

# **The Presbytery of Missouri River Valley**

## *Principles and Procedures for Sexual Misconduct Prevention*

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## Introductory Statement

*As God who called you is holy, be holy yourselves in all your conduct.*  
1 Peter 1:15.

We believe that Scripture and our faith in Jesus Christ call all of us to assume high ethical and moral standards in all of life, including all expressions of our sexual behavior. Human sexuality is an integral part of who we are as persons. Our commitment is to model the example of Christ and to be rooted in the love of Christ in all relationships. For any Christian to betray trust by sexually abusing another, whether child or adult is to deny his or her own Christian identity. Such a betrayal is a serious injury to the one abused and a violation of faithfulness to Christ. It also has a profound long term effect both on the victim and on the community of faith in which the violation occurs.

Sexual misconduct is not only a violation of the principles set forth in Scripture but is also a violation of ministerial employment and the professional relationships that officers, employees, and volunteers of the Church must maintain with integrity. Because of the serious consequences of sexual abuse, the Church must make every effort to assure that sexual abuse does not occur within its jurisdiction. When an allegation of such abuse does occur, the church must make a clear and just response.

### Theological Basis

God intends for the church to be a safe place for all to encounter God and grow into lives of service and fulfillment. We are called to be a holy community. "As the one who called you is holy, be holy yourselves in all your conduct." (1Peter 1:15) God creates all persons in the image of God. (Genesis 1:27) The gospels tell stories of Jesus ministering to men, women and children, teaching and healing all who came to him, treating them with dignity and respect. Throughout the scriptures God calls us to honor the integrity of our neighbors, and their personhood. God intends all persons to have worth and dignity in their relationships. We are one connected body, and when one part of the body is injured physically, emotionally or spiritually, the entire body is rendered less than God intended. Misconduct of a sexual nature of any kind violates a person's wholeness and is an unjust use of status and power. It is sinful behavior against God and the other person(s). The scriptures witness to a God whose love brings about justice, mercy and grace. The Church is called to express God's love in concrete actions of compassion and healing for all God's people.

## **I. Scope, Purposes, Principles**

### **A. Scope of Policy**

Ordained Ministers who are members of the Presbytery of Missouri River Valley, Lay Pastors commissioned by the Presbytery of Missouri River Valley, individuals serving churches in The Presbytery of Missouri River Valley of the Presbyterian Church (U.S.A.) who have a contract approved by the Committee on Ministry, and Candidates and Inquirers serving churches in the Presbytery are to maintain the integrity of ministerial employment and professional relationships at all times.

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## **B. Purposes**

The Presbytery of Missouri River Valley adopts these Principles and Procedures on Sexual Misconduct for the following purposes:

1. To further the peace, unity, and purity of the Church.
2. To set and enforce standards of ethical behavior consistent with Scripture, the standards of the Presbyterian Church (U.S.A.), and secular law.
3. To serve as a guide for prevention of sexual misconduct:
  - a. Creating an atmosphere in our Presbytery in which acts of silence, ignorance, and minimization regarding sexual misconduct are overcome by acts of understanding, respect, care, and justice; and
  - b. Providing ongoing active education regarding this Presbytery's standards of ministry regarding sexual misconduct to parties covered by this document in order to fulfill our individual and collective responsibility to preserve the integrity of those standards and our ministry.
4. To demonstrate pastoral concern for the alleged victims and those accused of sexual misconduct.
5. To provide just procedures for inquiry and effective response to allegations of the violation of trust that negatively affect the emotional, spiritual, and physical care and protection of persons, which is the responsibility of all who represent the Church in any way.

## **C. Principles**

The two primary principles that guide this document are vital to our efforts both to prevent and respond to sexual misconduct. Those principles are truth and faithfulness, conducted in a spirit of fairness.

### **1. Principle of Truth:**

- a. Truth is to be honored as an end in itself and also as an expression of the respect we owe to others based on our Presbyterian covenants of trust and mutual obligation;
- b. Truth is to be recognized as a basis for the duty of the individual to act by disclosing or reporting, whether as a complainant, a witness, or the recipient of information pertaining to wrongdoing, and so avoid the collusion of silence that prevents wrongdoing from being restrained or corrected; and
- c. Truth is recognized as a basis for the duty of the Presbytery to inquire and determine in regard to reports or complaints of wrongdoing and, as

98 circumstances require, to investigate and prosecute allegations of  
99 wrongdoing.

