

SEXUAL MISCONDUCT POLICY – PRESBYTERIAN CHURCH IN CHINATOWN

Do not despise the words of prophets, but test everything. Hold fast to what is good; abstain from every form of evil. I Thessalonians 5:20f

Let love be genuine; hate what is evil, hold fast to what is good. Romans 12:9

Policy

The Presbyterian Church in Chinatown has zero tolerance for sexual misconduct. Sexual misconduct is always wrong.

The Presbyterian Church in Chinatown believes that incidents of sexual misconduct cannot be glossed over or covered up “for the good of the church”. The Presbyterian Church in Chinatown hereby proclaims that the good of the church can never be served by overlooking an abuse of power and betrayal of trust. Charges of misconduct must be dealt with swiftly, fairly and with compassion for all parties involved.

Responsibility for maintaining appropriate sexual boundaries belongs to the ordained minister, church officer, church staff person, Sunday School teacher, or other volunteer leader, even if the parishioner, student, client or employee initiates or invites sexual activity. There is no such thing as “presumed consent” among people of unequal authority, power and responsibility.

Definition of Sexual Misconduct

Sexual Misconduct is the comprehensive term used in this policy to cover the following: sexual abuse of a minor or of an adult who lacks mental or physical capacity; inappropriate sexual conduct; rape; sexual malfeasance; and sexual harassment. *The definitions of these terms are appended to this policy.* The policy applies to use of the telephone, internet, or any other means of communication as well as to in-person communication.

Theological Rationale

Christian leadership requires faithful adherence to Biblical teaching. Christian leaders are called to exercise power on behalf of those in our care. Sexual misconduct is an abuse of this power. All people are created by God. God values all life – men, women, and children – and intends that in all relationships everyone has dignity and worth. God has shown love for all persons in Jesus Christ. God intends all people to relate to one another with love, compassion, and justice. This is why we believe that sexual misconduct is an offence against God. Our faith in Christ leads us to decry any interactions where people are treated without love, compassion, and justice.

The church has grappled since its beginning with the tension between judgment and grace. Though grace predominates, judgment and discipline are expected when someone’s behavior affects other people and the church body as a whole. To dismiss an instance of sexual misconduct compounds the misconduct. Maintaining silence is unacceptable. In the words of Paul: *All things are lawful, but not all things are beneficial. All things are lawful, but not all things build up. Do not seek your own advantage, but that of the other.* (I Corinthians 10:23-24).

At the same time, we must remember that as members of Christ’s body we are called to work toward healing and forgiveness. Again in the words of Paul: *All this is from God, who reconciled us to himself through Christ, and has given us the ministry of reconciliation.* (II Corinthians 5:18). In instances of sexual misconduct, we must provide both support and confidential care, as appropriate, to the individuals involved, as well as to the congregation.

Scope of the Policy

This policy statement is binding on all ministers of the Word and Sacrament serving this church, church officers, church staff, Sunday School teachers and other volunteer leaders who are members of this church as well as non-members who are engaged in any activity organized, sponsored, or conducted by this church.

The policy is to be interpreted and applied consistently with the Book of Order of the Presbyterian Church (USA); with all applicable policies of this church’s Session and of the Presbytery of San Francisco; and with state, federal, and local law.

Adopted by the Session, June 14, 2009

DEFINITIONS

1. Sexual Misconduct Definitions

Sexual misconduct is the comprehensive term used in the Sexual Misconduct Policy to cover the following:

- A. **Sexual Abuse** is any contact or interaction with a child under the age of 18, or with an adult who lacks mental capacity or is physically incapacitated, when that person is being used for the sexual stimulation of another person. The behavior may or may not involve touching. Sexual behavior between an adult and a minor is always considered sexual abuse whether or not there is perceived consent.
- B. **Inappropriate Sexual Conduct** is language, visual contact, touching or other behavior judged by a person to be injurious to his or her physical or emotional health. It involves crossing a boundary the allegedly injured person was attempting to set.
- C. **Rape** is sexual contact by force, threat, intimidation, or coercion.
- D. **Sexual Malfeasance** is sexual conduct within a ministerial or professional relationship (e.g., minister with a parishioner, counselor with a client, church employee with a church member, church leader with a volunteer). It includes sexual advances, requests for sexual favors, behavior of a sexual nature, and romantic relationships whether or not there is consent.
- E. **Sexual Harassment** is an unwelcome sexual advance, request for sexual favors, or other verbal, visual or physical conduct of a sexual nature, under certain conditions specified by law.
- F. **Presumed Consent** is the assertion that a particular act is between consenting adults. Presumed Consent does not apply in relationships where there is a disparity of power, such as those between a minister and a parishioner.

2. Presbytery Entities Involved In Sexual Misconduct Cases

The following are terms used by the Presbytery in the Sexual Misconduct Policy and Procedures:

- A. The **Stated Clerk** is the person who, in cases of alleged sexual misconduct against minister members of the Presbytery, receives the written allegation of sexual misconduct. The Stated Clerk is also the resource person on the Book of Order and on the judicial process, and is available to consult with Sessions.
- B. The **Book of Order** is the constitution of the Presbyterian Church (USA). **The Rules of Discipline**, contained in the **Book of Order**, outline the principles and procedures for the judicial process.
- C. The **Executive Presbyter** is the person who, in cases of alleged sexual misconduct, serves as a resource to the churches of the Presbytery of San Francisco.