

The Presbytery of Missouri River Valley

Principles and Procedures for Sexual Misconduct Prevention

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Introductory Statement

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

We believe that Scripture and our faith in Jesus Christ call all of us to assume high ethical and moral standards in all of life, including all expressions of our sexual behavior. Human sexuality is an integral part of who we are as persons. Our commitment is to model the example of Christ and to be rooted in the love of Christ in all relationships. For any Christian to betray trust by sexually abusing another, whether child or adult is to deny his or her own Christian identity. Such a betrayal is a serious injury to the one abused and a violation of faithfulness to Christ. It also has a profound long term effect both on the victim and on the community of faith in which the violation occurs.

Sexual misconduct is not only a violation of the principles set forth in Scripture but is also a violation of ministerial employment and the professional relationships that officers, employees, and volunteers of the Church must maintain with integrity. Because of the serious consequences of sexual abuse, the Church must make every effort to assure that sexual abuse does not occur within its jurisdiction. When an allegation of such abuse does occur, the church must make a clear and just response.

Theological Basis

God intends for the church to be a safe place for all to encounter God and grow into lives of service and fulfillment. We are called to be a holy community. "As the one who called you is holy, be holy yourselves in all your conduct." (1Peter 1:15) God creates all persons in the image of God. (Genesis 1:27) The gospels tell stories of Jesus ministering to men, women and children, teaching and healing all who came to him, treating them with dignity and respect. Throughout the scriptures God calls us to honor the integrity of our neighbors, and their personhood. God intends all persons to have worth and dignity in their relationships. We are one connected body, and when one part of the body is injured physically, emotionally or spiritually, the entire body is rendered less than God intended. Misconduct of a sexual nature of any kind violates a person's wholeness and is an unjust use of status and power. It is sinful behavior against God and the other person(s). The scriptures witness to a God whose love brings about justice, mercy and grace. The Church is called to express God's love in concrete actions of compassion and healing for all God's people.

I. Scope, Purposes, Principles

A. Scope of Policy

Teaching Elders who are members of the Presbytery of Missouri River Valley, Ruling Elders commissioned by the Presbytery of Missouri River Valley, individuals serving churches in The Presbytery of Missouri River Valley of the Presbyterian Church (U.S.A.) who have a contract approved by the Committee on Ministry, and Candidates and Inquirers serving churches in the Presbytery are to maintain the integrity of ministerial employment and professional relationships at all times.

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B. Purposes

The Presbytery of Missouri River Valley adopts these Principles and Procedures on Sexual Misconduct for the following purposes:

1. To further the peace, unity, and purity of the Church.
2. To set and enforce standards of ethical behavior consistent with Scripture, the standards of the Presbyterian Church (U.S.A.), and secular law.
3. To serve as a guide for prevention of sexual misconduct:
 - a. Creating an atmosphere in our Presbytery in which acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice; and
 - b. Providing ongoing active education regarding this Presbytery's standards of ministry regarding sexual misconduct to parties covered by this document in order to fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.
4. To demonstrate pastoral concern for the alleged victims and those accused of sexual misconduct.
5. To provide just procedures for inquiry and effective response to allegations of the violation of trust that negatively affect the emotional, spiritual, and physical care and protection of persons, which is the responsibility of all who represent the Church in any way.

C. Principles

The two primary principles that guide this document are vital to our efforts both to prevent and respond to sexual misconduct. Those principles are truth and faithfulness, conducted in a spirit of fairness.

