

# **Sexual Misconduct Policy**

Highland Presbyterian Church  
2380 Cloverdale Avenue  
Winston-Salem, NC 27103  
336-724-6303  
[www.highlandpres.org](http://www.highlandpres.org)

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## HIGHLAND PRESBYTERIAN CHURCH SEXUAL MISCONDUCT POLICY

(Adopted November 2018)

The *Book of Order* mandates in part that “[a]ll councils shall adopt and implement a sexual misconduct policy” (G-3.0106). This policy is based upon the *Presbyterian Church (U.S.A.) Sexual Misconduct Policy and its Procedures*. All references cited refer to the *Book of Order 2017-2019*.

### I. Policy Statement

- A. It is the policy of Highland Presbyterian Church that all church members, church officers, non-member employees, and volunteers maintain the integrity of ministerial, employment, and professional relationships at all times. Individuals engaging in sexual misconduct as defined below are in violation of the principles for Christian conduct set forth in Scripture, and in violation of relevant ministerial, pastoral, employment, and professional relationships. There are no conditions under which it is permissible for a Highland church member, officer, employee, or volunteer to engage in sexual misconduct.
- B. Copies of this policy and its procedures are made available to all church members, non-member employees, and volunteers of Highland. The policy is based upon the Sexual Misconduct Policy of the PC(USA), and is intended to govern and protect Highland members, non-member employees, volunteers, and others participating in church sponsored ministries and activities. These policies and procedures are to be made available to persons who accuse others (i.e. church members, church officers, non-member employees, volunteers) of misconduct, including individuals who are or claim to be victims of sexual misconduct and their families, and to persons accused of sexual misconduct.

### II. Standards of Conduct

- A. “Run from sexual sin! No other sin so clearly affects the body as this one does. For sexual immorality is a sin against your own body. Don’t you realize that your body is the temple of the Holy Spirit, who lives in you and was given to you by God? You do not belong to yourself, for God bought you with a high price. So you must honor God with your body.” I Corinthians 6: 18-20, NLT
- B. All members of Highland, church officers, employees, as well as volunteers are called upon to minister to others and to one another. In that ministry role, the expectation of ethical conduct is a given, for we represent our Lord and Savior Jesus Christ in our words and in our deeds.

### III. Definitions

- A. **Sexual misconduct** is the comprehensive term used in this policy, and includes the following seven different, but related categories of “sanction-able” behaviors.
- B. **Child sexual abuse**; including, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.
- C. **Sexual abuse** as defined in the *Book of Order*: “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (D-10.0401c).

- D. **Sexual harassment**; defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution; b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual; c. 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; or d. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
- E. **Rape**; sexual contact by force, threat, or intimidation.
- F. **Sexual conduct** (such as offensive, obsessive or suggestive language or behavior, unwelcome touching or fondling) that is injurious to the physical or emotional health of another.
- G. **Sexual Malfeasance**; as defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.
- H. **Misuse of technology**; use of technology that results in sexually harassing or abusing another individual, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is NEVER appropriate to view pornography on church property. If such viewing also includes one or more individuals under the age of 18, that behavior is viewed as child abuse. There is NO expectation of privacy for any individual when technological equipment owned by Highland or any of its entities is used, or when banned behaviors occur within the context of any Highland ministry programs/activities.

#### **IV. Highland's Response to Allegations of Sexual Misconduct**

##### **A. Guiding Principles**

- 1. When responding to allegations of sexual misconduct, Highland members, officers, and employees seek to facilitate both the healing and the protection of individuals involved. Whenever possible, the privacy of persons involved will be respected and confidentiality of all communications will be maintained.
- 2. In responding to allegations of sexual misconduct, members, officers, and employees of Highland will seek to respond to such allegations in ways that uphold the dignity of the individuals involved, including those individuals alleging harm, those who are accused of the sexual misconduct, and the families and communities of each as outlined under Reporting Requirements.

