

**WESTMINSTER PRESBYTERIAN CHURCH**  
**SEXUAL MISCONDUCT POLICY AND PROCEDURES**

**(Approved by Session January 22, 2023)**

**I. Policy Statement**

The purpose of this policy is to state the position of Westminster Presbyterian Church (hereinafter referred to as “the church”) on matters pertaining to sexual misconduct and to establish the procedures to be followed in investigating and resolving allegations of sexual misconduct (*Book of Order*, G-3.0106). It is the policy of the church that all church members, employees, and volunteers are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, employment, and professional relationship. It is never permissible or acceptable for a church member, employee, or volunteer to engage in sexual misconduct. This policy specifically covers sexual misconduct (as defined in Section II) that may occur in connection with the church’s work, services, activities, and related functions and responsibilities.

**II. Standards of Conduct and Definitions**

... As [God] who called you is holy, be holy  
yourselves in all your conduct;  
... Tend the flock of God that is in your charge, ...  
not under compulsion but willingly, ... not for  
sordid gain but eagerly. ...  
not lord it over those in your charge, but  
be examples to the flock.

... You know that we who teach will be judged with greater strictness.  
1 Pet. 1:15; 5:2–3; Jas. 3:1, NRSV

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel’s good news is conveyed. “Their manner of life should be a demonstration of the Christian gospel in the church and in the world” (*Book of Order*, G-2.0104a).

The basic principles of conduct guiding this policy are as follows:

1. 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 caring in a trust relationship. Sexual misconduct breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.

2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.

3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

### ***Definitions***

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

*Child sexual abuse:* This term includes, 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. For purposes of this policy, the sexual abuse definition of a child is anyone under age eighteen.

*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 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:* This term is defined for this policy 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.

*Rape* or sexual contact by force, threat, or intimidation.

*Sexual conduct*: This includes offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling, and any other conduct that is injurious to the physical or emotional health of another.

*Sexual Malfeasance*: This 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.

*Sexual Impropriety*: This term means inappropriate verbal or physical conduct, other than that defined elsewhere in this section, toward those under one's supervision or for whose spiritual and physical welfare one is responsible by reason one's position in the church. This term includes, but is not limited to, abuse of a position of trust and exploitation or manipulation of persons who are emotionally, psychologically, physically, or spiritually vulnerable.

*Misuse of technology*: This is the use of technology that results in sexually harassing or abusing another person, 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. 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.

### **III. Church Response to Allegations of Sexual Misconduct**

#### A. *Principles*

In responding to allegations of sexual misconduct, members and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected, and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, members and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

The church has jurisdiction over its members and employees such that if a member or employee is alleged to have committed an offense against Scripture or the Presbyterian Church (U.S.A.) (hereinafter referred to as PC(USA)) Constitution, the church has the duty to inquire

into the allegations and, if the allegations are proven, to correct the behavior of the member, employee or volunteer and to take appropriate actions to ensure the safety of others.

1) Allegations against employees and volunteers (both members and nonmembers).

Allegations of sexual misconduct and/or violation of the church's employment policies prohibiting illegal discrimination, harassment or retaliation will be handled in accordance with the personnel policies stated herein (Sec. III C. 2.). If an employee or volunteer is also a member of the church or the Presbytery, that individual may also be subject to the disciplinary procedures provided in paragraph 2 below.

2) Allegations against members, teaching elders, and commissioned pastors. Allegations of sexual misconduct are always considered allegations of offense against the Scriptures or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the Book of Order (*Book of Order*, D-2.0203b). The session has original jurisdiction in disciplinary cases involving members of the church, and the presbytery has original jurisdiction over ministers and commissioned pastors in the presbytery (*Book of Order*, D-3.0101a-b).

3) Allegations against former members and nonmembers. If the person accused of sexual misconduct is no longer a member or employee or volunteer of the church, but the conduct occurred while the person was acting on behalf of the church, the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The church may appoint an administrative committee or commission to hear the allegations of sexual misconduct. The church may also take measures to prevent future occurrences of harm through education and policy.

B. *Reporting Requirements*

1. *Reporting Sexual Misconduct*

A person needing to report that a member, employee, or volunteer of the church has committed sexual misconduct is encouraged to seek guidance from a teaching elder or ruling elder of the church regarding filing the report.

If the person who is accused of committing sexual misconduct is a member, employee, or volunteer of the church, the report of allegations should be made to the Senior Pastor, the clerk of session, or the chair of the Human Resources Ministry Team ("HRMT"). The chair of the HRMT shall be notified immediately whenever a report of employee or volunteer sexual misconduct is received by the clerk of the session or the Senior Pastor.

If the person who is accused of committing sexual misconduct is a teaching elder or commissioned pastor, the report of allegations should be made to the stated clerk of the Presbytery of East Tennessee, with a copy provided to the clerk of the session and the chair of the HRMT.

## 2. *Receiving Reports of Sexual Misconduct*

Reports of allegations of sexual misconduct will occur in a variety of ways.

Because the church cannot control to whom the victim of sexual misconduct will speak first, it is important that employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the church and may be made to a variety of leaders within the church. It is the duty of these leaders to see that any allegation of sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the 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,” the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the church and shall make sure that the allegations of offense are filed with the entity with jurisdiction over the person accused. This may be done by the person alleging harm or by any member of the church.