100  
101 **2. Principle of Faithfulness:**

- 102  
103 a. Faithfulness is to be honored as an end in itself, and also as an expression  
104 of the respect we owe to others based on the fiduciary relationships of  
105 trust and confidence that we establish in the Presbyterian Church (U.S.A.)  
106 in the name of Jesus Christ;
- 107  
108 b. Faithfulness is to be utilized as a basis for our commitment to act to  
109 prevent violations of fiduciary relationships within the Church, its  
110 mission, and its ministry;
- 111  
112 c. Faithfulness is to be utilized as a basis for our obligation to protect the  
113 rights of others, especially of those who are vulnerable and rely on the  
114 Church's care and guidance; and
- 115  
116 d. Faithfulness is to be recognized as a basis for the duty of the individual  
117 and of the Presbytery to utilize the standard disciplinary process of the  
118 Church.

119  
120 **II. Standards of Conduct**

121  
122 The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the  
123 Church because an understanding of God and the gospel's good news is conveyed through these  
124 representatives. Their manner of life should be a demonstration of the Christian gospel in the  
125 Church and the world (Book of Order G-6.0106).

126  
127 **A. Principles of Conduct**

128  
129 The principles of conduct guiding this policy are as follows:

- 130 1. Sexual misconduct is a violation of the role of Ordained Ministers, Commissioned  
131 Lay Pastors, and individuals serving churches in The Presbytery of Missouri  
132 River Valley of the Presbyterian Church (U.S.A.) who have a contract approved  
133 by the Committee on Ministry, and Candidates and Inquirers serving churches in  
134 the Presbytery. The Church has a covenant to act in the best interests of  
135 parishioners, clients, co-workers, and students, which is broken when sexual  
136 misconduct occurs.
- 137  
138 2. Sexual misconduct is a misuse of authority and power that breaches Christian  
139 ethical principles by misusing a trust relationship to gain advantage over another  
140 for personal pleasure in an abusive, exploitative, and unjust manner. If the  
141 parishioner, student, client, or employee initiates or invites sexual content in the  
142 relationship, it is the minister's responsibility to maintain the appropriate role and  
143 prohibit a relationship that is sexual in nature.
- 144  
145 3. Sexual misconduct takes advantage of the vulnerability of children and persons  
146 who are less powerful and therefore less able to act for their own welfare. It is

147 antithetical to the gospel call to work as God’s servant in the struggle to bring  
148 wholeness to a broken world. It violates the mandate to protect the vulnerable  
149 from harm.  
150

## 151 **B. Victims and Families**

152  
153 The Presbytery will offer care to the alleged victims of sexual misconduct and their  
154 families. It has sometimes been the case that the alleged victim or family is so angry and  
155 alienated from the church, that offers of help have been perceived as insincere or  
156 attempts at a cover-up. If the alleged victim or family at first refuses, the church should  
157 continue to offer help. The church’s concern shall never be to protect itself but, rather, to  
158 seek the truth and to offer care to alleged victims and accused.  
159

160 The extent of the damage to the alleged victims of sexual misconduct will vary from  
161 person to person. It will be influenced by such factors as the degree of severity of abuse,  
162 the age and emotional condition of the alleged victim, personality dynamics, and the  
163 importance of their religious faith. Feelings such as guilt, shame, anger, mistrust, lowered  
164 self-esteem, unworthiness, and feelings of alienation from God, self, the religious  
165 community, and family are frequent injuries suffered by victims.  
166

167 In all cases the Presbytery shall assume that the person has been wounded by the  
168 experience.  
169

## 170 **C. Congregations or Presbytery**

171  
172 The Presbytery should be aware of the problems a congregation may experience resulting  
173 from allegations of sexual misconduct by a minister, employee, or volunteer. The  
174 allegations may polarize the congregation or organization, damage morale, and create  
175 serious internal problems. COM should seek to recognize and identify the problems and  
176 seek healing for the congregation.  
177

## 178 **D. The Accused**

179  
180 In keeping with the vows of ordination, ideally an individual would self-report a  
181 violation. The Presbytery will offer treatment and care for the accused and the family of  
182 the accused, as well as for alleged victims and families. If the accused is a minister or a  
183 Certified Director of Christian Education, this is the responsibility of the Committee on  
184 Ministry (Book of Order G-11.0501).  
185

