

1 **SEXUAL MISCONDUCT POLICY**  
2 **Policy and Procedures on Sexual Misconduct**  
3 **Adopted December 1, 1992**  
4 **Revised December 5, 2000**

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6 **A. INTRODUCTION**  
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8 This policy regarding sexual misconduct by persons in positions of religious leadership has been  
9 written out of an awareness that the Presbytery of Eastern Oklahoma (Presbyterian Church (USA))  
10 has been given a public and spiritual trust. This policy has been written to provide a process which  
11 will assure a proper response to situations involving sexual misconduct. It seeks to offer care for all  
12 involved and to provide information to help prevent future instances of abuse. Our hope is that the  
13 following will assist in healing, justice, and restoration.  
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16 **B. POLICY**  
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18 Sexual misconduct is a violation of the principles set forth in Scripture and of the ministerial,  
19 employment and professional relationships. It is never permissible. This policy and the procedures  
20 outlined below apply to all minister members of the presbytery, presbytery officers, employees of the  
21 presbytery, and lay volunteers serving in any ministry or work authorized by the presbytery. Through  
22 this policy, Eastern Oklahoma Presbytery:  
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- 24 ▶ affirms a standard of ethical behavior consistent with Scripture and secular law (as set forth  
25 in this Presbytery's Ministerial Ethics report);
- 26 ▶ is providing a procedure to be used in responding to allegations of sexual misconduct and  
27 in protecting those who may be victims of such abuse;
- 28 ▶ seeks to serve the peace and purity of the Church; and
- 29 ▶ is offering a "model" policy for Sessions to use.  
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32 **C. DEFINITIONS**  
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34	Accused	the person against whom a claim of sexual misconduct is made.
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36	Accuser	the person who files a written statement of offense (see current <i>Rules of</i>
37		<i>Discipline</i> ) of sexual misconduct.
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39	Allegation	the first written or spoken claim of sexual misconduct. This claim may be
40		only a rumor. Each allegation will be reviewed by the Response Team, unless
41		it is a formal written statement of offense addressed to the Stated Clerk.
42	Charge	the formal claim of sexual misconduct presented by the Investigating
43		Committee to the Stated Clerk who forwards it to the Clerk of the Permanent
44		Judicial Commission (see current <i>Rules of Discipline</i> ).
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46	Individual	the person who believes himself or herself injured by sexual misconduct.
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48	Investigating	the three-to five-member committee designated by the presbytery to
49	Committee	determine whether charges should be filed (see E.1.d below and current <i>Rules</i>
50		<i>of Discipline</i> )
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52	Pastoral Care	the team elected to provide pastoral care for all parties affected by alleged
53	Team	sexual misconduct (see E.1.c below).
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55	Personnel	the committee of the presbytery responsible for oversight of
56	Committee	presbytery staff (paid or volunteer).
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58	Response Team	the two- to three-person team responsible for initial discussions (see E.1.b
59		below).
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61	Secular	those city/county/state/federal bodies responsible to investigate and prosecute
62	Authorities	criminal or civil charges against individuals.
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64	Sexual	an abuse of any person under the age of eighteen years or anyone over the age
65	Misconduct	of eighteen years without mental capacity to consent, or any person when the
66		conduct includes force, threat, coercion, intimidation, or misuse of office or
67		position (see current <i>Rules of Discipline</i> ). The broad term of “sexual
68		misconduct” includes the following:
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70		<u>Child Sexual Abuse</u> - contact between a child and an adult, which may or
71		may not involve touching, wherein the adult or a third person is using the
72		child for sexual stimulation. In the state of Oklahoma, it is mandatory that
73		a minister report (to the Department of Human Services) physical, sexual, or
74		mental abuse by a person responsible for the child’s health or welfare (see
75		Oklahoma Statutes. 10-7102 et seq.).
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77		<u>Sexual harassment</u> - unwelcome sexual advances, unwelcome requests for
78		sexual favors, or unwelcome verbal/physical conduct of a sexual nature.
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80		<u>Sexual malfeasance</u> - any sexual conduct within a ministerial or professional
81		relationship.
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83	Statement of	the written statement filed with the Stated Clerk, giving a clear narrative
84	Offense	which alleges facts, that if proven true, would likely result in disciplinary
85		action (see current <i>Rules of Discipline</i> ).
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**D. STANDARDS OF CONDUCT**

The ethical conduct of all who serve in the name of Jesus Christ is of vital importance to the Church, because they are the representatives who convey an understanding of God and the Gospel’s Good News (see also the presbytery’s paper on Ministerial Ethics). Through this policy, Eastern Oklahoma Presbytery declares that sexual misconduct violates the role of all the types of ministers because it breaks the covenant to act in the best interest of the one to whom ministry is being offered.