1. Principle of Truth:

- a. Truth is to be honored as an end in itself and also as an expression of the respect we owe to others based on our Presbyterian covenants of trust and mutual obligation;
- b. Truth is to be recognized as a basis for the duty of the individual to act by disclosing or reporting, whether as a complainant, a witness, or the recipient of information pertaining to wrongdoing, and so avoid the collusion of silence that prevents wrongdoing from being restrained or corrected; and
- c. Truth is recognized as a basis for the duty of the Presbytery to inquire and determine in regard to reports or complaints of wrongdoing and, as

98 circumstances require, to investigate and prosecute allegations of
99 wrongdoing.
100

101 2. **Principle of Faithfulness:**

- 102
- 103 a. Faithfulness is to be honored as an end in itself, and also as an expression
104 of the respect we owe to others based on the fiduciary relationships of
105 trust and confidence that we establish in the Presbyterian Church (U.S.A.)
106 in the name of Jesus Christ;
- 107
- 108 b. Faithfulness is to be utilized as a basis for our commitment to act to
109 prevent violations of fiduciary relationships within the Church, its
110 mission, and its ministry;
- 111
- 112 c. Faithfulness is to be utilized as a basis for our obligation to protect the
113 rights of others, especially of those who are vulnerable and rely on the
114 Church's care and guidance; and
- 115
- 116 d. Faithfulness is to be recognized as a basis for the duty of the individual
117 and of the Presbytery to utilize the standard disciplinary process of the
118 Church.
119

120 **II. Standards of Conduct**

121

122 The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the
123 Church because an understanding of God and the gospel's good news is conveyed through these
124 representatives. Their manner of life should be a demonstration of the Christian gospel in the
125 Church and the world (Book of Order G-2.0104a).
126

127 **A. Principles of Conduct**

128

129 The principles of conduct guiding this policy are as follows:

- 130 1. Sexual misconduct is a violation of the role of Teaching Elders, Ruling Elders
131 Commissioned to service, and individuals serving churches in The Presbytery of
132 Missouri River Valley of the Presbyterian Church (U.S.A.) who have a contract
133 approved by the Commission on Ministry, and Candidates and Inquirers serving
134 churches in the Presbytery. The Church has a covenant to act in the best interests
135 of parishioners, clients, co-workers, and students, which is broken when sexual
136 misconduct occurs.
137
- 138 2. Sexual misconduct is a misuse of authority and power that breaches Christian
139 ethical principles by misusing a trust relationship to gain advantage over another
140 for personal pleasure in an abusive, exploitative, and unjust manner. If the
141 parishioner, student, client, or employee initiates or invites sexual content in the
142 relationship, it is the minister's responsibility to maintain the appropriate role and
143 prohibit a relationship that is sexual in nature.
144
- 145 3. Sexual misconduct takes advantage of the vulnerability of children and persons
146 who are less powerful and therefore less able to act for their own welfare. It is

147 antithetical to the gospel call to work as God’s servant in the struggle to bring
148 wholeness to a broken world. It violates the mandate to protect the vulnerable
149 from harm.
150

151 **B. Victims and Families**
152

153 The Presbytery will offer care to the alleged victims of sexual misconduct and their
154 families. It has sometimes been the case that the alleged victim or family is so angry and
155 alienated from the church, that offers of help have been perceived as insincere or
156 attempts at a cover-up. If the alleged victim or family at first refuses, the church should
157 continue to offer help. The church’s concern shall never be to protect itself but, rather, to
158 seek the truth and to offer care to alleged victims and accused.
159

160 The extent of the damage to the alleged victims of sexual misconduct will vary from
161 person to person. It will be influenced by such factors as the degree of severity of abuse,
162 the age and emotional condition of the alleged victim, personality dynamics, and the
163 importance of their religious faith. Feelings such as guilt, shame, anger, mistrust, lowered
164 self-esteem, unworthiness, and feelings of alienation from God, self, the religious
165 community, and family are frequent injuries suffered by victims.
166

167 In all cases the Presbytery shall assume that the person has been wounded by the
168 experience.
169

170 **C. Congregations or Presbytery**
171

172 The Presbytery should be aware of the problems a congregation may experience resulting
173 from allegations of sexual misconduct by a minister, employee, or volunteer. The
174 allegations may polarize the congregation or organization, damage morale, and create
175 serious internal problems. COM should seek to recognize and identify the problems and
176 seek healing for the congregation.
177