186 If a person is cleared of charges, it is important that the Presbytery communicate the  
187 acquittal as fully as it deems appropriate when requested to do so by the accused and will  
188 offer care for him or her.  
189

## 190 **E. The Non-Victim Accuser**

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192 In many cases the non-victim accuser is the parent, guardian, or other advocate for a  
193 child who has been the alleged victim of sexual misconduct. Because of a child’s  
194 minority status, an adult often files the action on behalf of the child.  
195

196 In cases where the accuser is a non-Presbyterian, any member of our denomination may

197 turn an oral notification into a formal allegation under the Rules of Discipline.  
198

### 199 **III. Risk Management**

#### 200 **A. Implementation**

- 201 1. The structures and procedures for responding to allegations of sexual misconduct  
202 are mandated by the Book of Order such as the roles of the Committee on  
203 Ministry and the Investigating Committee (G-11.0502, D-10.0201, and  
204 D-10.0202).  
205  
206  
207
- 208 2. The Presbytery will provide educational programs to prevent sexual misconduct  
209 and to provide training in pastoral and disciplinary procedures for the following:  
210 Ordained Ministers, Commissioned Lay Pastors, individuals serving churches in  
211 The Presbytery of Missouri River Valley of the Presbyterian Church (U.S.A.) who  
212 have a contract approved by the Committee on Ministry, and Candidates and  
213 Inquirers serving churches in the Presbytery.  
214
- 215 3. Each church will be strongly encouraged to develop its own sexual misconduct  
216 principles and procedures. *The Session, not the minister, is responsible for*  
217 *establishing and overseeing the principles and procedures for sexual misconduct*  
218 *prevention for the congregation.*  
219
- 220 4. Response to complaints of sexual misconduct in the course of employment will be  
221 governed by this sexual misconduct document in those instances where it is  
222 consistent with the Book of Order. Allegations may result in charges filed against  
223 a church member or minister under the Rules of Discipline and may lead to  
224 temporary or permanent removal from office.  
225
- 226 5. When child sexual abuse or other misconduct that violates criminal laws is  
227 alleged, the secular authorities will immediately take control of the investigation  
228 and disposition of charges against the accused. The Presbytery will cooperate  
229 with secular authorities in any secular investigation of sexual misconduct and will  
230 urge the congregation to do likewise. Church disciplinary proceedings cannot  
231 interfere with the criminal investigation by secular authorities and may have to be  
232 suspended until these are complete. The church has its own disciplinary concerns  
233 that are not automatically resolved by a secular court. The Presbytery has a duty  
234 to make its inquiry and enforce disciplinary procedures if warranted.  
235

#### 236 **B. Employment Practices**

##### 237 **1. Prevention**

238 Ordained Ministers, Commissioned Lay Pastors, individuals serving churches in  
239 The Presbytery of Missouri River Valley of the Presbyterian Church (U.S.A.) who  
240 have a contract approved by the Committee on Ministry, and Candidates and  
241 Inquirers serving churches in the Presbytery:  
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- 245 a. Shall submit a detailed work resume or Personal Information Form (PIF).

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- b. Shall sign a Release Form authorizing a background check.
- c. Shall be required to attend sexual misconduct prevention training as provided by Presbytery of Missouri River Valley.
- d. Shall routinely review the Principles and Procedures for Sexual Misconduct Prevention.

Ministers and CCE's shall all complete the Personal Information Form currently being distributed by the Call Referral Services of the Presbyterian Church (U.S.A.), including Part IV, Sexual Misconduct information, or its successor form.

## 2. **Record Keeping**

The Presbytery of Missouri River Valley shall keep a Personnel file on every minister member and all those who have contracts approved by the Committee on Ministry.

## 3. **References**

The Presbytery is responsible for contacting references for prospective ministers, Commissioned Lay Pastors, those serving churches that have a contract approved by the Committee on Ministry, and employees.

Any person within The Presbytery authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

Applicants may be informed of negative comments regarding sexual misconduct and may be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

## C. **Distribution**

Copies of this document shall be distributed to all Presbytery employees, Ordained Ministers, Commissioned Lay Pastors, and individuals serving churches in the Presbytery who have a contract approved by the Committee on Ministry and shall be available to all church members and volunteers. It is intended for use by all churches in the Presbytery. The document 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. The document shall be distributed to those serving on investigating committees and Committee on Ministry.