##### **B. Jurisdiction**

- 1. Highland Presbyterian Church has jurisdiction over its members, its officers, and its employees such that if a member, officer, or employee is alleged to have committed an offense against Scripture or the PC(USA) Constitution, Highland is responsible for inquiring into the allegation and, if the allegations are found to be factual, to correct the behavior of the church member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution, thus triggering the disciplinary processes of the PC(USA) as set forth in the *Book of Order*. In cases where the alleged offender is an active non-member who is either employed by or a volunteer of the church, the individual will be responded to using procedures from the written personnel policies of the church or other entity.

2. If the individual accused of sexual misconduct is no longer a Highland member, officer, or employee, but the alleged conduct occurred while the individual was acting on behalf of Highland, the church no longer has jurisdiction to correct the behavior, but accepts responsibility for hearing the allegations of offense and taking measures to prevent future occurrences of harm. The Session may refer the investigation to its Session Personnel Committee or appoint an administrative committee or commission as appropriate to hear the allegations. The Session may also take measures to prevent future occurrences of harm through education and policy as appropriate.

**C. Reporting Requirements**

**1. Reporting Sexual Misconduct**

Any individual needing to report that a Highland member, officer, employee, or volunteer has committed sexual misconduct should seek guidance from a church pastor or elder regarding the completion of the appropriate report (see Appendix B).

**2. Congregation**

If the individual being accused of committing sexual misconduct is a Highland member, elder, deacon, or volunteer, the report of allegations is to be made to a pastor or the clerk of session. If the individual being accused of committing sexual misconduct is an employee, or no longer affiliated with Highland, the report is made to the Chair of the Personnel Committee. When the accused is a member or officer of Highland, the church will respond by using the procedures set forth in the Rules of Discipline of the *Book of Order*. When the accused is a nonmember employee or volunteer, the church will respond by using procedures set forth in this policy.

**3. Presbytery**

If the individual being accused of committing sexual misconduct is a minister member of Salem Presbytery, the allegations should be made to the stated clerk of the Presbytery. If the report of allegations is placed in writing, the Presbytery will respond by using the procedures set forth in the Rules of Discipline of the *Book of Order*.

**4. Volunteers or nonmember employees**

If the individual accused of committing sexual misconduct is a volunteer or nonmember employee of the presbytery, the report of allegations may be made to any of the staff or volunteers of Salem Presbytery. The presbytery will respond by using procedures set forth by policy or bylaws of the Salem Presbytery.

**D. Receiving Reports of Sexual Misconduct**

1. Given the extremely sensitive nature of allegations of sexual misconduct, those allegations will be voiced in a variety of ways and to a number of possible listeners. It is critical therefore that Highland officers, employees, and persons highly visible to both church members and visitors understand how such allegations should be directed so that the proper persons are notified in a timely manner. Since such allegations may come from persons who have or who do not have a formal relationship with Highland Presbyterian Church, and allegations may come first to a variety of officers or leaders within the church, it is the duty of all Highland officers to see that any such allegations are reported appropriately, keeping in mind that there are additional mandatory reporting requirements for allegations of child abuse.
2. Under no circumstances should allegations of sexual misconduct be taken lightly or disregarded, and allowed to circulate without concern for the integrity and reputation of the alleged victim, the individual accused of the misconduct, and Highland. Reports of such allegations should be dealt with as matters of the highest confidentiality, both before and after those allegations have been submitted to appropriate authorities as outlined below.

