

**St. Simons Presbyterian Church
St. Simons Island, GA
SEXUAL MISCONDUCT
Policy and Procedures**

Standards of Conduct

- A. As Christians, we believe that God creates us to live in community with one another. Life in the church is to be lived according to the rule of love (Matt.22:37-39). As members of SSPC we are called to create a loving community of faith that seeks the welfare of its members and visitors.
- B. The Church is the body of Christ and each of us are given gifts of the Spirit to use for the welfare of the church (I Cor.12:4-6). As disciples of Christ, all of us are called to share our gifts and talents with one another in love. In the Spirit of Christ, we teach, strengthen, and support the individual's relationship within the Church family. As our Baptismal vows imply, we also undertake to nurture and to preserve the integrity and welfare of each person in the Church family. (Book of Order W-2.3013)
- C. SSPC is committed to the protection of all children and other persons participating in the activities and programs of SSPC. Abuse, exploitation, or harassment in any form, physical, emotional, or sexual, will not be tolerated.
- D. In order to provide a safe community for children and adults, SSPC requires all employees and Volunteers working with children to comply with all parts of this Policy.

I Policy Statement and Purposes

- A. **Policy:** All those who serve St. Simons Presbyterian Church (SSPC) in either a temporary or permanent position, including clergy, professional staff, member or non-member employees, Church officers, Church members, and volunteers, are expected to adhere to Christian ethical principles in their sexual conduct and in the exercise of authority. SSPC and its ministries must be safe places in the community, places where it is known that Sexual Misconduct is not tolerated. This Policy is written to be used in conjunction with the "Policy and Procedures on Sexual Misconduct" of the Savannah Presbytery. All ordained Clergy and certified lay pastors are under the jurisdiction of the Savannah Presbytery. The Book of Order, The Constitution of the Presbyterian Church (U.S.A.) is the authoritative document concerning this Policy. In the case of conflict between The Book of Order and this Policy, the Book of Order shall supersede.

- B. **Purposes:** St. Simons Presbyterian Church adopts this Policy on Sexual Misconduct for the following purposes:
1. To protect our children and to help prevent Sexual Misconduct/sexual harassment of church members and church staff;
 2. To set and enforce standards of ethical behavior consistent with Scripture and secular law;
 3. To provide procedures for inquiry and effective response to allegations of the breach of duty concerning emotional, spiritual, and physical care and protection of other persons;
 4. To serve as a guide for the application of powers for governing bodies under the Book of Order of the Presbyterian Church USA (D-1.0101 and D-2.0101);
 5. To define and to serve as a guide for prevention of Sexual Misconduct;
 6. To offer pastoral concern for those who may be the victims of, or accused of, Sexual Misconduct; and
 7. To promote the peace and purity of the Church.

II Definitions

- A. **Accusation** is a statement or claim that an offense may have occurred. The alleged victim and/or accuser should be requested to put the accusation into writing before it is acted upon. An alleged victim's or accuser's refusal or other failure to put an accusation into writing may be considered as part of the credibility assessment of the accusation. Nevertheless, any accusation, whether oral or written, must be acted upon according to this Policy and Procedure. The Accusation may also be a written statement from the person receiving an accusation of an alleged offense. Within twenty-four hours of receipt, the Accusation must be communicated to the Head of Staff, the Clerk of Session, or the Chair of the Personnel Ministry Team.
- B. **Accused** is the term used to represent the person against whom a claim of Sexual Misconduct has occurred.
- C. **Accuser** is the term used to represent the person claiming knowledge of Sexual Misconduct by a person covered by the Policy. The accuser may or may not be the victim of alleged Sexual Misconduct. A person such as a family member, friend, or colleague of the alleged victim may be the accuser whose information initiates the inquiry.