178 **D. The Accused**
179

180 In keeping with the vows of ordination, ideally an individual would self-report a
181 violation. The Presbytery will offer treatment and care for the accused and the family of
182 the accused, as well as for alleged victims and families. If the accused is a teaching elder
183 or a Certified Director of Christian Education, this is the responsibility of the
184 Commission on Ministry (Presbytery Bylaws VII.C.1).
185

186 If a person is cleared of charges, it is important that the Presbytery communicate the
187 acquittal as fully as it deems appropriate when requested to do so by the accused and will
188 offer care for him or her.
189

190 **E. The Non-Victim Accuser**
191

192 In many cases the non-victim accuser is the parent, guardian, or other advocate for a
193 child who has been the alleged victim of sexual misconduct. Because of a child’s
194 minority status, an adult often files the action on behalf of the child.
195

196 In cases where the accuser is a non-Presbyterian, any member of our denomination may

197 turn an oral notification into a formal allegation under the Rules of Discipline.

198

199 **III. Risk Management**

200

201 **A. Implementation**

202

203 1. The structures and procedures for responding to allegations of sexual misconduct
204 are mandated by the Book of Order such as the roles of the Commission on
205 Ministry and the Investigating Committee D-10.0201 and D-10.0202).

206

207 2. The Presbytery will provide educational programs to prevent sexual misconduct
208 and to provide training in pastoral and disciplinary procedures for the following:
209 Teaching Elders, Ruling Elders Commissioned to service in congregations,
210 individuals serving churches in The Presbytery of Missouri River Valley of the
211 Presbyterian Church (U.S.A.) who have a contract approved by the Committee on
212 Ministry, and Candidates and Inquirers serving churches in the Presbytery.

213

214 3. Each church shall be required to develop its own sexual misconduct principles
215 and procedures (G-3.0106). *The Session, not the minister, is responsible for*
216 *establishing and overseeing the principles and procedures for sexual misconduct*
217 *prevention for the congregation.*

218

219 4. Response to complaints of sexual misconduct in the course of employment will be
220 governed by this sexual misconduct document in those instances where it is
221 consistent with the Book of Order. Allegations may result in charges filed against
222 a church member or minister under the Rules of Discipline and may lead to
223 temporary or permanent removal from office.

224

225 5. When child sexual abuse or other misconduct that violates criminal laws is
226 alleged the staff member suspecting the misconduct is required to report the
227 incident to the proper secular authorities including:

228

- Law enforcement – 911;
- Iowa Child Protective Services at 1-800-362-2178; or
- Nebraska Child Protective Services at 1-800-652-1999

229

230

231

232 6. When child sexual abuse or other misconduct that violates criminal laws is
233 alleged, the secular authorities will immediately take control of the investigation
234 and disposition of charges against the accused. The Presbytery will cooperate
235 with secular authorities in any secular investigation of sexual misconduct and will
236 urge the congregation to do likewise. Church disciplinary proceedings cannot
237 interfere with the criminal investigation by secular authorities and may have to be
238 suspended until these are complete. The church has its own disciplinary concerns
239 that are not automatically resolved by a secular court. The Presbytery has a duty
240 to make its inquiry and enforce disciplinary procedures if warranted.

241

242 **B. Employment Practices**

243

244 **1. Prevention**

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- 246 Teaching Elders, Ruling Elders Commissioned to service in congregations,
247 individuals serving churches in the Presbytery of Missouri River Valley of the
248 Presbyterian Church (U.S.A.) who have a contract approved by the Commission
249 on Ministry, and Candidates and Inquirers serving churches in the Presbytery:
250
251 a. Shall submit a detailed work resume or Personal Information Form (PIF).
252
253 b. Shall sign a Release Form authorizing a background check.
254
255 c. Shall be required to attend sexual misconduct prevention training as
256 provided by Presbytery of Missouri River Valley.
257
258 d. Shall routinely review the Principles and Procedures for Sexual
259 Misconduct Prevention.
260

261 Teaching Elders and CCE's shall all complete the Personal Information Form
262 currently being distributed by the Church Leadership Connection of the
263 Presbyterian Church (U.S.A.), including Part IV, Sexual Misconduct information,
264 or its successor form.
265

