

Committee on Ministry
Policy #19
Sexual Misconduct Prevention Policy

COM Approval: August 6, 2015
PGA Approval: November 10, 2015

Sexual Misconduct Prevention Policy

I. Theological Rationale

The people of God live out their faith in the midst of a particular historical reality. Inherent in every time is promise and possibility, opportunities for the ministry and the mission of the Church of Jesus Christ to be carried forth. While affirming that God created us to live together in ways that proclaim the worth and dignity of each individual, human sexuality has been a basis for oppression, degradation, violence and injustice - manifestations of our sinful nature.

Our sexuality is a gift from God and when rightly used, leads us to the wholeness of life that God intends for all people. Those who serve through the offices of the Church bear particular responsibility in making manifest the goodness of God's gift of sexuality.

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church, for through them, an understanding of God and the gospel's good news is conveyed.

II. Scripture reminds us of our calling as leaders in the Church:

As God who called you is holy,
be holy yourselves in all your conduct.

I Peter 1:15

Not many of you should become teachers,
my brothers and sisters, for you know that we
who teach will be judged with greater strictness.

James 2:15

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

I Peter 5:2 (NRSV)

Our Constitution also speaks of our calling:

The Book of Order says, "Holiness is God's gift to the Church in Jesus Christ...Because in Christ the Church is holy, the Church, its members, and those in its ordered ministries strive to lead lives worthy of the Gospel we proclaim." F.1.0302b

III. Purpose

The sixfold purpose of this policy is to:

- 1) Safeguard the members, congregants, and staff of the churches of the Presbytery of Greater Atlanta, the members and staff of the Presbytery, and the people we serve, especially those who

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are vulnerable, against any form of sexual misconduct, particularly the disciplinary offense of sexual abuse, within the Presbytery of Greater Atlanta.

- 2) Express our commitment to prevent sexual misconduct by creating an atmosphere in our Presbytery where acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice.
- 3) Obtain justice and compassion in cases that involve reports or written accusations of sexual misconduct within our Presbytery.
- 4) Promote healing for all persons, congregations, or entities in cases involving sexual misconduct.
- 5) Ensure the effectiveness of our Presbytery's judicial processes in cases of sexual misconduct so that the truth shall be determined, the due process rights of those involved shall be honored, wrongdoing shall cease, those who have been victimized and those who are innocent shall be vindicated, and those who have victimized others shall be held accountable for their actions and their repentance and restoration achieved.
- 6) Teach this Presbytery's standards of ministry, for both lay persons and those ordained to office, in relation to sexual misconduct in order to fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.

IV. Definitions and Mandatory Reporting

Sexual Misconduct is the comprehensive term used in this policy to include, but is not limited to, child sexual abuse, sexual abuse of another person, sexual harassment, and production or distribution of pornography. If sexual misconduct is suspected, contact the Stated Clerk of the Presbytery for direction.

Sexual abuse includes, but is not limited to, any contact or interaction between an adult (over the age of 18) and either a child (under the age of 18) or an adult who lacks the mental capacity to consent. Abuse is when the child or adult without capacity to consent is being used for the sexual stimulation of the adult or of a third person. Sexual behavior between a child and an adult, or between an adult of diminished capacity and another adult, is always considered forced whether or not consented to by the child or the adult with diminished capacity. **Child sexual abuse MUST** be reported to the civil authorities. Per the Book of Order (G-4.0302), any suspected child abuse is to be reported to the Stated Clerk of the Presbytery as well as the civil authorities.

Misuse of office or position refers to sexual conduct committed by one while functioning in relationship to the victim within the context of a ministerial or professional role. For this policy, a sexual relationship between a clergy/professional lay leader in a pastoral or counseling role with another adult shall be considered abuse. Mutual consent is NOT POSSIBLE where a ministerial or professional relationship exists. It remains the responsibility of the minister or professional to maintain appropriate boundaries and to decline to engage in a sexual relationship. If misuse of office is suspected, contact the Stated Clerk of Presbytery for direction.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct when submission to such conduct is made, either implicitly or explicitly, a condition of an individual's employment or status in an institution, or is used as a basis for employment decision affecting the individual, or creates an intimidating, hostile or offensive working environment which in

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turn interferes with an individual's work performance. If sexual harassment is suspected, contact the Stated Clerk of the Presbytery for direction.