- D. **Child Sexual Abuse** includes, but is not limited to, any contact or interaction between a child and another person when the child is being used for the sexual stimulation of the other. 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 PCUSA, the sexual abuse definition of a child is anyone under age 18. After consultation with a lawyer representing SSPC, child abuse must be reported to the proper legal authorities as required by Georgia law..
- E. **Governing Body** is the Session of St. Simons Presbyterian Church.
- F. **Head of Staff** is the Pastor.
- G. **Inquiry** is the term used in the Book of Order to define the process by which the Governing Body determines the type and scope of response to allegations of an offense.
- H. **Investigation** is the term generally used by police, secular prosecutors, and child protective services when responding to allegations of an offense, and persons that are to be investigated will be so advised. This term is also used to refer to the Inquiry defined above
- I. **Jurisdiction** of this Policy includes church members, volunteers acting on behalf of the church, and all persons on the church payroll except persons who are serving under the jurisdiction of the Savannah Presbytery (e.g., ordained clergy).
- J. **Professional Staff** describes those staff members who lead programmatic ministries for congregations but who are not ordained ministers. Such people include the church organists or music director, the DCE, the youth director, the children's director, the pre-school director, the mother's morning out director, and any other program directors.
- K. **Response** is the action taken by the session when a report of Sexual Misconduct is received. There are two types of groups called upon to respond when any report of Sexual Misconduct is received, and both types are utilized in every case. These two types are:
1. **A Response Team** is a body constituted by the Session to facilitate the process of responding to Sexual Misconduct Accusation. This is a pastoral care team for both the Accused and the Accuser and their families. The Response Team is composed of three people, the chair being an elder. The Team shall be the chair of the personnel staff, the Head of Staff, and a Session elected person who shall serve a 3 year term. The three shall be activated by the chair upon receipt of an Accusation. Suggestions for membership of this team are: lawyer, teacher, pastor, psychologist, counselor, health care worker, human resource person, personnel committee member, a good communicator, or spokesperson. (See duties and procedures in section VI).

2. **An Investigating Team:** A response by an Investigating Team is required by the Book of Order Rules of Discipline. In the case of an ordained minister member of Presbytery or certified lay pastor, this is done by the Presbytery. In other cases, the Investigating Team is nominated by the Personnel team and voted upon by the Session. The Investigating Team decides whether or not an Accusation against an Accused should be brought to the Session. The Investigating Team shall consist of six lay persons, the chair or co-chair being an elder. The Team shall serve 3 years with two members, nominated by the personnel team and being elected by the Session annually (staggered terms). The Session shall specify a moderator. At least three shall be activated by the chair upon receipt of an Accusation. Suggestions for membership to this Team are: lawyer, human resource person, personnel committee person, psychologist or counselor. (See duties and procedures in section VI).
- L. **Sexual Harassment Policy** is unwelcome sexual advance(s), request(s) for sexual favors, and any other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in employment.
 2. Submission to or rejection of such conduct is used as the basis for employment decision affecting such an individual.
 3. 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.
 4. 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.
 5. Misuse of technology via text, email, or suggestive messages of images.
- M. **Sexual Misconduct** is the comprehensive term used in this Policy to include:
1. Child Sexual Abuse as defined above;
 2. Sexual Harassment as defined above;
 3. Rape or other sexual contact by force, threat, intimidation, or abuse of position of authority or trust;
 4. Inappropriate Sexual Conduct (such as offensive, obsessive, or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another;

5. Sexual Malfeasance, defined as the broken trust resulting from sexual activities within a ministerial relationship, other professional relationship, or other relationship of authority or trust.
 6. Misuse of Technology, defined as sexually harassing or abusing another person with whom one has a ministerial relationship using text, email, suggestive messages or images, and/or social media (Facebook, Instagram, Vine, Twitter, etc.). It is never appropriate to view pornography on church property nor is there ever an expectation of personal privacy when using technological equipment owned by the church.
- N. **The Session** of SSPC has original jurisdiction in disciplinary cases involving members of the SSPC church or staff. Cases involving the SSPC's ordained ministers or certified lay pastors are under the jurisdiction of the Savannah Presbytery.
- O. **Staff**, unless otherwise designated, includes the non-ordained persons working for and compensated by SSPC either on a full-time or part-time basis. This also includes the DCE, youth director, children's ministry director, the church organist and/or the music director, the Pre-School and Mother's morning out employees and any other employees under the direction of the Pre-School Board.
- P. **Volunteers** are persons who provide services for the Church and receive no remuneration or benefits.

III Employment and Volunteer Procedures

- A. The culture and society in which we live today places additional responsibilities on the SSPC Staff, as well as those who may work as Volunteers. Therefore, in order to better carry out the intent of this Policy and provide for the safety of all people involved in the activities of the Church, the following personnel procedures are established:
- B. **STAFF and VOLUNTEERS**
- a.) Members of the SSPC Staff will complete and have on file in their personnel folder a copy of the Information Sheet which is shown as Attachment I to this Policy.
 - b.) Members of the SSPC Staff are required to complete the "Acknowledgement of Receipt" form which is shown as Attachment II to this Policy. This signed form will also be kept on file in their personnel folder.
 - c.) Before Staff or Volunteers are allowed to work with persons under the age of 18 in an ongoing unsupervised capacity, a criminal history check is to be conducted by the Church Administrator on all Staff and Volunteers

through a screening service with access to criminal data bases throughout the United States.