266 **2. Record Keeping**

267 The Presbytery of Missouri River Valley:

- 268 a. Shall keep a Personnel file on every teaching elder member and all those
269 who have contracts approved by the Commission on Ministry, and
270 b. Shall keep a record of all materials required in "Section 1. Prevention" as
271 well as a record of attendance of every Christian educator, COM members
272 and any other person who works with children or youth at Presbytery
273 events at training related to child abuse, sexual misconduct and
274 boundaries.
275
276

277 **3. References**

278 The Presbytery is responsible for contacting references for prospective teaching
279 elder members, Ruling Elders Commissioned to service, those serving churches
280 that have a contract approved by the Commission on Ministry, and employees.
281

282 Any person within The Presbytery authorized to give a reference is obligated to
283 give truthful information regarding allegations, inquiries, and administrative or
284 disciplinary action related to sexual misconduct of the applicant.
285
286

287 Applicants may be informed of negative comments regarding sexual misconduct
288 and may be given an opportunity to submit additional references or to give other
289 evidence to correct or respond to harmful information obtained from a reference.
290

291 **C. Distribution**

292 Copies of this document shall be distributed to all Presbytery employees, Teaching Elder
293 members, Ruling Elders Commissioned to service, and individuals serving churches in
294

295 the Presbytery who have a contract approved by the Commission on Ministry and shall be
296 available to all church members and volunteers. It is intended for use by all churches in
297 the Presbytery. The document shall be made available to persons who accuse others of
298 misconduct, including those who are or claim to be victims of sexual misconduct and
299 their families. The document shall be distributed to those serving on investigating
300 committees and Commission on Ministry.

301
302 Upon receipt of this document, Presbytery employees, teaching elder members, Ruling
303 Elders Commissioned to service and individuals serving churches in the Presbytery who
304 have a contract approved by the Commission on Ministry must sign a written
305 acknowledgment of receipt. This acknowledgment shall be kept on record in the
306 Presbytery Office.

307
308 **IV. Response Procedures**

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310 **A. Receiving Initial Reports:**

311
312 Reports of sexual misconduct may occur in a variety of ways. Because a council cannot
313 control to whom the accuser of sexual misconduct will first speak, it is important that all
314 members of the presbytery and Clerks of Session understand how reports of incidents are
315 channeled to those responsible for processing the allegation.

316
317 Reports of sexual misconduct should never be taken lightly or disregarded and allowed to
318 circulate without concern for the integrity and reputation of the accuser, the accused, and
319 of the Church. Reports should be dealt with as matters of highest confidentiality before
320 and after they have been submitted to appropriate authorities as outlined below.

321
322 The first person to learn of an incident of suspected sexual misconduct shall not
323 undertake an inquiry alone though a clarifying conversation would be permitted only to
324 ensure sufficient information is captured to proceed. That inquiry may include the
325 following simple, open-ended questions: 1. Tell me what happened, when, and by whom.
326 It may be helpful to ask when the accused will see the victim again to determine the
327 immediacy of the response necessary to keep the victim safe. *If the accuser is hesitant to*
328 *talk to "higher authorities", the person receiving the initial report has a special*
329 *responsibility to encourage willingness to speak with appropriate authorities*

330
331 **B. Reporting to the Proper Secular Authorities**

332
333 When child sexual abuse or other misconduct that violates criminal laws is alleged the
334 staff member suspecting the misconduct is required to report the incident to the proper
335 secular authorities including:

- 336 • Law enforcement – 911
- 337 • Iowa Child Protective Services 1 – 800-362-2178
- 338 • Nebraska Child Protective Services 1-800-652-1999

339
340 **C. Subsequent Reporting:**

341
342 Anyone under the jurisdiction of a council of the PC (U.S.A.)-members and ordained

343 officers, alike—who received information from any source shall submit a written
344 statement of the alleged offense to the clerk of session or the Stated Clerk (Book of Order
345 D-10.0101).