Production or distribution of pornography is defined and discussed in the policy statement of the General Assembly of the Presbyterian Church (USA) entitled: Pornography: Far from the Song of Songs, adopted by the 200th General Assembly (1988). See www.pcusa.org/resource/pornography-far-song-songs/

Administrative leave of a teaching elder: If any teaching elder is suspected of involvement in child abuse, the Stated Clerk of the presbytery shall immediately convene the appropriate process to determine if the teaching elder should be placed on administrative leave. This process is outlined in the Book of Order in D-10.0106.

V. Where and to Whom do you report?

Statute of Limitations:

Other than in the case of sexual abuse as defined in 10.0401c., charges of sexual misconduct must be filed no later than five years from the commission of the offense or one year from the forming of an investigating committee. There is no statute of limitations for filing charges alleging sexual abuse of any person under eighteen years of age or adults of diminished capacity or when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401c.)

Importance of Confidentiality:

Allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the well-being, integrity, and reputation of the accuser, the accused, and the Church. Allegations should be dealt with as matters of highest confidentiality, before and after they have been submitted to appropriate authorities as outlined below.

Civil Reporting:

The requirements imposed by Georgia law, as opposed to the Book of Order, for reporting sexual molestation or abuse of a child under the age of 18 years are set forth in Georgia Code &19-7-5, attached in the Appendix. In the case of suspected abuse of a minor, a report should be made to the Georgia Department of Family and Children's Service at 1-855-422-4453, available 24 hours per day, 7 days per week, 365 days per year. If there is fear of imminent danger, call 911. In the case of suspected abuse of an adult who lacks mental capacity, contact the appropriate police authority or district attorney's office.

Church Reporting:

Any suspected abuse, harassment, or misconduct should be reported to the Stated Clerk's office of the Presbytery. The Clerk will guide you as to next steps regarding any allegations. The Presbytery Clerk's cell number is: 770-330-7838.

VI. Disciplinary Process (see the Rules of Discipline, Chapters 10, 11 and 12)

The purpose of discipline is to honor God by making clear the significance of membership in the body of Christ...to achieve justice and compassion for all participants involved and to bring members to repentance and restoration...D-1.0101

Reporting:

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In the event of an allegation of sexual abuse, sexual harassment, distribution or use of pornography or any other sense of inappropriate behavior of a sexual nature, the church has a process to respond to such an allegation in an effort to determine its truth and the appropriate action.

Allegations:

An allegation is a written statement made by an individual alleging an offense of sexual abuse, sexual harassment, use or distribution of pornography or other inappropriate behavior of a sexual nature. This written statement should contain the nature of the alleged offense, any supporting information regarding the allegation and written in a clear narrative alleging the facts. (D-10.0101).

Allegations against a teaching elder or a commissioned ruling elder shall be directed to the stated clerk of the Presbytery. Allegations against a ruling elder or member of a congregation, shall be directed to the clerk of that particular congregation.

Receipt of an allegation by the stated clerk of the presbytery shall result in the appointment of an investigating committee (see confidentiality clause above). This committee is appointed by the clerk in consultation with the Executive Presbyter and shall be trained by the Stated clerk. The committee has one year to do its work to determine if formal charges are to be filed.

Charges (if any) result after an investigation has come to its completion. These charges will be submitted to the presbytery body called the Permanent Judicial Commission through the investigating committee who investigated. If the alleged offender does not plead guilty, a trial shall be held before the Permanent Judicial Commission to determine the validity of the charges.

Safeguards:

Throughout the process there are numerous safeguards for the accused including the right to be represented by counsel.

VII: Distribution/acknowledgement of this policy

Distribution:

This policy shall be distributed to all of the following: ordained ministers, commissioned ruling elders, and Presbytery employees.

