where they hold membership. When a sexual misconduct allegation is filed against a church member, a ruling elder, deacon, volunteer, or employee of a congregation, that allegation will be dealt with by that session which is bound by the Rules of Discipline as well as any supplemental policies and procedures adopted by that session. The clerk of session will immediately notify the Presbytery Pastor of Mission and Vision that an allegation has been reported. Sessions may decide to take advantage of the provisions in the Rules of Discipline (D-4) and refer charges to a higher council.

When a sexual misconduct allegation is filed against a commissioned lay pastor, if the allegation:

1. is not related to his/her service as a commissioned lay pastor, the allegation is dealt with by the session, which will proceed according to the procedures set forth in the Rules of Discipline as well as any supplemental policies and procedures adopted by that session. The clerk of session will immediately notify the Presbytery Pastor of Mission and Vision that an allegation has been reported.

2. is related to his/her work as a commissioned lay pastor, and written allegation(s) are submitted to the Stated Clerk, they will initiate the investigating procedures set forth in the San Francisco Presbytery's Sexual Misconduct Prevention Policy and Procedures and the Rules of Discipline in the *Book of Order*.

When a sexual misconduct allegation is filed against the Stated Clerk or the Presbytery Pastor of Mission and Vision, the Chair of the Committee on Ministry shall consult the Stated Clerk of the Synod as to how to conduct the investigation.

All ministers are under the jurisdiction of the presbytery where they hold membership. They do not hold membership in a local congregation. When a sexual misconduct allegation is filed against a minister, the allegation will be dealt with by the presbytery, which is bound by the Form of Government and Rules of Discipline in the *Book of Order* as well as the policies and procedures outlined in this document. The Stated Clerk will initiate the judicial process outlined in the Rules of Discipline using the following procedures:

1. An Investigating Committee will be formed to investigate the allegation according to the provisions in the Rules of Discipline.
2. The Stated Clerk will inform the Presbytery Pastor of Mission and Vision and the Chair of the Committee on Ministry of the allegation(s).
3. The accused may be placed on administrative leave during the judicial process according to the Rules of Discipline (D-10.0106) and to the policy and procedures outlined in the Presbytery's Administrative Leave Policy. If there is any conflict, the Rules of Discipline apply.
4. Acknowledging that every situation is unique and that the rights of the accuser, victim and the accused will be honored. Appropriate next steps may include immediate notification of the church leadership (including the session), the congregation, and the proper law enforcement bodies as required.

5. The Stated Clerk will inform the Presbytery at its next meeting that an Investigating Committee has been formed, without naming any of the individuals involved or the nature of the alleged offense.  
(D-10.0103)
6. The Presbytery Pastor of Mission and Vision and/or the Chair of the Committee on Ministry may form Pastoral Response Teams to all parties and the congregation.

When a sexual misconduct allegation is filed against someone that is neither an employee of the Presbytery nor a member of a church but is acting on behalf of the Presbytery or one of its entities, that person is subject to the discipline of the particular church and denomination where he/she holds membership. The Stated Clerk of the Presbytery shall send the allegation to the appropriate person in the church in which the person holds membership. The Stated Clerk shall request from that church or denomination a report on the disposition of the case. That person will be placed on administrative leave until disposition of the case.

#### **D. THE PASTORAL RESPONSE TEAM**

The purpose of a Pastoral Response Team (PRT) is to provide emotional and spiritual support. The PRT only provides pastoral support; it has no role in the investigating or judicial process. PRT members may not serve as counsel in the judicial process.

The PRT is composed of church members and ministers who have had training, experience, and personalities that uniquely qualify them to respond to allegations of sexual misconduct. Their responsibility will be to provide confidential care, spiritual support and emotional encouragement for those impacted by the allegations of sexual misconduct, including the victim, the accuser, the accused, their families and their congregations. The team will serve as long as the team, the parties involved and the Presbytery see it as beneficial and necessary.

Generally, two member PRT teams will be assigned to each of the following:

1. the accuser and the alleged victim (if these are different).
2. the accused.
3. the congregation as necessary.