3. The first individual to be informed of an allegation or incident of sexual misconduct should NOT undertake an inquiry of the facts on his/her own, nor should that individual question either the alleged victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant to talk to “higher authorities” as mandated by this policy, the individual receiving the initial report has a special pastoral responsibility to seek to build trust and willingness on the part of the accuser to speak with the appropriate “higher authorities”. Without such reporting, Highland will not be able to respond appropriately because firsthand information is not available.
4. It is the responsibility of the individual receiving the initial report of sexual misconduct allegations to analyze the relationship of the person accused of sexual misconduct with Highland, and make sure that the allegations of offense are filed with the governing body with jurisdiction over the person accused as outlined above (i.e. for a church officer, the allegation is made to a pastor or the Clerk of Session; for a pastor, the allegation is made to the stated clerk of Salem Presbytery). This may be done by the person alleging harm or by any member of Highland. (*Book of Order*, D-10.0101-0102).
5. If the allegation of sexual misconduct is made orally to a Highland pastor, to the Clerk of Session, or chair of the Session Personnel Committee, the individual receiving the report should request that the allegations be placed in writing (see Appendix B). A report of allegations of sexual misconduct received in writing from a member of Highland alleging that another member or officer of Highland committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If the Clerk of Session receives a written report of allegations from any nonmember of Highland alleging that a Highland member or officer committed sexual misconduct, this report also is to be acted on according to the Rules of Discipline of the *Book of Order*. If the individual making the report is unwilling or unable to place the allegations in writing, any member of Highland may prepare the written statement which will automatically trigger the Rules of Discipline of the *Book of Order*.

**E. Mandatory Reporting of Child Abuse**

1. Allegations of child abuse are not only to be reported to Highland responsible parties (i.e., a pastor, Clerk of Session, or Chair of the Session Personnel Committee), but to appropriate civil authorities as well (Forsyth County Division of Youth and Family Services, 336-703-3800) according to the *Book of Order* and North Carolina law.
2. With regard to trust and confidentiality, the *Book of Order* requires that “In the exercise of pastoral care, ministers of the Word and Sacrament and ruling elders who have been commissioned by a presbytery to limited pastoral service, shall maintain a relationship of trust and confidentiality, and shall hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care. When the person whose confidences are at issue gives express consent to reveal confidential information, then a minister of Word and Sacrament or a commissioned pastor (also known as a commissioned ruling elder) may, but cannot be compelled to, reveal confidential information.” (G-4.0301).
3. A minister of Word and Sacrament or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person” (G-4.0301).
4. With regard to Mandatory Reporting, the *Book of Order* (G-4.0302) says, “Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential

communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.”

5. North Carolina law requires “[a]ny person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found.” N.C. G. S. § 7B-301.

**F. Responding to Accusations of Sexual Misconduct**

1. The response of Highland to allegations of sexual misconduct varies depending upon the relationship of the individual accused of sexual misconduct and Highland. Members and officers of Highland are subject to both inquiry and discipline (censure and correction), while non-member employees and/or volunteers are subject to oversight and correction only by Highland and any other entity that employs the individual.

**2. Responding When the Accused Is Covered by the *Book of Order***

- a. When an allegation of sexual misconduct has been received by the Clerk of Session, the Clerk is to report to the full Session that an offense has been alleged. The Session will then proceed according to the procedures set forth in the Rules of Discipline of the *Book of Order*. The Session should appoint an investigating committee to inquire into the allegations, except in the case of nonmember church employees. If allegations of sexual misconduct are received against Highland nonmember employees, the procedures followed will be as outlined in the Employee Handbook. Any investigating committee must promptly begin its inquiry into the allegations as delay may cause further harm to the alleged victim and/or the accused.
- b. The Session must cooperate with criminal or civil secular authorities in any investigation that includes allegations of child sexual abuse or other criminal sexual misconduct. The Session must not interfere with the criminal or civil investigation by secular authorities and may act to suspend its own investigation until the criminal or civil process has been completed.
- c. The Highland Session has original jurisdiction in disciplinary cases involving its members. Salem Presbytery, on the other hand, has original jurisdiction in disciplinary cases involving ministers of Word and Sacrament. Salem Presbytery is empowered to dissolve a pastoral relationship when the “Word imperatively demands it” (G-2.0904). However, a presbytery may only place a minister on administrative leave when allegations of child abuse have been received and the presbytery has followed the *Book of Order* procedures to conduct its risk evaluation to determine whether or not a minister member accused of child abuse should be placed on administrative leave (D10.0106). Permanent judicial commission (PJC) members, who will conduct this risk evaluation based upon the allegations and a hearing, are expected to take into account secular legal advice.
- d. If and when any Highland church officer renounces the jurisdiction of the church, the Clerk of Session shall report that renunciation at the next meeting of Session and record the renunciation in the Session minutes. The status of any pending charges against the church officer renouncing jurisdiction may then be shared with the Session.