Upon receipt of this document, Presbytery employees, ordained ministers, Commissioned Lay Pastors and individuals serving churches in the Presbytery who have a contract approved by the Committee on Ministry must sign a written acknowledgment of receipt. This acknowledgment shall be kept on record in the Presbytery Office.

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## **IV. Response Procedures**

### **A. Receiving Initial Reports:**

Reports of sexual misconduct may occur in a variety of ways. Because a governing body cannot control to whom the accuser of sexual misconduct will first speak, it is important that all members of the presbytery and Clerks of Session understand how reports of incidents are channeled to those responsible for processing the allegation.

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

The first person to learn of an incident of sexual misconduct shall not undertake an inquiry alone though a clarifying conversation would be permitted. If the accuser is hesitant to talk to "higher authorities", the person receiving the initial report has a special responsibility to encourage willingness to speak with higher authority, lest the Church be unable to respond because no one is able to give firsthand information.

### **B. Subsequent Reporting:**

Anyone under the jurisdiction of a governing body of the PC (U.S.A.)-members and ordained officers, alike—who received information from any source shall submit a written statement of the alleged offense to the clerk of session or the Stated Clerk (Book of Order D-10.0101).

Upon receipt of a written statement of an alleged offense of a minister member of the Presbytery, the Stated Clerk, without undertaking further inquiry, shall then report to the governing body only that an offense has been alleged, without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee (Book of Order D-10.0103).

Upon receipt of a written statement of an alleged offense of a non-minister member of the presbytery, the Stated Clerk shall refer the offense to the appropriate supervisory body in The Presbytery.

## **V. Jurisdiction**

### **A. Accused Covered by the Book of Order-Ministers:**

Presbytery response will vary according to the status of the accused. Church members and ministers are subject to inquiry and discipline under the Book of Order D-3.0101. The pastoral relationship of ministers serving congregations is subject to oversight by the Presbytery (Book of Order G-1 4.0601, G-14.0602, and G-14.0603).

Response to allegations of sexual misconduct by ministers employed by a different

343 Presbytery, or by a synod or General Assembly entity and holding ministerial status in a  
344 different Presbytery, will be made by the employing entity under its personnel policies.  
345 Such ministers will also be subject to the Rules of Discipline as members of a Presbytery.  
346

347 **B. Accused Covered by the Book of Order-Church Members:**

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349 The session has original jurisdiction in disciplinary cases involving members of the  
350 church, each having jurisdiction only over its own members (Book of Order  
351 D-3.0101). A church member’s relationship with congregation is determined by the  
352 session acting under the Rules of Discipline.  
353

354 When a church member is accused of sexual misconduct, the disciplinary process is the  
355 same as that described for ministers and found in Chapters X-XIV of the “Rules of  
356 Discipline” in the Book of Order. An investigating committee must make an inquiry,  
357 decide whether to make charges, and prosecute (Book of Order D-10.0101 and D-  
358 10.0103). The session will sit as a court and try the case (Book of Order D-3.0101a).  
359 The person accused has a right to counsel, to present witnesses, and to cross-examine  
360 witnesses. If at any point in the proceedings the accused presents a letter of resignation  
361 from the church (effectively “renouncing jurisdiction” Book of Order G-6.0701 and G-  
362 10.0302b(4)), the jurisdiction of the session ends. The session records that the case was  
363 closed and the investigating committee is dissolved (Book of Order D-3.0105 and G-  
364 10.0302b(4)).  
365

366 **C. Accused Renouncing Jurisdiction--Ministers and/or Church Members**

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368 If at any time the accused renounces the jurisdiction of the church (Book of Order G-  
369 6.0701), then such action will be noted and all reports will be filed with the Stated Clerk.  
370 The church’s involvement then is closed.  
371

372 **VI. Presbytery Response**

373  
374 Actions by the Stated Clerk, the COM and the SMRC shall be guided by the Rules of Discipline  
375 of the Book of Order and Presbytery’s Sexual Misconduct Policy.  
376