346
347 Upon receipt of a written statement of an alleged offense of a teaching elder member of
348 the Presbytery, the Stated Clerk, without undertaking further inquiry, shall then report to
349 the governing body only that an offense has been alleged, without naming the accused or
350 the nature of the alleged offense, and refer the statement immediately to an investigating
351 committee (Book of Order D-10.0103).

352
353 Upon receipt of a written statement of an alleged offense by someone not a member of
354 the Presbytery the Stated Clerk shall refer the offense to the appropriate supervisory body
355 in the Presbytery.

356

357 **V. Jurisdiction**

358

359 **A. Accused Covered by the Book of Order- Teaching Elders:**

360
361 Presbytery response will vary according to the status of the accused. Church members
362 and teaching elders are subject to inquiry and discipline under the Book of Order D-
363 3.0101. The pastoral relationship of teaching elders serving congregations is subject to
364 oversight by the Presbytery (Book of Order G-3.0301).

365
366 Response to allegations of sexual misconduct by teaching elders employed by a different
367 Presbytery, or by a synod or General Assembly entity and holding ministerial status in a
368 different Presbytery, will be made by the employing entity under its personnel policies.
369 Such teaching elders will also be subject to the Rules of Discipline as members of a
370 Presbytery.

371

372 **B. Accused Covered by the Book of Order-Church Members:**

373
374 The session has original jurisdiction in disciplinary cases involving members of the
375 church, each having jurisdiction only over its own members (Book of Order
376 D-3.0101). A church member’s relationship with congregation is determined by the
377 session acting under the Rules of Discipline.

378
379 When a church member is accused of sexual misconduct, the disciplinary process is the
380 same as that described for ministers and found in Chapters X-XIV of the “Rules of
381 Discipline” in the Book of Order. An investigating committee must make an inquiry,
382 decide whether to make charges, and prosecute (Book of Order D-10.0101 and D-
383 10.0103). The session will sit as a court and try the case (Book of Order D-3.0101a).
384 The person accused has a right to counsel, to present witnesses, and to cross-examine
385 witnesses. If at any point in the proceedings the accused presents a letter of resignation
386 from the church (effectively “renouncing jurisdiction” Book of Order G-2.0407), the
387 jurisdiction of the session ends. The session records that the case was closed and the
388 investigating committee is dissolved (Book of Order D-3.0106).

389

390 **C. Accused Renouncing Jurisdiction--Teaching Elders**

391

392 If at any time the accused renounces the jurisdiction of the church (Book of Order G-
393 2.0509), then such action will be noted and all reports will be filed with the Stated Clerk.
394 The church's involvement then is closed.

395

396 **VI. Presbytery Response**

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398 Actions by the Stated Clerk, the COM and the SMRC shall be guided by the Rules of Discipline
399 of the Book of Order and Presbytery's Sexual Misconduct Policy.

400

401 **VII. Media Contact**

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403 In order to minimize prejudice in any allegation yet to be decided, all inquiries from the media
404 regarding an allegation of sexual misconduct must be directed to the Stated Clerk. The alleged
405 victim, the accuser (if different from the alleged victim), the accused, advocates for the accused
406 or the alleged victim, the church or employing entity, members of the COM, members of
407 Presbytery, or any others known to have information about the allegations are not to respond to
408 questions from the media other than to refer the media to the Stated Clerk.

409

410 **VIII. Statute of Limitations**

411

412 In accord with the Rules of Discipline (Book of Order D-10.0401) and the Sexual Misconduct
413 Policy approved by the 1993 General Assembly, Presbyterian Church (U.S.A.), there is no
414 statute of limitations for filing charges alleging sexual abuse.

415

416 **IX. Definitions**

417

418 A. **Accusation** is a statement or claim that an offense may have occurred. It must be put
419 into writing for it to be acted upon. It may be put into writing by the alleged victim, an
420 accuser, or anyone from a council. It may come from either a member or a non-member.