**3. Responding to the Accused Not Covered by the *Book of Order***

- a. When the Highland Session receives an allegation of sexual misconduct against a nonmember employee or volunteer, the procedural response to the accusation will be guided by this policy and its procedures. The Personnel Committee will be responsible for conducting the inquiry, keeping information confidential when possible. In all cases, the Personnel Committee shall prepare a written report, which shall be included in the permanent personnel file of the accused. The accused shall be

allowed to attach any written statements to said committee documentation, also for permanent inclusion in the permanent file.

- b. In its response to the allegation of offense of sexual misconduct, the Personnel Committee will do the following:
  - i. Determine whether the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
  - ii. If so, gather additional information necessary to make a decision about correcting the behavior.
  - iii. Determine any remedies, including limiting ministry, suspension, or termination necessary and advisable under the circumstances. If the accused is a member of another denomination, that denomination will be notified of the allegations and the response.
  - iv. Inform the victim and the accused of the remedy.

#### **G. Session Record Keeping**

1. The Session shall keep detailed records of its actions and minutes of deliberations, conversations with the accuser, the accused, and other parties involved, correspondence, and copies of any reports received from its Session Personnel Committee, when the latter is involved. Records shall be kept confidential to the extent possible. In keeping with Case #208-6 of the General Assembly Permanent Judicial Commission (GAPJC), the contents of inquiry reports completed by the Session may be shared with other governing bodies of the PC(USA) as necessary. The Clerk of Session will maintain the records while the Session is engaged in its inquiry process.
2. If the Personnel Committee is engaged in an inquiry process related to allegations of sexual misconduct related to nonmember employees or volunteers, those investigative records will be maintained by that committee's chairperson. Relevant records from the Committee's inquiry, as determined by the Committee, will then be submitted to the Clerk of Session for the Session process. The Session may request additional records from the Personnel Committee if it deems those records necessary for completion of its inquiry.

### **V. Prevention and Risk Management**

#### **A. Implementation**

It is a violation of Highland work and volunteer rules, and a violation of the church's expectations for anyone in these groups (members, officers, and employees, volunteers) to engage in sexual misconduct. Such behaviors are a clear violation of the principles set forth in the Scriptures for followers of Christ. Individuals with knowledge of violations by church members, officers, volunteers, or employees are strongly encouraged to report those violations to the appropriate individual(s) as noted in the policy. Highland is also committed to insuring that its members, employees, and volunteers have regular opportunities to become knowledgeable of the church's standards of conduct, as well as its procedures for effective response upon receipt of a report of sexual misconduct.

#### **B. Liability and Insurance**

1. The Session of Highland can be held liable for harm caused by sexual misconduct of its officers, minister(s), or employees based on a number of legal theories. The Session therefore works to develop, implement, and monitor policies that reduce the likelihood of cases of sexual misconduct in areas under the purview of the Session. Such processes include the establishment of hiring and supervisory practices that for example, include mandatory background checks for employees before hiring.

2. Highland will regularly inform its liability insurance carrier of the activities and programs it operates or sponsors, and of the duties and responsibilities of officers, employees, and volunteers. The standard insurance policy will be reviewed for enhancement by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs should such programmatic changes occur. Highland will consider obtaining and/or maintaining an endorsement to its general liability insurance policy specifically covering sexual abuse and molestation, given the liability for the Session, church officers, and employees associated with such allegations.

**C. Employment Practices**

**1. Record Keeping**

Accurate record keeping is an essential part of hiring and supervision practices of Highland. The church maintains a personnel file on every employee, including its teaching elders (ministers). The file ordinarily contains the employee's application for employment, any employment questionnaires that have been completed, background checks, references responses, and all other documents related to that employee's employment, except records which, by law, are to be kept in separate files.

**2. Prescreening Applicants**

Highland Presbyterian Church seeks to establish and/or maintain thorough and consistent hiring practices. If an applicant is unknown to Highland, then those responsible for hiring confirm the applicant's identity by requiring photographic identification such as a driver's license. Highland performs a background check, including a national criminal background check, on all applicants seeking employment. Part of the pre-employment screening includes specific questions related to discovering previous complaints of sexual misconduct.