- d.) In addition, a check of the GBI "Sex Offender Registry" will be made on the Internet at www.state.ga.us/qbi by the Church Administrator for all Staff and Volunteers who work with persons under the age of 18 in an ongoing unsupervised capacity.
- e.) All the information obtained from these sources will be retained in the Staff member's personnel file or the Volunteer's volunteer file located in a secure storage location.
- f.) The cost of these checks will be paid by SSPC.
- g.) Staff should be aware that a violation of this Policy will result in disciplinary action and may include termination of employment.

C. **HIRING**

- a.) All prospective new hires for SSPC will complete the "Information Sheet" (Attachment I) if they advance to the step in the employment procedure where they are being actively considered for employment and are to be interviewed in depth.
- b.) Once a prospective new hire has completed the Information Sheet, it is the responsibility of the Hiring Team or Search Committee of SSPC to see that the following actions are taken before the prospective new hire is offered employment:
 - i. verify prior work history through telephonic and written communications.
 - ii. verify references through telephonic and written communications. (see below)
 - iii. conduct a criminal history check with access to criminal data bases throughout the United States.
 - iv. check the GBI's "Sex Offender Registry" on the Internet at www.state.ga.us/gbi (click on sex offenders)
 - v. All background check information will be retained in the Staff member's personnel file. Any offer of employment will be contingent on "no record" findings.
- c.) If the prospective new hire has not always lived in Georgia, a criminal background check must include every state where the applicant has lived.

- d.) Pre-screening Applicants - SSPC should establish and maintain stringent hiring practices for any prospective new hire, consistent with the requirements and restrictions of federal and Georgia law, including without limitation Title VII of the Civil Rights Act, the Fair Credit Reporting Act, and immigration laws.
 - i. Pre-employment screening forms should include specific questions inquiring about previous complaints of Sexual Misconduct. SSPC shall ask persons seeking ministerial calls or employment in other Staff positions questions such as:
 - a. Has a civil, a criminal, or ecclesiastical complaint, or any other allegation, ever been made against you alleging Sexual Misconduct?
 - b. Have you ever resigned or been terminated from a position after allegations of Sexual Misconduct were made but not resolved?
 - c. If so, (as to a. or b.) indicate the date, nature, and place of these allegations, and the name, address, and telephone number of your employer at the time.
 - d. Have you ever been required to receive professional treatment, physical and/or psychological, for reasons related to Sexual Misconduct by you?
- e.) References - SSPC is responsible for contacting references for prospective ministers, DCE's, Youth Workers, and Staff. A written record of the conversations and/or correspondence with references must be kept in the Senior Pastor's/Staff employee's personnel file. (The Presbytery executive often calls about references for ordained ministers and certified lay pastors).
- f.) All pastors and certified lay pastors coming into the Presbytery are required by Presbytery to sign a document requiring truthful information regarding any Sexual Misconduct accusations. If false or misleading information is given, the applicant shall be removed from consideration.
- g.) Copies of this Policy shall be given to all clergy, Professional Staff, and Staff persons who are hired at SSPC. This Policy shall be available to all SSPC's members and Volunteers. It is intended for use by SSPC members, officers, employees, and Volunteers. The Policy shall be made available to persons who accuse others of misconduct, including those who are or claim to be victims of Sexual Misconduct and their families. It shall also be available to those serving on Investigating Teams or Response Teams.

- h.) If a background check or references reveal information that makes the person a questionable hire, the Head of Staff, the personnel team chair, and (if involved) the search committee shall be advised and a reasonable decision reached.

IV General Guidelines and Procedures for all activities involving children:

- A. Appropriate adult supervision of children must be provided at all church related events.
- B. **Two Adult Policy**
- At least two adults will supervise all church sponsored programs and activities involving children and youth whether on or off campus.
 - Adults must remain in sight of one another at all times except in emergency situations.
 - Situations where a single adult is alone with a single child or youth are to be avoided at all times.
- C. **Adult/Child/Youth Ratios**
- The required adult/child/youth ratios for chaperones for any ministry with children or youth can be 1:10 (1:4 is highly recommended)
- D. **Open Door Policy**
- Doors to rooms in which children and youth are present are to remain open.
 - If the noise level disturbs others, the door may be shut as long as:
 - there is clear unobstructed glass in the door
 - two adults are in the room
- F. **Restroom use:** Protecting our youngest members is always a priority of this church. SSPC is fortunate that the pre-school building has restrooms attached to each classroom. Therefore, 2-3 year olds (many of whom are still in diapers) will be changed or assisted to use the bathroom facilities with the door left open. Pre-K, kindergarten, and first grade students may go by themselves if the bathroom area is attached to the classroom with the door shut. If they are in a classroom without facilities attached, they shall be accompanied by an adult. 2nd graders through 5th graders may also go to the bathroom by themselves, if facilities are attached to the classroom. Otherwise, they must be accompanied by a "buddy" or adult.