95 Misconduct of a sexual nature:

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97 ▶ is wrong, even when the other person (parishioner/client/supervisee) initiates the interaction,  
98 ▶ is a misuse of authority and power that leads to a broken trust within the working or caring  
99 relationship.

100 ▶ is a violation of the command to protect people when they feel vulnerable and less able to  
101 act for their own welfare.

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103 When instances of sexual misconduct are claimed, the church is called upon to respond with  
104 compassion and speed. A caring response will include the offer to provide individuals and offenders  
105 with counseling and treatment. Sensitivity to the anger, denial, pain, and hurt that is caused by an  
106 allegation must guide the response of the church. Eastern Oklahoma Presbytery commits itself to:

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- 108 ▶ using the biblical model of conflict resolution set forth in Matthew 18:15-17,
- 109 ▶ having appropriate liability and comprehensive insurance policies,
- 110 ▶ encouraging all Sessions to have similarly up-to-date insurance coverage,
- 111 ▶ keeping complete and accurate records of all ministers under its jurisdiction,
- 112 ▶ making thorough reference inquires of both candidates and ordained clergy,
- 113 ▶ distributing copies of this document to all Sessions and other employing entities, and
- 114 ▶ engaging in “preventive education” activities for clergy and other church professionals.

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117 **E. RESPONSE PROCEDURES**

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119 **1. Against a minister member of presbytery** - There are potentially five levels of response to  
120 allegations of sexual misconduct against a minister member of Presbytery: Individual, Response  
121 Team, Pastoral Care Team, Investigating Committee, and Permanent Judicial Commission.

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123 **a. Individual response**

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125 Individuals who believe themselves to be injured by a minister member of Presbytery are  
126 encouraged to talk with that minister in an effort to seek resolution. However, if a one-on-one  
127 conversation is not possible, or if the conversation does not produce acceptable results, the  
128 individual should endeavor to take another person (hopefully one trusted by both people) to talk  
129 with that minister and seek resolution. This individual response emphasizes the importance of  
130 dealing with an injury within the context of the primary relationship between the individual and  
131 the minister. If these conversations are not possible, or do not produce a mutually-agreeable  
132 resolution, the individual should endeavor to make contact with an officer of the Presbytery or  
133 a member of Presbytery's staff, who will contact a member of the Response Team.

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135 **b. Response Team**

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137 The Response Team is an *ad hoc* group of two or three people (consisting of the General  
138 Presbyter, Moderator of Committee on Ministry [or someone else designated by each of them],  
139 or one other person who is of the same gender as the individual). When word is received from  
140 any source that gives reason to believe a minister member is or has been involved in sexual  
141 misconduct, the Response Team will discuss the situation with the individual and/or the minister.

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143 No person involved in the situation will be a member of the Response Team. If the first word  
144 is a Statement of Offense filed with the Stated Clerk, the Response Team will not be formed.  
145 The Response Team will follow this list of guidelines:

- 146  
147 i. Meet with the individual (if available or identifiable).  
148 ii. Meet with the minister.  
149 iii. Determine which, if any, oversight body ought to be informed, and proceed  
150 appropriately.  
151 iv. Identify members of the Pastoral Care Team who will be most helpful in this  
152 situation.  
153 v. Explore and encourage mutually-agreeable resolution (including offering the services  
154 of a trained mediator, if the parties are willing to meet together).  
155 vi. Review the legal process with both the individual and the minister.  
156 vii. If a mutually-agreeable resolution has been reached, the Response Team shall report  
157 the resolution to the committee(s) or group(s) which has oversight over the individual  
158 and the accused.  
159 viii. If a mutually-agreeable resolution cannot be attained, encourage the individual to file  
160 a written statement (D-10.0102).  
161 ix. Evaluate the appropriateness of filing its own complaint against the minister if the  
162 individual is not willing or able to do so.