**3. References**

- a. Highland assumes responsibility for contacting references for prospective ministers, employees, or volunteers who wish to work with children. A written record of conversations or correspondence with references is to be kept in the minister's or employee's personnel file.
- b. In dealing with ministry candidates, the Session of Highland delegates responsibility for previous employer reference checks to the executive presbyter, or the authorized persons who would report to the committee on ministry or committee on preparation for ministry. The person within the governing body or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant. If false or misleading information is given by the applicant, or relevant information is withheld, the applicant will be eliminated from consideration.
- c. Applicants shall be informed of negative comments regarding sexual misconduct and given an opportunity to submit additional references or provide other evidence to correct or respond to harmful information obtained from a reference.

**VI. Educating and Training-Awareness**

- A. Given the nature of consequences for the victim often associated with sexual misconduct, Highland acknowledges the need to educate and train a wide variety of persons. Persons needing this specific education include church pastors, volunteers, officers, nonprofessional and professional staff, and members of the congregation.
- B. Education for these persons and groups may differ on a group-by-group basis. However, a primary requirement for all persons referred to above is common knowledge regarding professional and ministerial boundaries, the General Assembly Sexual Misconduct policy and the Highland Sexual Misconduct Policy.

- C. Highland, rather than waiting for an actual case of sexual misconduct to be alleged, seeks to be proactive, and offers education on the topic in a variety of settings. Highland is committed to insuring that all employees are well acquainted with, understand, and abide by this and other Highland's policies and procedures. Highland will seek to offer additional training and resources, such as workshops during staff meetings, lunchtime discussion groups, and relevant articles and books. Any professional (therapists, attorneys, advocates, mediators, arbitrators) used by Highland to assist with allegations of sexual misconduct should have access to experts qualified in the field of sexual misconduct, if they themselves do not have such expertise.

## **VII. After Care/Healing**

### **A. Assessing and Addressing Needs**

When allegations of sexual misconduct occur within a church, there are a number of needs that should be addressed for the wellbeing of all individuals, groups, and entities impacted by the allegations. To ensure that the Session is able to meet the variety of needs present in the situation; an independent response coordination team may be named. This team will NOT be tasked to investigate the allegation(s), or in any way function as an investigative body for disciplining Highland members or officers. Rather the team, if appointed, will confine itself to coordinating a process that will meet the specific needs of alleged victims and their families (if any), the accused and family (if any), employing entities if other than Highland, the Highland congregation, and relevant governing bodies.

### **B. The Needs of the Victim/Alleged Victim**

1. The Highland Session, any employing entity that may be involved, and the response coordination team are expected to act to ensure that adequate treatment and care is available for alleged victims and their families. At times, when the alleged victim and/or family is extremely angry and alienated from the church, offers of help from Highland may be treated with skepticism by those individuals. Even when the alleged victim or families initially refuse(s) assistance, Highland will continue to be available for assistance. Under no circumstances is Highland to act in a self-protective manner by ignoring the alleged victims and their families.
2. The extent of the damage to victims of sexual misconduct vary from individual to individual, and the damage is influenced by many factors such as the age and emotional condition of the victim, and the importance of the victim's religious faith. The Highland Session, any employing entity that may also be involved, and the response coordination team when appointed by Session, will assume that the alleged victim has been wounded by the experience that has been alleged. It is critical therefore, for the response coordination team or other designated responders, to be sensitive to the victim's pain and need for healing, and to act by making appropriate pastoral care available.
3. The following are some of the needs of the victim/alleged victim:
  - a. 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 Highland representatives.
  - b. To receive pastoral and therapeutic support. The victim may require both spiritual and professional assistance. The response coordination team is expected to offer help in arranging for needed support from a pastor and therapist, if the victim desires. Any discussions which follow with a pastor or a therapist would be confidential, privileged conversations.
  - c. To be informed about the Highland process and progress with regard to their accusation. One member of the response coordination team should be Highland's contact person for the victim. If there is no response coordination team appointed, the Session should designate a contact person for the victim/accused victim to ensure that timely information is available on the ongoing process.
  - d. To receive legal advice. The response coordination team should suggest that the victim may benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy or

false claims discouraged when this advice is provided.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained. Highland, however, assumes no financial responsibility for such legal recourse on the part of the accuser.