- G. Since Kingdom Kids is often held outside the Pre-school building, there must be an adult with a youth or adult with an adult for each group (4-5 year olds; 1st and 2nd graders; 3rd-5th graders). The adult or youth are responsible for accompanying any children to the restroom and back to the classroom.
- H. Any new member Volunteer (at church less than 6 months) working with children must be endorsed by a current member of SSPC. If no one knows the new person, references from his or her previous church are to be checked by the Staff person of the committee or by the Church Administrator.
- D. Anyone working with children must report immediately to his or her supervisor or the Head of Staff any suspicious or inappropriate behavior suggesting sexual abuse or exploitation, neglect, physical abuse or emotional abuse.
- E. All Volunteers and employees must read this Policy and sign a statement saying they have read it and will abide by it.

V Response Procedures

- A. Receiving Initial Reports
 - 1. A Sexual Misconduct report may be received by a number of people. Because we cannot control to whom the accuser of Sexual Misconduct will first speak, it is important that officers, employees, and persons highly visible to church members and visitors understand how incidents are channeled to the proper persons.
 - 2. Any Accusation must be taken seriously and not allowed to circulate for the integrity and reputation of the Accuser, the Accused, and of SSPC. Accusations should be dealt with as a matter of highest confidentiality before and after they have been given to the proper officers of the church.
 - 3. The recipient of an Accusation should not undertake an inquiry alone or question either the Accused or the Accuser. If the Accuser is hesitant to speak with others, the person receiving the Accusation has a special responsibility to encourage willingness to speak with the proper persons.
 - 4. A person receiving information from any source shall submit a written statement of the alleged offense to the Head of Staff, the Clerk of Session, or the Chair of the Personnel Team, documenting the date, time, and circumstances of the alleged incident.
 - 5. Upon receipt of a written statement memorializing an Accusation, the Clerk of the Session shall report to the Session at a called session

meeting only that an alleged offense has been received, without naming the parties involved, and shall refer the statement immediately to the Response Team. Confidentiality is of prime importance.

B. **The Response Team**, made up of the Head of Staff, the Chair of the Personnel Team, and an elected member by the Session. They shall respond immediately to any Accusations. If one of these people is unavailable, the Head of Staff shall appoint another elder to the team.

1. This is a pastoral care team for both the Accused and the Accuser and their families. The Head of Staff may also name others to assist.
2. They are also the initial Response Team, which provides a caring response and determines as quickly as possible (within 3 days) if there is reasonable suspicion of neglect or abuse of a child.
3. The following information should be collected and confidentially maintained when receiving a complaint:
 - The name, age, gender and address of the victim.
 - The name, age, gender and address of the alleged perpetrator.
 - The circumstances involving the sexual misconduct alleged to have occurred.
 - The nature and extent of the sexual misconduct alleged to have occurred.
 - The relationship between the victim and the alleged perpetrator.
 - Other evidence that supports the allegation.
3. If any member of the Team reasonably suspects that child abuse or neglect has occurred, he/she is required to report the incident to the proper law enforcement authorities (Department of Family & Children Services) after consultation with a lawyer representing SSPC. After reporting, the Response Team shall not further investigate the incident to avoid interfering with a legal investigation. They shall continue pastoral care as necessary.
4. The Session shall be informed immediately. Confidentiality shall be stressed.
5. All allegations shall be regarded as serious, and due consideration must be given to the rights and privacy of both the alleged victim and the Accused.

