

The First Presbyterian Church of Everett

Sexual Misconduct Policy

I. Policy Statement

Since persons who engage in sexual misconduct damage the safety and trustworthiness of the church and are in violation of the principles set forth in Scripture, it is the policy of First Presbyterian Church of Everett (FPCE) that all church members, church officers, non-member employees, and volunteers of the congregation, boards, and entities of the church are to maintain healthy relationships built on integrity and trust. FPCE aims to provide an experience of church where all people are loved, cared for, able to grow in their faith, and able to build community without harm.

II. Standards of Conduct

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church, because it is through these representatives that an understanding of God and the gospel's good news is conveyed. (*Book of Order*, G-2.0104a)

The basic principles guiding this policy are as follows:

1. We believe and proclaim that all people are created by God and bear the image of God. God values all human life and intends that everyone—men, women, and children—have worth and dignity in all relationships.
2. We believe that the relational, emotional, and psychological conditions of the people within the church must be safe and trustworthy to make possible the invitation to place one's life, death, and beyond in God's care.
3. We believe in justice for all persons. Sexual misconduct is an abuse of power and trust and is therefore unjust. Scripture asserts that religious leadership involves a covenant relationship that presumes the trustworthy exercise of power on behalf of those in our care.
4. We declare that the good of the Church can never be served by overlooking an abuse of power and trust. We further declare that charges of misconduct must be dealt with promptly, fairly, thoroughly, and with compassion for both the alleged injured party and the alleged perpetrator.
5. We assert that the purpose of this policy is to: 1) preserve the purity, unity, and purpose of the FPCE; 2) to ensure fairness and justice for all involved; and 3) to bring members to repentance and restoration when necessary and possible.

6. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and care in a trust relationship.

7. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to attain advantage over another for personal pleasure or gain in an abusive, exploitative, and unjust manner.

8. Sexual misconduct takes advantage of the vulnerability of persons who are less able to act for their own welfare, including children. It violates the mandate to protect the vulnerable from harm.

III. Definitions

Sexual Misconduct is the comprehensive term used in this policy to include:

Child sexual abuse, including, but 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 (USA), the sexual abuse definition of a child is anyone under age eighteen. Abuse can also occur between two children. It is still abuse, even if a child cooperates out of ignorance, innocence, or fear.

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.” (*Book of Order*, D-10.0401c)

Sexual harassment is defined for this policy from the Code of Federal Regulations (29 CFR § 1604.11) as follows: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

This includes, but is not limited to:

- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, requests for sex, or propositions;
- Repeated unwelcome requests for a romantic relationship;
- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- Graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies;
- The display in the workplace of demeaning, insulting, intimidating, pornographic, or sexually suggestive objects, pictures, calendars, or photographs; and
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, text messages, instant messaging, and internet materials, including social media and social networking sites).

Note: Sexual harassment can occur between individuals of the opposite sex or of the same sex.

Gender Harassment or Abuse is behavior that may or may not be “sexual” in character, which demonstrates discrimination, abuse of power, or harassment of an individual related to gender. This behavior has the effect of 1) unreasonably interfering with an individual's work or volunteer performance by creating an intimidating, hostile, undermining, retaliatory, or otherwise offensive working environment and/or sabotage (negatively affecting an individual's reputation with persons or groups other than the impacted individual); or 2) otherwise adversely affecting the individual's employment, volunteer, and/or leadership opportunities.

Rape is defined as sexual contact by force, threat, or intimidation.

Sexual Misconduct is 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. Mutual seduction resulting in mutual victimization is also considered misconduct.

Sexual Impropriety applies to sexual advances toward those for whose spiritual welfare one is responsible by one's position in the church. Such behavior can be verbal or physical conduct of an inappropriately sexual nature (e.g., risqué jokes, innuendoes, insults, ingratiating and overly solicitous behavior, including sexually inappropriate visits/phone calls/texts/posts, seductions, and fondling).

Misuse of technology is use of technology that results in sexually harassing or abusing another person, including texting, emailing, or posting suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

IV. Reporting of Misconduct

The first person to learn of an incident of sexual abuse or misconduct (generally a witness or a victim) should immediately report this verbally to the supervising staff person or to any of the current ruling elders or deacons. After obtaining any necessary professional advice, a meeting will be convened to appoint a team of three members consisting of ruling elders and deacon representatives. This team will conduct an investigation of the reported incident. Should the report or charge prove credible, the team will advise Session and take other acts as necessary to investigate and resolve the matter.

If a session member or deacon is the subject of the incident, that ruling elder or deacon will be excluded from any part of the investigative process.

Those involved in the reporting or investigation of the incident or charge should hold this information in strict confidence, subject to such disclosures as required under church procedures or as required by law. Further action will be taken in accordance with the *Book of Order* and legal requirements of the State of Washington.

V. Prevention and Risk Management

FPCE will inform members, employees, volunteers, and constituents of their sexual misconduct policies, as well as the procedures for effective response when receiving a report of sexual misconduct.

FPCE will work to consider potential liability when establishing hiring and supervisory practices. We will regularly inform our insurance carriers of the activities and programs we operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. We will carry the appropriate insurance policy endorsements, such as for camps and daycare operations.

FPCE will obtain a background check for all employees that includes a criminal history of sexual abuse, harassment, or other crime or abuse. These background checks will include screening for previous complaints of sexual misconduct and their outcomes. Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or evidence in response.

VI. Training

All employees of FPCE are required to sign a written acknowledgement to state that they have received a copy of this Sexual Misconduct Policy. Acknowledgements will be kept in the employee file.

This policy will also be made available to those who accuse another of misconduct, as well as those who are accused of misconduct. It will also be distributed when a new member declares an interest in joining the church.

Education on sexual misconduct will be provided annually to all staff members, leaders, and volunteers to include material on healthy boundaries in professional relationships, recognition of the inherent power imbalance in our ministries, and the policies and procedures for reporting misconduct.

VII. Working Directly with Children

Supervisors of programs involving children should work in pairs whenever possible. An unaccompanied adult should not drive a single child in a church-sponsored activity without the permission of the child's parent or guardian, in writing if possible.

Any overnight activities will have a minimum of two adults present, and for mixed youth overnights there must be both a male and female present. Parental permission in writing is required for all overnight activities.

VIII. Updating this Policy

The FPCE pastor and one or more ruling elders will review this policy on an annual basis (most effectively prior to the annual training event). Updates will be presented to Session and approved prior to being official. The document itself will be updated with the date of the current approved revision.