

## NOTES AND CHANGES TO SEXUAL MISCONDUCT POLICY

- Adds the word “abuse” which was already a term separately defined in the policy.
- Expands the scope to include some retired ministers, presbytery staff, and Inquirers per BOO mandate
- Changes training mandates to every 3 years per BOO mandate
- Describes power differential in relationships other than just with church members
- Does not require an advocate to be trained by SMRT but anyone with specific training by a credible person or group
- More precisely defines the role of the SMRT, including removing it from any requirement to offer training at the congregational level but rather resource and support congregations
- Edits the section on Education/prevention for clarity and consistency with the Book of Order
- Removes everything having to do with allegations and investigations and affirms an investigation of any allegation will be handled according to the mandates and provisions of *Church Discipline*



## PRESBYTERY OF BALTIMORE

### Sexual Misconduct and Abuse Policy and Procedures

#### Context for this Policy

It is the policy of this presbytery, as it is of the denomination that all church members, church officers, non-member employees and volunteers of its member congregations maintain at all times the integrity of ministerial, employment and professional relationships. Sexual misconduct, or abuse of any kind is a violation of scriptural teachings and of ministerial, pastoral, employment and professional relationships. It is never permissible nor acceptable.

#### Scope of this Policy

Those who provide leadership to the Presbytery of Baltimore and its churches are called to a high ethical and moral standard in all aspects of their lives. This policy covers sexual misconduct and prevention training by active Teaching Elders, Retired teaching elders serving on commissions or in congregations, Commissioned Ruling Elders, Inquirers enrolled by the Commission on Preparation for Ministry, Certified Christian Educators and presbytery staff (hereafter referred to as “religious leaders”). Each congregation and organization in the Presbytery of Baltimore is required to develop its own policy for church professionals, officers, members, non-member employees, and volunteers consistent with the Presbytery’s Policy and provide boundary and sexual abuse and misconduct training every 36 months for all members of the Session.

## **Definitions**<sup>1</sup>

*SEXUAL MISCONDUCT* includes sexual abuse, sexual harassment and viewing, storing or transmitting pornographic material for any purpose on church property and/or with church-owned devices such as, but not limited to, computers or cell phones.

*SEXUAL ABUSE* happens when someone in a ministerial role engages in sexual contact or sexualized behavior with a congregant, staff member, or counseling client in the ministerial relationship, or ignores a request to cease such behavior. Trust is betrayed; boundaries are violated; body and soul are broken. Victims of abuse often feel abandoned by God. Such abuse is contrary to the teachings of the Gospel.

Sexual contact or sexualized behavior within the ministerial relationship is a violation of professional ethics. There is a difference in power between a person in a ministerial role and a person with whom there is a ministerial, counseling or pastoral relationship. Because of this difference in power, there cannot be meaningful consent in the sexual relationship.

Sexual abuse can include physical contact from the person in the ministerial role, such as (but not limited to):

- Sexual touch and repeated ‘accidental’ touch of sexual areas of the body
- Tickling and playful aggression that seem uncomfortable to the recipient
- A prolonged hug when a brief hug is customary behavior
- Kissing on the lips when a kiss on the cheek would be appropriate
- Pressing up against the body when hugging
- An inappropriate gift
- Sexual intercourse

Sexual abuse can also include verbal behavior, in person or by technological means, initiated by a person in a ministerial role when such behavior sexualizes a relationship, such as (but not limited to):

- Innuendo or sexual talk
- Suggestive comments
- Tales of one’s exploits or experiences
- Questions about the intimate details of another’s relationships

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<sup>1</sup> This policy makes use of the definitions and guidelines of the FaithTrust Institute, whose long experience with clergy sexual abuse prevention has become authoritative. We recommend this organization as a resource ([www.faithtrust.org](http://www.faithtrust.org)). At the same time, the Presbytery of Baltimore reserves the right to interpret and apply all definitions contained in this policy statement.

- Looking for sympathy about his or her partner's sexual inadequacies

*SEXUAL ABUSE OF A MINOR* consists of any sexual contact or sexualized behavior between an adult and an individual under the age of eighteen or one who allegedly lacks the mental capacity to consent, including accessing, promoting, or pandering of child pornography on church property and/or with church-owned devices such as computers, tablets or cell phones.

*SEXUAL HARASSMENT* includes, but is not limited to, behaviors such as any or all of the following: sexual advances, requests for sexual favors, other verbal or physical contact of a sexual nature, the establishment of an intimidating/hostile work environment, threats of retribution and requests/demands for secrecy that requires persons to consent as a condition of employment.

*ACCUSED* is the person against whom a claim of sexual misconduct is being made.

*ACCUSER/VICTIM* is the person claiming knowledge of sexual misconduct by a person covered by this policy, or a person claiming to have been the subject of sexual misconduct by a person covered under this policy. The accuser may or may not have been the victim or target of the alleged sexual misconduct.

*ADVOCATE* is a person trained in the issues of sexual misconduct. Advocates are to provide support and emotional and physical presence, to either the alleged victim(s) and their family, to the Accused and their family, and to the congregation involved in a sexual misconduct case. An advocate also provides clarification of the investigative and judicial process of the church to the person(s) with whom he/she is assigned.

*MANDATED REPORTER* is described by the law of Maryland as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse, that come to their attention. (A copy of the Maryland Code is attached.)

*MEANINGFUL CONSENT* can occur when two people are relatively equal in power and when fear, coercion or manipulation is completely absent from their relationship. Religious leaders who are seeking romantic relationships can do so outside their own congregations. If a religious leader becomes interested in dating or romance with a member of his or her congregation (though this is complicated and not advisable), the ministerial relationship between the religious leader and the other person must be severed before ethically pursuing a relationship of this nature.