- e. To be assured of an advocate during Highland's investigative process. Some victims may need and/or choose to have the continuing moral support/presence of another individual during interactions with the response coordination team or other Highland personnel involved in the church's investigation of the individual's accusation. This advocate, chosen by the victim, may be a relative, friend, or someone suggested by the response coordination team. That advocate may, if needed, be empowered to speak for the victim in meetings with the response coordination team, etc.
  - f. 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 Highland, that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement which may include removal or temporary exclusion of the accused from office or adjudication of the complaint.
  - g. To receive healing and reconciliation. The victim needs to receive a sense of healing and reconciliation with all concerned—the self, the family, Highland, and, ideally, the accused. The response coordination team can help bring this about using the processes and resources of Highland Presbyterian Church, including those available through the Salem Presbytery.
4. While the needs listed above are viewed as needs of the victim, the Session of Highland recognizes that all of these needs may not be met even through its most reasonable handling of a specific case. Some needs may require a lengthier period of time before they are met. All of the needs, however, are to be taken seriously and compassionately, and the rights of the victim are at all times to be respected.

### **C. The Needs of the Accused**

1. The Session of Highland, along with support for those who have alleged sexual misconduct, is committed to offering treatment and care for individuals accused of sexual misconduct as described in this policy manual. If the accused is a pastor, this treatment and care is the primary responsibility of the Salem Presbytery Committee on Ministry/COM (G-3.0307).
2. 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 those accused of sexual misconduct. Additionally, there may be fear of job loss, incarceration, and indignation if the allegation is false. When the accused is found not guilty of charges of sexual misconduct, it is important for the Session to see that the not guilty decision is disseminated as widely as possible within their power, unless doing so would further injure the individual who was accused.
3. The following two needs are likely present for individuals accused of sexual misconduct:
  - a. Personal Care. Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christ-like kindness and respect. The response coordination team may suggest that the accused seek spiritual support or professional counseling. Individuals in staff positions, such as presbytery executives or stated clerks, are not to be recommended for personal counseling of the accused because of their potential involvement in any disciplinary processes.
  - b. Economic Security and Care for the Family of the Accused. When an allegation of sexual misconduct has been made against a minister, the economic security of that individual is directly threatened, along with her/his reputation, career, and family relationships. Again, the COM is a resource for such assistance to the accused when the accused is a minister of the presbytery. The response coordination team may alert the COM to the possible spiritual, emotional, and financial needs of the family of the accused, and recommend expert resources.

**D. The Needs of the Highland Congregation in a Context of Sexual Misconduct Allegations**

1. The Session, any involved employing entity, and the response coordination team should be aware of the problems Highland or an employing entity may experience following allegations of sexual misconduct by one of its ministers, employees, or volunteers. Such allegations often polarize congregations or organizations, damage morale, create serious internal problems, and even limit the trust the congregation may place in succeeding pastors, etc. Therefore, efforts should be taken to recognize and identify problems that surface, and work initiated to heal any damage that may have been done to the congregation or organization.
2. When sexual misconduct is alleged on the part of a minister, non-ordained staff, or volunteer, a number of needs unique to Highland will emerge. Since sexual misconduct impacts congregations in different ways, the needs discussed below would not necessarily emerge at Highland if such allegations were made, nor can the specific sequence of these possible needs emerging be known. In fact, some of the needs discussed below may not emerge at all depending on the parties involved and other factors. It is important, nonetheless, for individuals managing Highland's response to allegations of sexual misconduct to know that the following needs may emerge for the congregation:
  - a. **Pastoral Care.**
    - i. Members and staff of the congregation may need pastoral care. If it is a pastor who is involved in the sexual misconduct/allegations of, care will need to be provided by another member of the ordained staff (if another pastor is present) or by a trained interim pastor. If a pastor leaves as a result of sexual misconduct, in extreme cases a trained interim pastor or consultant in sexual misconduct may need to work with the congregation for an extended period of time.
    - ii. If it is not a Highland pastor who is involved in the sexual misconduct, then a Highland pastor will provide the needed care for the congregation. The responding pastor(s), 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.
  - b. **Information About the Case.**

