

FIRST PRESBYTERIAN CHURCH OF KENT

Policy and Procedures Relating to Sexual Misconduct

A. Introduction

This policy regarding sexual misconduct has been written out of an awareness that the First Presbyterian Church of Kent (hereafter referred to as *Kent First*) has been given a public and spiritual trust. We are dedicated to offer guidelines that will assure a safe environment for all who serve and are served.

As God who called you is holy, be holy yourselves in all your conduct. 1 Peter 1:15

Tend the flock of God that is your charge, not under compulsion but willingly, not for sordid gain but eagerly, not lord it over those in your charge, but be examples to the flock. 1 Peter 5:2

you know that we who teach shall be judged with greater strictness. James 3:1

Kent First is committed to maintaining an environment free of sexual misconduct. To clarify our Christian role in society, Kent First adopts the following policy concerning the sexual conduct of persons associated with the First Presbyterian Church of Kent.

B. Policy Statement

It is the policy of Kent First that all ordained persons, church members, employees and/or other volunteers are to maintain ethical sexual behavior and integrity within ministerial, employment and service relationships at all times. These requirements may exceed the provisions in federal, state and local law. Sexual misconduct is a violation of the principles set forth in scripture and is never permissible.

C. Purpose

- ? To serve as a guide for the prevention of sexual misconduct and sexual abuse
- ? To set and enforce standards of ethical sexual behavior consistent with scripture and the *Book of Order* of the Presbyterian Church (USA).
- ? To provide procedures for inquiry and response to allegations of sexual misconduct and/or harassment.

- ? To provide personnel employment practices and forms for the administration of appropriate employer/employee relationships.

D. Definitions

Church Workers are defined as employees of the church or volunteers under the supervision of the church.

Child Sexual Abuse includes the rape of a child, child molestation, and sexual misconduct with a minor, all as defined by the Revised Code of Washington, including its future amendments. Child sexual abuse further includes any sexual contact or interaction between a child, below the age of 18 years, and an adult, 18 years of age or older, when the child is used for the sexual stimulation of the adult or of a third person. The behavior between a child and an adult is always considered to be non-consensual on the part of the child for the purposes of this policy. The behavior may or may not involve touching.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- ? submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or his/her continued status in the church, or
- ? submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- ? such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

Sexual Malfeasance is defined as an abusive act in which trust is broken within a ministerial (e.g., clergy with a member of the congregation) or professional relationship (e.g., counselor with a client, lay employee with a church member). This definition is not meant to cover relationships between spouses, nor to restrict church professionals or workers from having normal mutual, social, intimate, or martial relationships.

Sexual Misconduct is the comprehensive term used in this policy to include:

- ? child sexual abuse as defined above
- ? sexual harassment as defined above
- ? sexual malfeasance as defined above
- ? any offense involving sexual conduct in relation to:

- ? anyone over the age of 18 years without the mental capacity to consent,
- ? any person when the conduct includes force, threat, coercion, intimidation or misuse of office or position

E. Persons Covered

Persons covered by this policy are *Church Workers* as defined in the previous section. Such persons would include those who are accused of sexual misconduct under circumstances in which 1) access to a victim is related to a church-sponsored activity, or 2) sexual misconduct is reported in a church related setting.

For example, this policy covers a non-member adult who sexually abuses a non-member teenager while “helping out” on a church-sponsored camping trip, or while conducting a music lesson on the church premises.

F. Reporting Sexual Misconduct

Reports of sexual misconduct should never be taken lightly or disregarded, nor should they circulate without concern for the integrity and reputation of the accuser, the accused and of the church. Reports should be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below. However, a confidential report does not preclude Kent First from taking actions in response to the allegation.

Any person who has a reasonable belief that a violation of this policy has occurred, including a victim, is strongly encouraged to report it immediately to their Supervisor, the Pastor, or a member of the Personnel Committee. The person receiving the initial report will immediately inform the Pastor if he/she has not already been notified.