- 163 x. Summarize its findings, report them to the minister, have the minister acknowledge  
164 the findings by signature, and place its findings in a sealed envelope in the minister's  
165 file at the conclusion of this process, regardless of its outcome.  
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167 **c. Pastoral Care Team**  
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- 169 i. The Pastoral Care Team shall be composed of no less than three and no more than  
170 five persons, with as nearly equal numbers of women and men as possible. The  
171 purpose of the Pastoral Care Team is: To provide support to all parties during the  
172 time of investigation; to offer advice, as appropriate, to all parties; to work toward  
173 understanding, repentance, forgiveness and reconciliation; to insure that a "pastor"  
174 is available for the parties involved. Absolute confidentiality in this pastoral care  
175 process cannot be guaranteed.
- 176 ii. The Pastoral Care Team will be drawn from a pool of 12 persons that will include  
177 those trained in psychology/counseling/therapy, in civil law, and in ecclesiastical law.  
178 The members of the team will be divided equally into three classes, elected for a term  
179 of three years, with eligibility for election to additional terms. The Moderator of the  
180 Pastoral Care Team will be identified by the Nominating Committee of the  
181 Presbytery.
- 182 iii. The Pastoral Care Team will be empowered by the Presbytery to offer counseling to  
183 the individual(s) and the accused, and, within the limits of the Presbytery budget,  
184 offer to pay for a portion of such counseling.
- 185 iv. Assigned members of the Pastoral Care Team will visit with the individual(s), the  
186 accused, family members, the Session, and congregational members as needed,  
187 without compromising the work of the Response Team or Investigating Committee.
- 188 v. The Stated Clerk will keep a roster of those elected to the Pastoral Care Team, and  
189 a record of its Moderator. When needed, the Stated Clerk or a member of the  
190 Resource Team will contact the Moderator of the Pastoral Care Team and inform of  
191 the need.  
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193 **d. Investigating Committee**  
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195 When a written statement of offense is received, the Stated Clerk shall meet with Presbytery's  
196 Moderator for the purpose of selecting an Investigating Committee (Eastern Oklahoma  
197 Presbytery Standing Rule Article II, Section 12), following the process set out in the current  
198 *Rules of Discipline*. The Investigating Committee shall conduct its investigation under the  
199 guidance of the Office of the General Assembly, and shall maintain regular contact with the  
200 persons making the allegations, keeping him/her informed about the status of the investigation.  
201 Under no circumstances shall the Investigating Committee contact the person being accused  
202 without first advising the person making the allegations of the date of that contact.  
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204 **e. Permanent Judicial Commission**  
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206 When the Investigating Committee determines that the alleged offense would likely result in  
207 disciplinary action, it will file a charge (or charges) with the Stated Clerk of the Presbytery, who  
208 immediately forwards it to the moderator or clerk of the Permanent Judicial Commission. The  
209 Permanent Judicial Commission proceeds in accordance with guidance with the current *Rules*

210 *of Discipline* in the Book of Order.

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212 **f. Disposition**

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214 Procedures for trying a case of sexual misconduct shall follow the rules set forth in the current  
215 *Rules of Discipline* for trying a disciplinary case. Upon completion of the trial and the  
216 Presbytery's action, all records of the Response Team, the Investigating Committee, and the  
217 Pastoral Care Team that are appropriate shall be retained by the Stated Clerk and sealed in a  
218 permanent file.

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220 **2. Against a Lay Employee of the Presbytery** - There are potentially four levels of response to  
221 allegations of sexual misconduct against a lay employee of the Presbytery: Individual, Response  
222 Team, Pastoral Care Team, and Personnel Committee. Any allegation of sexual misconduct against  
223 a lay employee of the Presbytery is to be reported to the General Presbyter, or when the General  
224 Presbyter is being accused, to the Moderator of the Presbytery Personnel Committee. The procedure  
225 outlined above will be followed, as applicable, except that, if the allegations are substantiated, the  
226 report will be forwarded to Personnel Committee of Presbytery for final action. The Presbytery is  
227 responsible for keeping insurance and records on lay employees commensurate with that identified  
228 in Section D.

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230 **3. Against a lay volunteer serving in any ministry or work of the Presbytery** - Any allegation  
231 of sexual misconduct against a lay volunteer serving in any ministry or work authorized by the  
232 Presbytery is to be reported to a member of the Response Team. The procedure outlined above will  
233 be followed, as applicable, except that, if the allegations are substantiated, the report will be  
234 forwarded to the clerk of Session of the congregation where the lay volunteer is a member, in order  
235 that the Session may begin its own investigation (see current *Rules of Discipline*). The Response  
236 Team will have the power to temporarily exclude the accused from further volunteer service until  
237 the Session reports the finding of its investigation to the Stated Clerk.

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240 **F. SUPERSEDURE**

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242 If amendments are made in the *Rules of Discipline* which change the process in any manner, the new  
243 process will be followed until this Policy can be amended.