421

422 B. **Accused** is the term used to represent the person against whom a claim of sexual
423 misconduct is made.

424

425 C. **Accuser** is the term used to represent the person claiming knowledge of sexual
426 misconduct by a person covered by this document. The accuser may or may not be the
427 victim of alleged sexual misconduct, in which case they are referred to as a third-party
428 accuser. A person such as a family member, friend or colleague of the alleged victim
429 may be the accuser whose information initiates the inquiry.

430

431 D. **Book of Order** is Part II of the Constitution of the Presbyterian Church (U.S.A.). It is
432 further divided into three parts: Form of Government (with citations beginning with
433 "G"), directory for Worship (with citations beginning with "W"), and Rules of Discipline
434 (with citations beginning with "D").

435

436 E. **Child Sexual Abuse** includes, but is not limited to, any contact or interaction between a
437 child (as defined by the state in which it takes place) and an adult (when the child is being
438 used for the sexual stimulation of the adult person or of a third person). The behavior
439 may or may not involve touching. Sexual behavior between a child and an adult is always

- 440 considered forced whether or not consented to by the child. In the Presbyterian Church
 441 (U.S.A.), the sexual abuse definition of a child is anyone under age 18.
 442
- 443 F. **Church**, when spelled with the first letter capitalized, refers to the Presbyterian Church
 444 (U.S.A.); when spelled with the first letter in lowercase, refers to a congregation. The
 445 word “congregation” is used loosely for both members and participants.
 446
- 447 G. **Claim** is the initial statement of alleged sexual misconduct made by the alleged victim.
 448
- 449 H. **COM-Committee on Ministry** Each presbytery shall elect a committee on ministry to
 450 serve as pastor and counselor to the ministers and Certified Christian Educators of the
 451 presbytery, to facilitate the relations between congregations, ministers, and Certified
 452 Christian Educators, and the presbytery, and to settle difficulties on behalf of presbytery
 453 when possible and expedient.
 454
- 455 I. **Dependent or Vulnerable Adults** are those who suffer from mental defects or incapacity
 456 which prevents giving consent, or lacks the mental capacity to know right and wrong
 457 conduct in sexual matters. Dependent Adults are never able to consent to sexual activity
 458 with an adult.
 459
- 460 J. **Employee** is the comprehensive term used to cover individuals who are hired or called to
 461 work for governing bodies or entities for salary or wages.
 462
- 463 K. **Entity** is the term used to refer to any program or office managed by a board, committee,
 464 council or other body whose membership is elected by the Presbytery.
 465
- 466 L. **Council** is a representative body composed of elders and ministers of the Word and
 467 Sacrament; these are sessions, presbyteries, synods, and the General Assembly. A
 468 council may have both church members and non-members as employees.
 469
- 470 M. **High-risk Occupation** is that which calls for a person to work in close contact with
 471 those who are vulnerable and less capable of protecting themselves; with children,
 472 elderly persons, those who are wholly or partially incapacitated, or counseling clients
 473 having emotional or personal problems.
 474
- 475 N. **Inquiry** is the action taken by an investigating committee which as been designated by a
 476 council to determine whether charges should be filed against one of its members (Book of
 477 Order D-10.0201 and D-10.0202c).
 478
- 479 O. **Investigation** is the term generally used by police, secular prosecutors, and child
 480 protective agencies when responding to allegations of an offense. It is also used in
 481 reference to specific actions of an investigating committee (Book of Order D-10.0202h).
 482
- 483 P. **Investigating Committee (IC)** is the committee (of three to five members) appointed by
 484 a Session or Presbytery to conduct an investigation to determine whether charges should
 485 be filed against the person against whom an accusation has been made. Initially, the IC
 486 should make no presumption of guilt or innocence. Instead, it should follow the
 487 requirements of Book of Order D-10.0202. However, after its investigation, it is to make
 488 an assessment of whether probable cause exists to believe an offense has been committed
 489 by the Accused.