Members of PRT teams will familiarize themselves with Chapter 1 “Preface” of the Rules of Discipline. In working with those impacted by allegations of sexual misconduct, the PRT will readily acknowledge the need for justice, the appropriate demand for consequences, and the Christian Gospel invitation to grace, healing and forgiveness for all parties involved. Pastoral care in these types of situations assumes that there will be a variety of issues and emotions that will need to be addressed. Reputations of those involved may be damaged. The PRT acknowledges that congregations may need similar pastoral care (see Appendix B: Meeting the Needs of All Involved). Where possible and as appropriate, at least one of the members of the PRT will be of the same gender and ethnicity of the person receiving support. Generally, all meetings with those impacted by the allegations will take place with at least two team members present

The PRT will consider all their conversations with the accused and accuser/victim to be confidential. The only circumstances where confidentiality will be revoked is when someone expresses a threat to do harm to himself or herself or another person, when child abuse has been disclosed, when the accused or victim accuser voluntarily surrenders confidentiality, or when such conversations are legally required to be divulged.

The needs of the session and congregation will be treated with utmost care and sensitivity, with a commitment to appropriate disclosure, transparency about the judicial process, and understanding of the larger Christian context of justice and grace. Conversations with the session and congregation are considered public conversations and will not be treated as confidential unless it is conducted in Executive Session or the meeting is otherwise “closed”. Pastoral care and support for the congregation may include listening sessions, educational events, or training opportunities.

The PRT will make available to all parties a list of professional mental health referrals and resources specializing in the area of sexual misconduct. Limited financial assistance for counseling may be provided by the Presbytery prior to final adjudication of the matter.

The Committee on Ministry will supervise PRT members. The Committee on Ministry will also provide necessary emotional and spiritual support of PRT members. Support may include debriefing sessions, occasional gatherings, and further training if necessary.



## **E. THE INVESTIGATING COMMITTEE**

The Investigating Committee is a committee of the Presbytery formed to investigate allegations of sexual misconduct. The Investigating Committee will examine the facts related to the allegation to determine:

1. if the allegation seems to be credible.
2. whether or not charges, if filed could be proved. See D-10.0200.

The work of an Investigation Committee is governed by the “Rules of Discipline” of the Presbyterian Church (U.S.A.) and the process is under the oversight of the Stated Clerk. All parties will given a copy of the Presbytery’s Sexual Misconduct Prevention Policy and Procedures and all information necessary for understanding the process and may consult with the Stated Clerk at any time regarding the process. The Investigating Committee will contact the accuser/alleged victim and the accused to inform them that they have the right to an advocate and counsel.

1. The alleged victim/accuser, and accused each has the right to have an advocate (a person who provides emotional support e.g. colleague, friend, family member, counselor, or any other person) present at all interviews and meetings during the Investigative and judicial process (D-10.0203a). An advocate serves solely in a supportive role.
2. The alleged victim, accuser, and accused each has the right to have an attorney/counsel present at all interviews and meetings during the investigative and judicial process (D-10.0203c, D- 11.0301, 2).

Upon completion of its investigation:

1. the Investigating Committee notifies the Stated Clerk, the accuser/victim and the accused of its determination as to whether or not charges will be filed (D-10.0302,3)
2. the Stated Clerk informs the Presbytery Pastor of Mission and Vision and the Chair of the Committee on Ministry of the Investigating Committee’s determination.
3. the Presbytery Pastor of Mission and Vision and/or Chair of the Committee on Ministry will notify the Chair of the Pastoral

Response Team of the Investigating Committee's decision and who will consult with them about appropriate communication and support needed for the congregation.

If the person accused of sexual misconduct is not or is no longer a member, officer, or employee of the Presbyterian Church (USA), but the conduct occurred while the person was acting on behalf of the PC (USA), the presbytery/church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. Refer to constitutional requirements in the Book of Order (G-2.0509 and D-3.0106).

## **F. POTENTIAL INVESTIGATING COMMITTEE OUTCOMES**

1. If no charges are filed, the judicial process is concluded. There may be a need for the Pastoral Response Team to continue its work with the alleged victim, the accused and/or the congregation to address their needs and to determine the best course of action.
2. If the Investigating Committee determines that there are probable grounds for charges to be filed, and that there is sufficient evidence for the charges to be proved (D-10.0202g) the Investigating Committee will prepare charges and file them with the Stated Clerk. The Stated Clerk will forward the charges to the Permanent Judicial Commission. The Permanent Judicial Commission will conduct the trial and determine whether the allegations are proved beyond a reasonable doubt (D-11.0403a), (D10.0202j).
  - a) If the allegations are sustained, disciplinary action will take place in accordance with the Rules of Discipline.
  - b) If the accusations are not sustained, the Pastoral Response Team, in collaboration with other appropriate persons, will respond with Christian care and concern to the alleged victim and his/her family, the not guilty person and his/her family, and the congregation as appropriate.
3. If there is a criminal law proceeding against the accused, the Presbytery will follow the Rules of Discipline. In all cases where