6. The Accused, whether Staff or Volunteer, will be required to stop participation in all child-related activities until it is determined if further action shall be taken. Care should be taken to respond to all allegations in a professional manner. Staff members may be requested to take a leave of absence by the Head of Staff.
 7. Future action against the Accused will depend on the results of any investigations and action by the Session, which could include termination of the Staff member, removal of the Volunteer from the church program, a review of the processes in that program, and/or further education.
 8. If the alleged Accusation involves Sexual Misconduct of or between adults, this team shall serve mainly as a pastoral care team for the Accused and Accuser and their families. (see Investigating Team)
 9. The Response Team shall maintain documents of all efforts to handle the situation.
- C. **The Investigating Team** is required by the Book of Order (Chapters 10-13) and is a trained team which responds to allegations of Sexual Misconduct between adults after the session has received a written complaint from the Head of Staff, the Clerk of Session, or the chair of the Personnel Team.
1. The Investigating Team next steps, if any, to be taken against the Accused.
 2. This Team is elected by the Session to respond quickly and objectively to reports of Sexual Misconduct.
 3. The Investigating Team shall be balanced between men and women.
 4. The Session shall specify a moderator for the Investigating Team.
 5. The Team may request specific persons who have experience or training in sexual abuse/misconduct, counseling, insurance, or legal issues to serve in any specific situations.
 6. The Investigating Team's primary functions are:
 - a.) Receive the written accusations of alleged Sexual Misconduct from the Response Team. If an outside investigation has begun, the Investigation Team may suspend its activities until the external investigation is complete.
 - b.) Begin its work as quickly as possible (within 3 days).
 - c.) See that pastoral care is provided by the Response Team or others for all involved parties.

- d.) Consider the need for, and to make recommendations to, any or all parties involved to seek professional psychological counseling.
- e.) Recommend educational or employment practices to be implemented at SSPC in addition to this Policy.
- f.) Decide on a spokesperson to speak for and to the church if needed.
- g.) Investigate and decide whether to make charges, and to prosecute within the ecclesiastical disciplinary system.
- h.) A report to the Session to determine whether or not charges should be filed against a member, a Volunteer not a member, an employee, or and a church officer needs to be completed with a reasonable amount of time, not to exceed 14 days.
- i.) This team shall act as the prosecutor in a special called meeting of the Session that acts as a court and tries the case. (Book of Order D-10.0101 and D-10.00103).
- j.) The Accused has a right to counsel, to present witnesses, and to cross examine witnesses. If at any point in the proceedings the Accused presents a letter of resignation to the Church, (effectively "renouncing jurisdiction"), the jurisdiction of the Session ends. The Session records that the case was closed and the Investigating Team is dissolved. (Book of Order D-3.01050.)
- k.) The Investigating Team must maintain documents of all its efforts to respond to and investigate the Accusation.

VI Statute of Limitations

- A. The ability of the Session to respond promptly and justly to Sexual Misconduct is related in part to the opportunity to receive Accusations and to gather evidence soon after the occurrence. This Policy, however, recognizes the special problems sometimes related to discovery and recognition of certain forms of Sexual Misconduct.

For example, child sexual abuse may not be recognized until the victim of abuse reaches the age of awareness or recognition of child sexual abuse. Awareness or recognition, along with the willingness to come forward, may thus be delayed for many years.

- B. In accord with the Rules of Discipline (D-10.0401) the Sexual Misconduct Policy of the 1991 General Assembly, and the Savannah Presbytery Sexual Misconduct

Policy, there is no statute of limitations for filing charges alleging sexual abuse (except as noted in Rules of Discipline, D-10.0401). However, because of the difficulties in evidence and awareness of the psychological complications involved in allegations of abuse many years in the past, the Session is advised to move with extreme caution in such cases. The 1998 Book of Order amendment states that an Accusation may be made, regardless of the date on which an offense may have occurred. (G-10.0401).

VII EDUCATION AND TRAINING

- A. The Personnel Team and the Children's and the Youth ministry teams shall be responsible for the training of all paid staff of SSPC, the Session and deacons, and for all Volunteers working with children or youth in the church. This training shall be held at least annually, and if necessary, semi-annually.

New Church Officers must sign Attachment III, "Statement Regarding Sexual Misconduct and Acknowledgement of Receipt" form. Each completed form will be kept on file in the church administrator's office.

All non-ordained church-paid staff must attend a training session on Sexual Misconduct. A document indicating attendance will be kept in each person's file in the church administrator's office.

Volunteers to whom this Policy applies must sign Attachment III, "Statement Regarding Sexual Misconduct and Acknowledgement of Receipt" form.

Attachments:

Attachment I — New Hire Information Sheet

Attachment II — Acknowledgement of Receipt (Church Paid Staff)

Attachment III — Acknowledgement of Receipt (Volunteers and Church Officers)

Original Policy Adopted by Session 9/29/06; Revisions Approved 8/19/08 & 4/17/12 & 8/12/14