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- Q. **Mandated Reporter** is a person required by state law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention.
- Within the Synod of Lakes and Prairies, all persons covered by this document have a duty to report suspected child sexual abuse to the employing entity, supervisor, or Presbytery representative. All mandated reporters should be informed of, and must comply with, state and local laws regarding incidents of actual or suspected child sexual abuse.
- R. **Minister or Pastor** refers to one who is ordained to specific pastoral ministry within a congregation or to specialized ministry. This also refers to Commissioned Lay Pastors.
- S. **Persons Covered**-Teaching Elders who are members of the Presbytery of Missouri River Valley, Ruling Elders commissioned by the Presbytery of Missouri River Valley, individuals serving churches in The Presbytery of Missouri River Valley of the Presbyterian Church (U.S.A.) who have a contract approved by the Commission on Ministry, and Candidates and Inquirers serving churches in the Presbytery are to maintain the integrity of ministerial employment and professional relationships at all times.
- T. **Presbytery** refers to The Presbytery of Missouri River Valley.
- U. **Professional staff** describes those staff members who lead programmatic ministries for congregations or Presbyteries but are not ordained pastors. Such people include church musicians, DCE’s, Youth Directors, Staff at Presbytery, etc.
- V. **Reasonable Suspicion or a Reasonable Cause to Suspect** refers to subjective criteria: beliefs or opinions based on facts or circumstances that are sufficient for a prudent person to want to inquire further, to take protective action, or to report to authorities.
- W. **Report** is a written account of the alleged sexual misconduct which may or may not be submitted by the person who made the claim.
- X. **Response** is the action taken by the council or entity when a report of sexual misconduct is received. It may include:
1. Brief inquiry to clarify facts and circumstances. It is important to not engage in “investigation” and not to attempt to determine whether the reported incident actually occurred;
 2. Fulfillment of mandatory reporting responsibilities pursuant to state law and the Book of Order G-4.030;
 3. Possible disciplinary action;
 4. Pastoral care for alleged victims and their families and others;
 5. Appropriate rehabilitation and pastoral care for the accused and their families.
- Y. **Secular Authorities** are the governmental bodies that are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused

540 of sexual crimes or offenses against adults and children.
541
542 Z. **Secular Law** is the body of municipal, state, and federal laws and is often referred to
543 collectively as civil and criminal law. Prohibited behavior addressed by this document
544 may result in criminal charges and/or civil claims filed under secular law.
545
546 AA. **Sexual Harassment**—including unwelcome sexual advances, requests for sexual favors,
547 and other verbal or physical conduct of a sexual nature—occurs when:
548
549 1. Submission to such conduct is made either explicitly or implicitly a term or
550 condition of an individual’s employment;
551
552 2. Submission to or rejection of such conduct by an individual is used as the basis
553 for employment decisions affecting such an individual;
554
555 3. Such conduct has the purpose or effect of unreasonably interfering with an
556 individual’s work performance or affecting positive relationships in
557 congregational life and by creating an intimidating, hostile, or offensive working
558 environment based upon the declared judgment of the affected individual; or
559
560 4. An individual is subjected to unwelcome sexual jokes, unwelcome or
561 inappropriate touching, or display of sexual visuals that insult, degrade, and/or
562 sexually exploit men, women, or children.
563
564 BB. **Sexual Misconduct** is the comprehensive term used in this policy to include:
565
566 1. Child sexual abuse as defined above;
567
568 2. Dependent/vulnerable adult sexual abuse as defined above;
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570 3. Sexual harassment as defined above;
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572 4. Rape/criminal sexual contact or sexual conduct by force, threat, or intimidation;
573
574 5. Sexual conduct (such as offensive, obsessive or suggestive language or behavior,
575 unacceptable visual contact, unwelcome touching or fondling) that is injurious to
576 the physical or emotional health of another; and
577
578 CC. **Victim** is the term used to identify the person who has been subjected to sexual
579 misconduct.
580
581 DD. **Volunteer** is the term used for one who provides services for Presbytery, a Session and
582 entities of the Church and receives no benefits or remuneration. This policy treats
583 volunteers the same as employees. Volunteers include persons elected or appointed to
584 serve on boards, committees, and other groups.