criminal or civil law actions are pending concurrently with procedures under this Policy the Investigating Committee and the Pastoral Response Team will consult with the Presbytery's legal counsel and will coordinate their actions accordingly and in a manner consistent with the Rules of Discipline.

4. If the charges are sustained against a minister member of Presbytery or a commissioned lay pastor, the Presbytery shall work with the victim to help provide professional support and counseling as needed for up to two years.

## **G. CONFIDENTIALITY**

Throughout the process of responding to an allegation of sexual misconduct, all persons with knowledge of the incident shall maintain strict confidentiality and shall share information with others only on a need to know basis. All reports and other written materials related to the incident will be kept in locked files maintained by the Presbytery.

## **H. MEDIA CONTACT AND INQUIRIES FOR INFORMATION**

Inquiries from the public or the media for information about any allegation of sexual misconduct should be referred to the Presbytery Pastor of Mission and Vision.

## **APPENDIX A: PASTORAL RESPONSE TEAM**

### **1. Definition of the Pastoral Response Team (PRT)**

The Presbytery Pastor of Mission and Vision and/or the Chair of the Committee on Ministry may form a Pastoral Response Team when an allegation of sexual misconduct has been filed. The Pastoral Response Team is a group of specially trained ministers and church members assigned to provide confidential pastoral care for the accuser, the victim, the accused, and the congregation. The Pastoral Response Team has no judicial function.

### **2. Recruitment of Pastoral Response Team Members**

PRT members are selected through referral and volunteerism. The list will also include those that have special qualifications in pastoral counseling/therapy, chaplaincy, interim ministry, conflict resolution, personnel management and training, and child advocacy experience.

There is no time limit on how long a PRT member can serve. As long as they are living or serving in the area of San Francisco Presbytery and are available and willing to serve in this capacity, they will be on a list of Pastoral Response Team Members ready to provide care when a situation arises.

### **3. Training of Pastoral Response Team Members**

One resource for training PRT members would be Kyros Ministry, which already provides education and training for clergy and faith communities in this Presbytery. It has the experience and resources to provide training on a variety of topics related to sexual misconduct. If at some point Kyros Ministries is not available, training will be conducted by a similar program or qualified members of the presbytery.

The content of training may include any of the following topics: child abuse, clergy misconduct, elder abuse, sexual addiction, sexual harassment, mediation, effective response to allegations of clergy misconduct, legal mandates for child and adult abuse reporting, responding to allegations of abuse by clergy or within the congregation, appropriate forgiveness of former offenders, and de-escalating congregational conflict. The emphasis will be on how to respond and provide pastoral care in sexual misconduct situations.

#### **4. Supervision and Support of Pastoral Response Team Members**

The Committee on Ministry will supervise PRT members. The Committee on Ministry will also provide necessary emotional and spiritual support of PRT members. Support may include debriefing sessions, occasional gatherings, and further training if necessary.

## **APPENDIX B: MEETING THE NEEDS OF ALL INVOLVED**

### **(Taken from the Presbyterian Church (U.S.A.) Sexual Misconduct Policy and Its Procedures, Appendix C)**

In cases of sexual misconduct there are needs that have to be met for the good of all persons, groups, and entities. To ensure that the governing body is ready to meet the variety of needs, an independent response coordination team may be named. This team will not investigate the allegation or in any way function as an investigating committee for disciplining members or officers, but should confine itself to coordinating a process that will meet the specific needs of victims and their families (if any), the accused and family (if any), employing entities, congregations, and governing bodies:

#### *A. The Needs of the Victim*

The governing body, employing entity, and response coordination team should assure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Sometimes, the victim or family is so angry and alienated from the church, that offers of help may be perceived as insincere or as attempts of a cover-up. If the victim or family at first refuses, the church should continue to offer help. Above all the church should not act in a self-protective manner by ignoring the victim and their families.