At the time of any clergy or commissioned ruling elder entering the Presbytery, a copy of this policy will be provided and the person will be asked to sign a written acknowledgement indicating that she/he has received, read, understands and agrees to conduct her/himself in accordance with this Policy. The signed acknowledgement shall be kept in the person's file.

This policy shall be made available by the Stated Clerk to all persons who report or present allegations of sexual misconduct, and to all persons against whom allegations are filed.

VIII: Mandatory Education

The Committee on Ministry of the Presbytery of Greater Atlanta requires Boundaries training for all clergy/commissioned elders who are serving churches, who are members at large or who are serving in a validated ministry. Training is required once every three years. The policy printed below was approved by the Committee on Ministry on December 18, 2014.:

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Policy #16: Required Boundaries Training

All clergy, including retired clergy serving a church in some capacity, shall receive or repeat the Boundaries Training every three years.

Procedure for notification of non-compliance:

Members who have not attended one of the training events in the required year will be notified of their noncompliance and have their name printed in the first yearly Presbytery meeting handbook. In addition, a letter will be sent to their clerk of session or other governing body/supervisor. Two additional training opportunities will take place prior to the 2nd yearly meeting. These members will be sent a reminder to attend the 2nd available training if they do not attend the first available. A minister's name shall continue to be listed in each meeting handbook until they are in compliance.

Appendix....From the Office of the Child Advocate, State of Georgia:

Mandated Reporter

Mandated Reporters - O.C.G.A. §19-7-5 (2015)

§ 19-7-5. Reporting of child abuse; when mandated or authorized; content of report; to whom made; immunity from liability; report based upon privileged communication; penalty for failure to report

(a) The purpose of this Code section is to provide for the protection of children. It is intended that mandatory reporting will cause the protective services of the state to be brought to bear on the situation in an effort to prevent abuses, to protect and enhance the welfare of children, and to preserve family life wherever possible. This Code section shall be liberally construed so as to carry out the purposes thereof.

(b) As used in this Code section, the term:

(1) "Abortion" shall have the same meaning as set forth in Code Section 15-11-681.

(2) "Abused" means subjected to child abuse.

(3) "Child" means any person under 18 years of age.

(4) "Child abuse" means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.

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However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

(5) "Child service organization personnel" means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

(6) "Clergy" means ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.

(7) "Pregnancy resource center" means an organization or facility that:

(A) Provides pregnancy counseling or information as its primary purpose, either for a fee or as a free service;

(B) Does not provide or refer for abortions;

(C) Does not provide or refer for FDA approved contraceptive drugs or devices; and

(D) Is not licensed or certified by the state or federal government to provide medical or health care services and is not otherwise bound to follow federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, or other state or federal laws relating to patient confidentiality.

(8) "Reproductive health care facility" means any office, clinic, or any other physical location that provides abortions, abortion counseling, abortion referrals, or gynecological care and services.

(9) "School" means any public or private pre-kindergarten, elementary school, secondary school, technical school, vocational school, college, university, or institution of postsecondary education.

(10) "Sexual abuse" means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

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(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

"Sexual abuse" shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

(11) "Sexual exploitation" means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.

(c)(1) The following persons having reasonable cause to believe that suspected child abuse has occurred shall report or cause reports of such abuse to be made as provided in this Code section:

(A) Physicians licensed to practice medicine, physician assistants, interns, or residents;

(B) Hospital or medical personnel;

(C) Dentists;

(D) Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

(E) Podiatrists;

(F) Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 26 of Title 43 or nurse's aides;

(G) Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;

(H) School teachers;

(I) School administrators;

(J) School counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;

(K) Child welfare agency personnel, as such agency is defined in Code Section 49-5-12;

(L) Child-counseling personnel;

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(M) Child service organization personnel;

(N) Law enforcement personnel; or

(O) Reproductive health care facility or pregnancy resource center personnel and volunteers.