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. If the person who makes the report is unwilling or unable to place it in writing, any member of the church may make the written statement that will automatically trigger the procedures set forth in this policy.

## 3. *Mandatory Reporting of Child Abuse*

All church members, teachers, youth workers, employees, volunteers, and leaders who become aware of child sexual abuse are required to report such abuse in accordance with Tennessee state law (T.C.A. §37-1-403) and Appendix B of the Employee Handbook (“*Child, Youth, Volunteer and Staff Protection Policy*”). An in-depth investigation of such allegations will be carried out by appropriate state authorities rather than by church personnel (*Employee Handbook*, Appendix B, pg. 24). The church may, in its sole discretion, suspend or fire an accused employee or prohibit a member or volunteer from participating in the church’s youth activities before the state’s investigation commences or concludes. Moreover, the church or the

Presbytery can take disciplinary actions against accused members and pastors at any time, provided that such actions do not interfere with any investigation by state authorities.

### C. *Responding*

The session has original jurisdiction in disciplinary cases involving members of the church, and the presbytery has original jurisdiction over ministers and commissioned pastors in the presbytery (*Book of Order*, D-3.0101a-b). Notwithstanding the forgoing, the HRMT shall have the authority to investigate and discipline church employees and volunteers engaged in church activities. The church will make good faith efforts to respond as soon as practicable based on the circumstances of an allegation.

The appropriate entity response will vary according to the relationship of the church or presbytery with the person who is accused of sexual misconduct. Church members are subject to inquiry and discipline (censure and correction) under the *Book of Order*. Non-member employees and volunteers are also subject to oversight and correction by the church.

The church must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct in accordance with state law. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed. The church will comply with the procedures in Appendix B of the Employee Handbook (“*Child, Youth Volunteer and Staff Protection Policy*”).

#### 1. *Accused Members*

When an allegation of offense of sexual misconduct by a member has been received by the clerk of session, the clerk will report to the session that an offense has been alleged and that the session will proceed according to the procedures set forth in the Rules of Discipline of the *Book of Order* (D-1.0000 *et seq.*) The session shall appoint an investigating committee to inquire into the allegations. The investigating committee must promptly begin its inquiry into the allegations. Delay may cause further harm to the victim and/or the accused.

#### 2. *Accused Members Who are Church Employees or Volunteers*

If the accused church member is also an employee or volunteer of the church, the HRMT will have the authority to immediately investigate and take any necessary administrative actions against the accused with respect to their employment or volunteer activities (including, but not limited to, discipline, counseling, suspension, or termination). This action may take place prior to the session’s determination of whether to bring charges under the Rules of Discipline of the *Book of Order*. Following are the procedures to be used by the HRMT:

- a. Upon receipt of an allegation, an investigation will be conducted by the HRMT and appropriate staff and may include interviews with all relevant persons, including the complainant, the accused, and other potential witnesses.

- b. If sufficient evidence of misconduct exists prior to the investigation, the accused may be suspended from duties with or without pay until a complete investigation is conducted.
- c. If the allegation is determined to be valid, immediate and appropriate corrective action will be taken, including possible suspension or termination of employment of the accused or termination of volunteer activities.
- d. Upon conclusion of the investigation, the findings pertinent to the complainant will be shared with the complainant and the accused party. A report to legal authorities will be made if required by law.

### 3. *Accused Nonmember Employees or Volunteers*

When the session receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the HRMT will be responsible for the inquiry, which shall include the procedures set forth in Paragraph 2 above.

### 4. *Accused Ministers or Commissioned Pastors*

When an allegation of offense of sexual misconduct by a minister or commissioned pastor has been received by the stated clerk of the presbytery, the presbytery will proceed according to the procedures set forth in its Sexual Misconduct Policy and the Rules of Discipline of the *Book of Order*.

### 5. *Record Keeping*

The session should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. The clerk of the session will maintain the records while the inquiry is in process. In cases handled by the HRMT pursuant to Paragraphs 2 and 3 above, the HRMT will observe these record keeping requirements.

### 6. *Reporting to Insurance Carrier*

The clerk of the session or his/her designee will make a report of sexual misconduct allegations to the church's liability insurance carrier as soon as practicable after an allegation has been reported.

## **IV. Implementation and Distribution**

The session will take appropriate steps to inform members, employees, and volunteers of the church's sexual misconduct policy and procedures. Copies of this policy will be made available to all church members through the church office.

All session members, employees and volunteers will be given a copy of church's sexual misconduct policy and procedures and will be asked to complete the attached acknowledgement

form stating that they have read and agree to conduct themselves in accordance with the policy and procedures.

This policy will 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.

## **V. Additional Definitions**

*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 the Church for salary or wages.

*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 council. See *Book of Order*, D-10.0000.

*Persons Covered* by this policy includes church members, teaching elders, employees and volunteers of Westminster Presbyterian Church.

*Response* is the action taken by the church 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.

*Civil Authorities* are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges 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 and/or civil charges 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 the church. For purposes of this policy, volunteers are treated the same as employees.



**Acknowledgement of Receipt**

**Westminster Presbyterian Church  
Sexual Misconduct Policy and Procedures**

I hereby acknowledge that I have received a copy of the "Westminster Presbyterian Church Sexual Misconduct Policy and Procedures."

I have read the policy and procedures, understand their meaning, and agree to conduct myself in accordance with them.

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Signature

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Name (print)

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Date