The extent of the damage to the victims of sexual misconduct will vary from person to person, and is influenced by such factors as the degree or severity of abuse, the age and emotional condition of the victim, human dynamics, and the importance of one's religious faith. The governing body, entity, and response coordination team is to assume in all cases that the victim has been wounded by the experience.

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family are frequent injuries suffered by victims. It is important for the response coordination team to be sensitive to the victim's pain and need for healing, and to act by making appropriate pastoral care available.

The following are some of the needs of the victim:

1. To be heard and taken seriously. From the time that the victim is

first able to indicate that sexual misconduct has occurred, that person should receive immediate attention and serious consideration from all church representatives.

2. To receive pastoral and therapeutic support. The victim may require spiritual and professional assistance as a result of sexual misconduct. The response coordination team should offer to help arrange for such support from a minister and therapist, if the victim desires. Discussions with such people would be confidential, privileged conversations.
3. To be informed about church process and progress with regard to the accusation. One member of the response coordination team should be the church contact person for the victim. Frequently, this contact person will give the victim information as to what is happening in the church as a result of the accusation.
4. To receive legal advice. The response coordination team should suggest that the victim might benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy or false claims discouraged.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained.
5. To be assured of an advocate of one's own choosing. A victim may need continuing moral support from one individual who is present while the church process deals with the accusation. This advocate may be a relative, friend, or someone suggested by the response coordination team. This advocate could speak for the victim, if necessary.
  - To be assured that justice will be pursued. The victim needs to be told by the response coordination team, and shown by the processes of the church, that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office or adjudication of the complaint.
  - To receive healing and reconciliation. In addition to specific forms of restitution mentioned above, the victim needs to receive a sense of healing and reconciliation with all concerned—the self, the family, the church and, ideally, the accused. The response coordination team can help bring this about using the church's

processes and resources. While the above are needs of the victim, one recognizes that all of these needs may also not be met through a reasonable handling of a specific case, but may only occur over a lengthier period of time. All of these needs, however, should be taken seriously and compassionately, and the rights of the victim respected.

## B. *The Needs of the Accused*

The governing body or entity shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a minister, this is the primary responsibility of the Committee on Ministry (*Book of Order*, G-11.0501).

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and feelings of alienation from God, self, the religious community, and family are often experienced by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an allegation is false.

When a person is found not guilty of charges of sexual misconduct, it is important for the governing body or entity to see that the decision is disseminated as widely as possible within their power, unless doing so would further injure the person accused.

### 1. *Personal Care*

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christian kindness and respect. The response coordination team may suggest that the accused seek spiritual support or professional counseling. People in staff positions, such as presbytery executives or stated clerks, should not engage in personal counseling of the accused because of their potential involvement in disciplinary process.

### 2. *Economic Security and Care for Family of Accused*

When an allegation of sexual misconduct has been made against a minister, the economic security of the accused is directly threatened, along with reputation, career, and family relationships. Again, the committee on ministry can be of assistance.



The response coordination team may alert the Committee on Ministry to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources.

### *C. The Needs of a Congregation in a Context of Sexual Misconduct*

The governing body, employing entity, and response coordination team should be aware of the problems a congregation or employing entity may experience following allegations of sexual misconduct by a minister, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding ministers. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation or organization.

When there is sexual misconduct on the part of a minister, non-ordained staff, or volunteer in a particular congregation, a number of needs unique to that congregation will emerge since sexual misconduct impacts congregations in different ways. Therefore, these needs will not necessarily emerge in the same sequence in each situation. Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. In any event, those managing the church's response to the sexual misconduct will want to know that the following needs may emerge:

#### *1. Pastoral Care*

Members and staff of the congregation will need pastoral care. If it is the minister who is involved in the sexual misconduct, care will need to be provided by another member of the ordained staff (if the church is a multiple-staff church) or by a trained interim minister. If the minister leaves as a result of sexual misconduct, in extreme cases a trained interim minister or consultant in sexual misconduct may need to work with the congregation for an extended period of time.

If it is not a minister who is involved in the sexual misconduct, then the minister will provide the needed care for the congregation. The minister, if not previously trained in this specialty area, will need to consult with denominational specialists who will advise him or her how to proceed and any anticipated problems.