(2) If a person is required to report child abuse pursuant to this subsection because such person attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, such person shall notify the person in charge of such hospital, school, agency or facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, or modification, or make other change to the information provided by the reporter,

(3) When a person identified in paragraph (1) of this subsection has reasonable cause to believe that child abuse has occurred involving a person who attends to a child pursuant to such person's duties as an employee of or volunteer at a hospital, school, social agency, or similar facility, the person who received such information shall notify the person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, or modification or make any other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(d) Any other person, other than one specified in subsection (c) of this Code section, who has reasonable cause to believe that suspected child abuse has occurred may report or cause reports to be made as provided in this Code section.

(e) With respect to reporting required by subsection (c) of this Code section, an oral report by telephone or other oral communication or a written report by electronic submission or facsimile shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe that suspected child abuse has occurred. When a report is being made by electronic submission or facsimile to the Division of Family and Children Services of the Department of Human Services, it shall be done in the manner specified by the division. Oral reports shall be followed by a later report in writing, if requested, to a child welfare agency providing protective services, as designated by the Division of Family and Children Services of the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of

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allegations by hospital employees or volunteers, physicians, law enforcement personnel, school officials, or employees or volunteers of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photographs shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority."

(f) Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in the making of a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority pursuant to this Code section or any other law or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith. Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection.

(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.

(h) Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

(i) A report of child abuse or information relating thereto and contained in such report, when provided to a law enforcement agency or district attorney pursuant to subsection (e) of this Code section or pursuant to Code Section 49-5-41, shall not be subject to public inspection under Article 4 of Chapter 18 of Title 50 even though such report or information is contained in or part of closed records compiled for law enforcement or prosecution purposes unless:

(1) There is a criminal or civil court proceeding which has been initiated based in whole or in part upon the facts regarding abuse which are alleged in the child abuse reports and the person or entity seeking to inspect such records provides clear and convincing evidence of such proceeding; or

(2) The superior court in the county in which is located the office of the law enforcement agency or district attorney which compiled the records containing such reports, after application for inspection and a hearing on the issue, shall permit inspection of such records by or release of information from such records to individuals or entities who are engaged in legitimate research for educational, scientific, or public purposes and who comply with the provisions of this paragraph. When those records are located in more than one county, the application may be made to the superior court of any one of such counties. A copy of any application authorized by this paragraph shall be served on the office of the law enforcement agency or district attorney which compiled the records containing such reports. In cases where the location of the records is unknown to the applicant, the application may be made to the Superior Court of Fulton County. The superior court to which an application is made shall not grant the application unless:

(A) The application includes a description of the proposed research project, including a specific

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statement of the information required, the purpose for which the project requires that information, and a methodology to assure the information is not arbitrarily sought;

(B) The applicant carries the burden of showing the legitimacy of the research project; and

(C) Names and addresses of individuals, other than officials, employees, or agents of agencies receiving or investigating a report of abuse which is the subject of a report, shall be deleted from any information released pursuant to this subsection unless the court determines that having the names and addresses open for review is essential to the research and the child, through his or her representative, gives permission to release the information.

Reports can either be made orally by calling Central Intake at 1-855-GACHILD / 1-855-422-4453 or by:

•Fax – 229-317-9663

•Email – cpsintake@dhs.ga.gov

•Web-based reporting - <http://dfcs.dhs.georgia.gov/child-abuse-neglect> *

*Web-based reporting requires completion of Mandated Reporter Training to obtain an ID# (see below)

Mandated Reporter Training is available through The Governor's Office for Children and Families (GOCF) and Prevent Child Abuse of Georgia (PCAGA). Both GOCF and PCAGA has partnered with Care Solutions, Inc. to make this valuable online training available for free any time or day that you may want to use it. It is one-hour of your time to learn how to better recognize the indicators of abuse and neglect, understand your role in responsible reporting, and identify the groups of children that may be at a higher risk of being abused or neglected. Please click here to register: [Mandated Reporters: Critical Links in Protecting Children in Georgia](#)

Prevent Child Abuse of GA also offers in-person training. For in-person training, please contact Julia Neighbors at jneighbors@gsu.edu