Members of Highland may need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge within the congregation and if a pastor has been found guilty of sexual misconduct, another Highland pastor or an interim pastor or consultant might schedule appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings would be expected to provide information about sexual misconduct in general, Presbyterian polity and the denomination's judicial process regarding such behaviors, and how others who may have been victimized may be heard and ministered to.
  - c. **Space to Vent Feelings.**

If the offender is not a Highland pastor, then the pastor may perform the functions outlined above. At such meetings, it is expected that members might vent their feelings. An opportunity for such expressions should be provided, otherwise, serious problems may be created for the future of the congregation, for future pastors, and for the Session.
3. In light of the needs listed above, resource persons may be valuable for the church. The following are several resource persons whose services might be valuable to the Highland congregation in the context of sexual misconduct allegations: a trained interim pastor, a COM 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, and an insurance agent who can advise the congregation about their exposure to liability or coverage.

**VIII. Establishment of Policy and Guidance by PCUSA**

It is the responsibility of the Session to establish policy and its procedures governing cases of sexual misconduct in the Highland congregation. The PC(USA) policy and its procedures are intended to guide the development of governing body policy and procedures, and have been utilized by Highland in development of the policies contained in this document.

## Appendix A

Definitions [All definitions below are copied verbatim, or adapted from those appearing in the “Presbyterian Church (U.S.A.) Sexual Misconduct Policy and Its Procedures” document.]

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

Accuser is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be the accuser.

Employee is the comprehensive term used to cover individuals who are hired or called to work for Highland for salary or wages.

Entity is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by the Highland Session.

Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body. See *Book of Order*, D-10.0000.

Persons Covered by this policy includes church members, church officers, ministers, and nonmembers who are employees or volunteers of Highland Presbyterian Church.

Response is the action taken by the governing body or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

Secular Authorities are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil claims against individuals accused of sexual crimes or offenses against adults and children.

Secular Law is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal charges and/or civil claims filed under secular law.

Victim is a person claiming to have been harmed and/or abused by a person covered under this policy.

Volunteer is the term used for those who provide services for Highland Presbyterian Church. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees.

**CONFIDENTIAL/DO NOT DISCLOSE TO UNAUTHORIZED PERSONS**

APPENDIX B Report of Suspected Sexual Misconduct Highland Presbyterian Church

This form should be completed (print legibly or type please) and filed with the appropriate individual (i.e., a church pastor, the clerk of session, or chair of the session personnel committee) per instructions provided in Reporting Requirements section of the Highland Presbyterian Church Sexual Misconduct Policy document. This policy document is available .....

Date of Report: \_\_\_\_\_

Reported by:

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email address(es) \_\_\_\_\_

\_\_\_\_\_

Person \_\_\_\_\_ suspected \_\_\_\_\_ of \_\_\_\_\_ misconduct:

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_

Other \_\_\_\_\_ person(s) \_\_\_\_\_ involved \_\_\_\_\_ (witness \_\_\_\_\_ or \_\_\_\_\_ victims):

Name \_\_\_\_\_ Title \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Address \_\_\_\_\_

City, State, and Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_

Report of Suspected Sexual Misconduct Describe incident(s) of suspected sexual misconduct, including date(s), \_\_\_\_\_ time(s), \_\_\_\_\_ and \_\_\_\_\_ location(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identify eyewitnesses to the incident, including names, addresses, and telephone numbers, where available: \_\_\_\_\_

\_\_\_\_\_

**CONFIDENTIAL DO NOT DISCLOSE TO UNAUTHORIZED PERSONS**

This notice shall appear on each page of this report.