Questions that need to be asked to evaluate if it is possible to pursue this type of romantic relationship include:

- Was the ministerial relationship minimal in nature (no counseling involved)?

- Is the religious leader willing to remove himself or herself from the ministerial relationship?
- Is the religious leader willing to be open about the relationship with the congregation?

Should such a relationship develop between a religious leader and a congregant or staff member, it is the responsibility of the religious leader to discuss this with the General Presbyter, the Committee on Ministry, and the Session in order to agree on a way to restore appropriate professional boundaries.

### **Sexual Misconduct Response Team<sup>2</sup> (SMRT)**

The purpose of the SMRT is to support the Presbytery in educating its members about this policy and in making an expeditious, professional, objective, effective and caring response to allegations of sexual misconduct. The role of the SMRT is to provide the training mandated by this policy and the pastoral care, support and advocacy where needed to the church, alleged accused, accuser, alleged victim, and other involved parties, in response to an accusation. This Team is to be comprised of at least five persons, diverse as to gender, race and clergy/lay. One member of the Team shall be an elected member of the Committee on Ministry (COM) and serve as a liaison between the two entities. Members on the SMRT who can be a resource in such areas as psychological counseling, child advocacy, law, conflict management, and insurance are particularly valuable. The Team will be appointed by the COM and under its supervision.

The SMRT WILL NOT INVESTIGATE ANY ALLEGATIONS. That is to be done by an Investigating Committee, in accordance with the Book of Order [D-7.09].

The SMRT WILL

Be trained by the Stated Clerk

Provide support to the session and congregation as needed, in coordination with any Investigating Committee.

Assign advocates, if requested: for the accused, accuser, alleged victim, congregation, and any other appropriate parties.

Participate, itself, in education and training regarding sexual misconduct, its consequences and its prevention, and, then provide training of others in the presbytery as mandated by this policy and the Book of Order.

Support congregations in the development of required sexual misconduct policies and training by offering resources and counsel.

Maintain a file of existing congregational policies.

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<sup>2</sup> The Presbytery of Baltimore at its 755th meeting, June 23, 1993, established the Sexual Misconduct Response Team as Standing Rule VIII 9-6, Policy and Procedures on Sexual Misconduct.

### **Pre-employment Screening and References**

The Office of the General Presbyter is responsible for pre-employment screening/reference check for all teaching elders coming into the presbytery, to include questions related to previous complaints of sexual misconduct. Additionally, pre-employment screening for prospective incoming teaching elders includes a mandatory Criminal History Background Check performed by a licensed firm that will access the misdemeanor and felony conviction records of courts in the US. All prospective incoming teaching elders shall be required to sign a written consent and release form authorizing such a background check. The call will not be approved until the background check has been completed. The cost for the background check will be shared equally by the Presbytery and the calling church or employing agency. If this is not possible, the cost shall be borne by the presbytery.

The General Presbyter and Stated Clerk are obligated to give truthful information regarding complaints, inquiries, and administrative or disciplinary action related to sexual misconduct when giving a reference.

### **Education/Prevention**

The Presbytery is required to offer, provide resources for, and to publicize educational and training opportunities aimed at preventing sexual misconduct and abuse in the church. The SMRT's will provide training for each of the following groups every 36 months:

All resident active religious leaders of the Presbytery as defined in this Policy are required to complete Baltimore Presbytery's boundary training program on this Sexual Misconduct Policy and child sexual misconduct prevention within one year after their arrival and once every three years thereafter. Certification of equivalent training in their former presbytery within a year of transfer will be considered sufficient for meeting the initial training requirement. Notation of their completion will be made in their permanent file. Failure to fulfill the required training within the specified time will result in unpaid administrative leave until it is completed. This requirement will be included in the terms of call. The Presbytery of Baltimore will communicate to PNCs and presbyteries who are requesting references the status of candidates with respect to this requirement.

Mandate training provided by SMRT will include but is not limited to:

- Imbalance of power between pastor/educator and those in their care.
- Appropriate boundary setting between pastor/educator and parishioners.
- Identification of high-risk behaviors that may be perceived as unwelcome or an infringement on the rights of others: frequent pastoral calling, frequent phone calls, extended time together, physical touching, or other behaviors designed to prepare a targeted person to be victimized.

- Identification of risk factors when counseling or doing spiritual direction, and the necessity of adhering to safe practices such as maintaining time limits, observing professional ethics regarding physical contact and conducting sessions only in locations that are in general use, thus maintaining confidentiality while avoiding isolation.
- Need for peer supervision.
- Safe conduct related to children and child abuse protection
- Mandatory reporting requirements.

### **Procedure for Investigation of an Allegation of Sexual Misconduct**

Allegations of sexual misconduct on the part of individuals governed by this policy are to be reported to the Stated Clerk of the Presbytery, according to the requirements of the Church Discipline and to other authorities where required.

Sexual abuse or harassment involving children or anyone who is believed to lack the mental capacity to consent, and allegations of rape, sexual assault or other misconduct that violates criminal law shall be reported to civil authorities and to the Stated Clerk<sup>3</sup>.

The investigation of an allegation of sexual misconduct will be governed by the requirements of Church Discipline, including the provisions of D-3.0102 and D.7.09.

### **Provision for Periodic Policy Review**

This policy will be reviewed once every three years with a consultant trained in sexual misconduct prevention and recommended changes presented by the SMRT through COM to the Presbytery for approval.

### **History of this policy**

Adopted June 23, 1994

Revised in September 2006

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<sup>3</sup> The Book of Order states that ruling elders, deacons, teaching elders, and Certified Christian Educators are required to “report to ecclesiastical and civil legal authorities knowledge gained in the course of service to the church, of harm, or 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 privileged 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.” [G-4.0302]

Revised March 2009  
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