## 2. *Information About the Case*

Members of the congregation will need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge within a congregation and if a minister has been found guilty of sexual misconduct, the interim minister or consultant may hold appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and our judicial process, and how others who may have been victimized may be heard and ministered to. If the offender is not the minister, then the minister may perform these functions. At such meetings, one may expect members to vent their feelings. An opportunity for this to happen should be provided. If this venting does not take place, then it may create serious problems for the future of the congregation, for future ministers, and for the governing body. Dynamics may differ somewhat in racial ethnic churches, but no empirical studies have yet demonstrated different dynamics.

## 3. *Resource Persons*

In light of the above needs, the following are several resource persons whose services would be valuable to a congregation in the context of sexual misconduct: a trained interim minister, a committee on ministry representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, an insurance agent who can advise the congregation about their exposure to liability or coverage.

It is the responsibility of the governing body to establish policy and its procedures governing cases of sexual misconduct in that jurisdiction. The PC (USA) Policy and its procedures are intended to guide the development of governing body policy and procedures.

## APPENDIX C: Memo: New Rules of Discipline Sexual Misconduct

**MEMO: August 7, 2019**

**TO:** All Minister Members of the Presbytery of San Francisco

All Commissioned Lay Pastor members of the Presbytery of San Francisco

**RE:** New Wording in Rules of Discipline regarding Sexual Misconduct

**FROM:** Rochelle Shaw, Stated Clerk

Dear Pastors and CLP's:

The new Book of Order contains two new sections in the "Rules of Discipline" which have potential implications for all minister members of the Presbytery and CLP's with active commissions. They both have to do with issues related to the Presbytery's Sexual Misconduct Policy and its possible implications for judicial process.

### I. D-2.0203b

***"Sexual abuse as defined in section D-10.0401c shall be considered contrary to the Scriptures or Constitution of the Presbyterian Church (U.S.A.), and therefore an offense for purposes of these rules."***

#### ***D-10.0401c***

***"Sexual abuse of another person is any offense involving sexual misconduct in relation to***

***(1) any person under the age of eighteen or anyone without the capacity to consent; or***

***(2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position.***

The practical implication of the above is that **any behavior which in contrary to the Presbytery's "Sexual Misconduct Prevention Policy" is now, for purposes of judicial process, a chargeable offense** because it is considered contrary to the Scriptures or Constitution. This includes behaviors spelled out in (2) above as well as harassment, quid pro quo, retaliation and other behaviors spelled out in our policy. It will now be sufficient to cite our policy in filing allegations with the Stated Clerk and if an Investigating Committee finds sufficient evidence to file charges, it can do so citing our policy.

### II. D-10.0401b

***"There is no time limit for charging that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-10.0401c(1) or (2) failed to take reasonable steps to minimize the risk. ...charges may be brought regardless of the date on which an offense is alleged to have occurred."***

The practical implication of this section is that the provisions of Mandated Reporting are now a chargeable offense as is the failure to take reasonable steps to minimize risk when one becomes aware that sexual abuse has or may likely occur in the future. The underlined wording has no denominational judicial experience to help interpret "reasonable"--so for the time being, "failure to act" will be the implied standard. That will include not notifying civil authorities, session, presbytery, or others who could have prevented abuse. In remedial terms, this would be considered a "delinquency"--"an omission or failure to act."

## **APPENDIX D: Sexual Misconduct Policy Acknowledgement**

### Presbytery of San Francisco Sexual Misconduct Policy Acknowledgement

This is to acknowledge that I have received, read and understand the Presbytery of San Francisco Sexual Misconduct Policy and understand that it sets forth the duties, responsibilities and obligations of my membership with Presbytery of San Francisco. I agree to abide by the rules, policies, and procedures set forth in this Sexual Misconduct Policy.

I understand and agree that this policy concerning my membership with Presbytery of San Francisco.

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_

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Minister's Signature

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Print Minister's Name

Or to provide online signature please visit here:

[https://forms.office.com/Pages/ResponsePage.aspx?id=9ThfiX7e\\_0eJv99pcNgpNQgCx9FE2A1On9jxxgmvsV1UMjU2V0dYMFpNSUc0NTY4NDIUSUU2SVNNRS4u](https://forms.office.com/Pages/ResponsePage.aspx?id=9ThfiX7e_0eJv99pcNgpNQgCx9FE2A1On9jxxgmvsV1UMjU2V0dYMFpNSUc0NTY4NDIUSUU2SVNNRS4u)