



## PRESBYTERY OF BALTIMORE

### Sexual Misconduct Policy and Its 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 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, including their sexual behavior. In this policy we will address sexual misconduct by Teaching Elders, Commissioned Ruling Elders and Certified Christian Educators (hereafter referred to as “religious leaders”). Each congregation and organization in the Presbytery of Baltimore is encouraged to develop a policy for church professionals, officers, members, non-member employees, and volunteers consistent with the Presbytery’s Policy.

#### **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 member of his or her congregation or a counselee. Because of this difference in power, there cannot be meaningful consent in the sexual relationship.

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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.

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

*SEXUAL ABUSE OF A MINOR* consists of any sexual contact 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 by the Sexual Misconduct Response Team 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 making an expeditious, professional, objective, effective and caring response to allegations of sexual misconduct. The role of the SMRT is to provide pastoral care, support and advocacy where needed to the church, alleged accused, accuser, alleged victim, and other involved parties. 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. It would be helpful to have members on the SMRT who can be a resource in such areas as psychological counseling, child advocacy, law, conflict management, and insurance. The Team will be appointed by the COM and under its supervision.

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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.

The SMRT WILL NOT investigate an allegation. That is to be done by an Investigating Committee, in accordance with the Book of Order [D-10.0200].

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;

Encourage congregations in the development of sexual misconduct policies by offering resources and counsel;

Maintain a file of existing congregational policies.

### **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 private investigative 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. When this is not possible, the cost shall be borne by the presbytery.

The General Presbyter is 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 makes a commitment to offer, provide resources for, and to publicize educational opportunities aimed at preventing sexual misconduct in the church. The SMRT's goal is to provide annual training for each of the following groups:

All resident active religious leaders of the Presbytery as defined in this Policy are required to attend Baltimore Presbytery's educational program on this Sexual Misconduct Policy and sexual misconduct prevention within one year after their arrival and once every five years thereafter. Notation of their participation will be made in their permanent file.

Failure to fulfill this requirement 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.

All resident active religious leaders are required to attend at least one follow-up educational event offered by Baltimore Presbytery once every five years after the initial training. Notation of their participation will be made in their permanent file.

Presbytery staff, candidates for ministry, and all persons working with the issue, including local congregation members will be encouraged to read resources and attend sexual misconduct prevention seminars.

Every effort is made on the part of COM, CPM and SMRT to offer training to church professionals (educators, musicians, youth workers, personnel committees, etc.) that includes recognition of the following issues:

- 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, 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.
- Mandatory reporting requirements.

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

The investigation of an allegation of sexual misconduct will be governed by the requirements of the Book of Order [D-10]

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 Book of Order [D-10.0000], 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>.

Upon receipt of a written allegation or self-accusation of sexual misconduct, the Stated Clerk shall determine, depending upon the known facts in the case, whether to inform the General Presbyter, the chair of the Committee on Ministry, and/or the Sexual Misconduct Response Team that an allegation has been made and against whom [D-10.0105]. Upon becoming informed, the SMRT shall become involved, as prescribed above (p. 3). Examples of circumstances in which notification would be expected may include but are not limited by the following:

- If there is an on-going conflict or there are other on-going issues, the General Presbyter and the chair of the Committee on Ministry have a need to know.
- If there is any need for intervention with the congregation or with a victim or victims, the SMRT will need to have enough information to go forward.
- If the accused is to be placed on administrative leave, the session, the clerk and the treasurer of the particular church will need to know [D-10.0106].

An Investigating Committee (IC) shall be appointed by the Steering Cabinet of the Presbytery from an assembled list that has been compiled for this purpose. (Refer to D-10.0201a). The Stated Clerk will outline for the IC its duties and provide appropriate orientation. The IC will proceed in accordance with the procedures indicated in D-10.0200.

Representatives of the Sexual Misconduct Response Team will meet with the Session to explain the process involved in an investigation. It is then the responsibility of the Session to inform the congregation.

When a written accusation is received against a religious leader covered by this policy alleging an offense of sexual abuse or harassment toward any person under the age of 18 or anyone who is believed to lack the mental capacity to consent, the stated clerk receiving the allegation shall immediately communicate the allegation to the permanent judicial commission (PJC). The moderator of the permanent judicial commission shall, within three days, designate two members, who may be from the roster of former members of the PJC, to determine whether the accused shall be placed on a paid

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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]

administrative leave during the resolution of the matter. The cost of such leave shall be borne by the employing entity whenever possible. While administrative leave is in effect, a minister or other employee may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as baptisms, funerals, or weddings [D-10.0106]. Clearly, in such cases, the General Presbyter, the chair of COM, the SMRT, and the session will need to know, as the congregation will be aware of the effects, if not the cause, of the administrative leave.

The Committee on Ministry will be kept informed when an allegation is being investigated to the extent that is prudent, given COM's responsibility for clergy and congregations.

The Presbytery will respect the rights of all parties involved: accusers/victims, accused, and any involved congregation. These rights include:

- To be heard and taken seriously;
- To be informed about procedures;
- To obtain legal advice;
- To be offered an advocate, trained by the SMRT;
- To be assured that justice will be pursued through appropriate procedures;
- To be offered supportive services toward healing and reconciliation.

When allegations of misconduct become public, it is important to preserve such information that is of a confidential nature, protecting the rights of both the complainant and accused, while other types of information should be shared in order to avoid misunderstandings, false rumors and destructive speculation.

The Presbytery shall design a plan for providing of counseling or reimbursement of counseling fees for the victim(s) that involves presbytery, the victim's (or victims') insurance, the perpetrator, congregation or its insurance for a reasonable period of time, up to a maximum of one year.

Should an accused person found "not guilty" wish to have an appropriate process for clearing the charges, please see Book of Order – D-9.0000-.0102.

A final report, including any charges filed and actions taken, shall be made by the Stated Clerk and filed in the permanent personnel file of the accused.

### **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  
Revised March 2009  
Revised June 2011  
Revised August 2015