When an alleged incident has been reported, the Personnel Committee will confer, gather needed information, and determine an appropriate course of action, which may include:

- ? Seeking an attorney to advise them
- ? Reporting to Child Protective Services or other civil authority, if appropriate at the time
- ? Requesting the Clerk of the Session to proceed with the steps outlined for investigation according to the Rules of Discipline of the Book of Order of the Presbyterian Church (USA), when applicable
- ? Reporting to the Response Coordination Team of the Presbytery of Seattle, when appropriate

Session members shall be notified that an allegation has been made. Names should not be divulged at this point, and Session members should be instructed as to the procedure they should follow if asked about this matter by the congregation, staff or media.

In cases of sexual abuse involving a child or a person over the age of 18 years without the capacity to consent, professional Church Workers are considered “mandated reporters” and are required by law (RCW 26.44.030) to file a report with the appropriate civil authority (e.g. Child Protective Services or the local police) within 48 hours after discovery. Kent First, however, encourages all Church Workers, mandated or not, to report immediately to the Pastor or a member of the Personnel Committee any sexual misconduct involving minors or developmentally disabled adults.

Victims and their families are often afraid and uncertain about reporting cases of sexual misconduct. Reasonable care will be taken to protect the privacy of the alleged victim, the person accused of misconduct, and the reporter. Pastoral care and communication will also be provided to all involved parties throughout the procedure. No one will be retaliated against for reporting sexual misconduct.

The Session may choose, at its discretion, to offer professional and/or financial support to the victims of sexual misconduct by Church Workers. The Session also may recommend that the offending Church Worker pay for the expenses of the victim as related to his/her offense. Records on sexual misconduct will become part of the worker’s personnel record and may be forwarded to potential employers.

Nothing in this document shall be construed to deny to anyone the processes that are described in the Book of Discipline.

G. Sexual Misconduct Preventative Procedures

In order to provide a safe environment for minors and Church Workers at Kent First, the following preventative procedures are adopted:

Church Workers and volunteers at Kent First must complete the Criminal History Request and Disclosure Statement before hiring or acceptance, which includes the statement: “Have you every been arrested, charged or convicted of any offenses involving minors? If so, please specify.”

A Washington State Patrol Criminal Records check will be conducted on all Church Workers, including, but not limited to, all individuals working with minors.

Church Workers who (a) refuse to comply with the application procedure or (b) have a previous record of offense documented by the Washington State Patrol identification process will be excluded from interactions involving children and may be subject to discipline or discharge if an employee. Session must approve any exceptions to this policy.

Any suspected incident of child abuse occurring at Kent First will be reported as outlined in the document titled "Procedure for Handling Suspected Child Abuse". Any Church Worker involved in suspected abuse will be relieved of all responsibility for the care of any participant under the age of eighteen until and unless the Washington State Department of Child and Protective Services agrees there is no evidence of abuse and the Session agrees to reinstate that Church Worker.

H. Compliance and Distribution

In part, the structures and procedures for responding to allegations of sexual misconduct are mandated by the Book of Order of the Presbyterian Church (USA), Chapter VII, Disciplinary Cases and the "Policy and Procedures Regarding Sexual Misconduct" adopted by the Presbytery of Seattle. The Kent First policy and procedures are intended to be harmonious with both. Where there is a direct conflict in procedural requirements, the Book of Order will prevail.

When child sexual abuse or other misconduct that violates criminal laws is alleged, the civil authorities will immediately take control of the investigation and the disposition of charges against the accused. The Session shall cooperate with civil authorities in any civil investigation of sexual misconduct, and it has a duty to make its inquiry and to enforce disciplinary procedures, if warranted, when it can be done without interfering with the civil authority or in cases when civil authorities have dropped action in the case.

The Session shall take appropriate steps to inform Church Workers of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. Copies of this policy shall be distributed to, and are intended for use by Kent First Church Workers, including officers, employees, and volunteers. A copy of the policy shall be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families, and to the accused.

Upon receipt of a copy of this policy, Church Workers of Kent First shall sign a written acknowledgment of receipt and understanding. This acknowledgment shall be kept on file. This document does not create an employment contract.

*I have read the The First Presbyterian Church of Kent **Policy and Procedures Relating to Sexual Misconduct**, understand it and agree to comply with it.*

Name (please print) _____

Signature _____ Date _____