377 **VII. Media Contact**

378  
379 In order to minimize prejudice in any allegation yet to be decided, all inquires from the media  
380 regarding an allegation of sexual misconduct must be directed to the Stated Clerk. The alleged  
381 victim, the accuser (if different from the alleged victim), the accused, advocates for the accused  
382 or the alleged victim, the church or employing entity, members of the COM, members of  
383 Presbytery, or any others known to have information about the allegations are not to respond to  
384 questions from the media other than to refer the media to the Stated Clerk.  
385

386 **VIII. Statute of Limitations**

387  
388 In accord with the Rules of Discipline (Book of Order D-10.0401) and the Sexual Misconduct  
389 Policy approved by the 1993 General Assembly, Presbyterian Church (U.S.A.), there is no  
390 statute of limitations for filing charges alleging sexual abuse.

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## IX. Definitions

- A. **Accusation** is a statement or claim that an offense may have occurred. It must be put into writing for it to be acted upon. It may be put into writing by the alleged victim, an accuser, or anyone from a governing body. It may come from either a member or a non-member.
- B. **Accused** is the term used to represent the person against whom a claim of sexual misconduct is made.
- C. **Accuser** is the term used to represent the person claiming knowledge of sexual misconduct by a person covered by this document. The accuser may or may not be the victim of alleged sexual misconduct, in which case they are referred to as a third-party accuser. A person such as a family member, friend or colleague of the alleged victim may be the accuser whose information initiates the inquiry.
- D. **Book of Order** is Part II of the Constitution of the Presbyterian Church (U.S.A.). It is further divided into three parts: Form of Government (with citations beginning with “G”), directory for Worship (with citations beginning with “W”), and Rules of Discipline (with citations beginning with “D”).
- E. **Child Sexual Abuse** includes, but is not limited to, any contact or interaction between a child (as defined by the state in which it takes place) 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 (U.S.A.), the sexual abuse definition of a child is anyone under age 18.
- F. **Church**, when spelled with the first letter capitalized, refers to the Presbyterian Church (U.S.A.); when spelled with the first letter in lowercase, refers to a congregation. The word “congregation” is used loosely for both members and participants.
- G. **Claim** is the initial statement of alleged sexual misconduct made by the alleged victim.
- H. **COM-Committee on Ministry** Each presbytery shall elect a committee on ministry to serve as pastor and counselor to the ministers and Certified Christian Educators of the presbytery, to facilitate the relations between congregations, ministers, and Certified Christian Educators, and the presbytery, and to settle difficulties on behalf of presbytery when possible and expedient.
- I. **Dependent or Vulnerable Adults** are those who suffer from mental defects or incapacity which prevents giving consent, or lacks the mental capacity to know right and wrong conduct in sexual matters. Dependent Adults are never able to consent to sexual activity with an adult.
- J. **Employee** is the comprehensive term used to cover individuals who are hired or called to work for governing bodies or entities for salary or wages.

- 440 K. **Entity** is the term used to refer to any program or office managed by a board, committee,  
441 council or other body whose membership is elected by the Presbytery.  
442
- 443 L. **Governing Body** is a representative body composed of elders and ministers of the Word  
444 and Sacrament; these are sessions, presbyteries, synods, and the General Assembly. A  
445 governing body may have both church members and non-members as employees.  
446
- 447 M. **High-risk Occupation** is that which calls for a person to work in close contact with  
448 those who are vulnerable and less capable of protecting themselves; with children,  
449 elderly persons, those who are wholly or partially incapacitated, or counseling clients  
450 having emotional or personal problems.  
451
- 452 N. **Inquiry** is the action taken by an investigating committee which as been designated by a  
453 governing body to determine whether charges should be filed against one of its members  
454 (Book of Order D-10.0201 and D-10.0202c).  
455
- 456 O. **Investigation** is the term generally used by police, secular prosecutors, and child  
457 protective agencies when responding to allegations of an offense. It is also used in  
458 reference to specific actions of an investigating committee (Book of Order  
459 D-10.0202h).  
460
- 461 P. **Investigating Committee (IC)** is the committee (of three to five members) appointed by  
462 a Session or Presbytery to conduct an investigation to determine whether charges should  
463 be filed against the person against whom an accusation has been made. Initially, the IC  
464 should make no presumption of guilt or innocence. Instead, it should follow the  
465 requirements of Book of Order D-10.0202. However, after its investigation, it is to make  
466 an assessment of whether probable cause exists to believe an offense has been committed  
467 by the Accused.  
468
- 469 Q. **Mandated Reporter** is a person required by state law to report any and all suspected  
470 incidents of child abuse, including child sexual abuse, that come to their attention.  
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- 472 Within the Synod of Lakes and Prairies, all persons covered by this document have a duty  
473 to report suspected child sexual abuse to the employing entity, supervisor, or Presbytery  
474 representative. All mandated reporters should be informed of, and must comply with,  
475 state and local laws regarding incidents of actual or suspected child sexual abuse.  
476
- 477 R. **Minister or Pastor** refers to one who is ordained to specific pastoral ministry within a  
478 congregation or to specialized ministry. This also refers to Commissioned Lay Pastors.  
479
- 480 S. **Persons Covered**-Ordained Ministers who are members of the Presbytery of Missouri  
481 River Valley, Lay Pastors commissioned by the Presbytery of Missouri River Valley,  
482 individuals serving churches in The Presbytery of Missouri River Valley of the  
483 Presbyterian Church (U.S.A.) who have a contract approved by the Committee on  
484 Ministry, and Candidates and Inquirers serving churches in the Presbytery are to maintain  
485 the integrity of ministerial employment and professional relationships at all times.  
486
- 487 T. **Presbytery** refers to The Presbytery of Missouri River Valley.  
488
- 489 U. **Professional staff** describes those staff members who lead programmatic ministries for

- 490 congregations or Presbyteries but are not ordained pastors. Such people include church  
491 musicians, DCE's, Youth Directors, Staff at Presbytery, etc.  
492
- 493 V. **Reasonable Suspicion or a Reasonable Cause to Suspect** refers to subjective criteria:  
494 beliefs or opinions based on facts or circumstances that are sufficient for a prudent person  
495 to want to inquire further, to take protective action, or to report to authorities.  
496
- 497 W. **Report** is a written account of the alleged sexual misconduct which may or may not be  
498 submitted by the person who made the claim.  
499
- 500 X. **Response** is the action taken by the governing body or entity when a report of sexual  
501 misconduct is received. It may include:  
502
- 503 1. Inquiry into facts and circumstances;
  - 504 2. Possible disciplinary action;
  - 505 3. Pastoral care for alleged victims and their families and others;
  - 506 4. Pastoral care and rehabilitation for the accused and care for their families.
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508
- 509 Y. **Secular Authorities** are the governmental bodies that are given the responsibility to  
510 investigate, criminally prosecute, and/or bring civil charges against individuals accused  
511 of sexual crimes or offenses against adults and children.  
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- 515 Z. **Secular Law** is the body of municipal, state, and federal laws and is often referred to  
516 collectively as civil and criminal law. Prohibited behavior addressed by this document  
517 may result in criminal charges and/or civil claims filed under secular law.  
518
- 519 AA. **Sexual Harassment**—including unwelcome sexual advances, requests for sexual favors,  
520 and other verbal or physical conduct of a sexual nature—occurs when:  
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- 522 1. Submission to such conduct is made either explicitly or implicitly a term or  
523 condition of an individual's employment;
  - 524 2. Submission to or rejection of such conduct by an individual is used as the basis  
525 for employment decisions affecting such an individual;
  - 526 3. Such conduct has the purpose or effect of unreasonably interfering with an  
527 individual's work performance or affecting positive relationships in  
528 congregational life and by creating an intimidating, hostile, or offensive working  
529 environment based upon the declared judgment of the affected individual; or  
530 4. An individual is subjected to unwelcome sexual jokes, unwelcome or  
531 inappropriate touching, or display of sexual visuals that insult, degrade, and/or  
532 sexually exploit men, women, or children.  
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- 538 BB. **Sexual Misconduct** is the comprehensive term used in this policy to include:  
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1. Child sexual abuse as defined above;
  2. Dependent/vulnerable adult sexual abuse as defined above;
  3. Sexual harassment as defined above;
  4. Rape/criminal sexual contact or sexual conduct by force, threat, or intimidation;
  5. 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; and
- CC. **Victim** is the term used to identify the person who has been subjected to sexual misconduct.
- DD. **Volunteer** is the term used for one who provides services for Presbytery, a Session and entities of the Church and receives no benefits or remuneration. This policy treats volunteers the same as employees. Volunteers include persons elected or appointed to serve on boards, committees, and other groups.