

**FIRST PRESBYTERIAN CHURCH OF SALINE
POLICY AND PROCEDURE REGARDING ALLEGATIONS
OF SEXUAL MISCONDUCT (SEXUAL MISCONDUCT POLICY or “SMP”)**

Approved by Session 10 / 15 / 2023, effective 1 / 1 / 2024

I. Introduction and Goals

- a. It is the policy of First Presbyterian Church of Saline, Michigan (“FPC”) that all Members, Church Officers, Pastors / Teaching Elders, Ruling Elders, Deacons, Staff and Volunteers working in, with and for FPC, are to maintain the integrity of ministerial, employment, and professional relationships at all times and that they shall at all times follow the policies stated here. Sexual Misconduct is a violation of ministerial, employment, and professional relationships and is never permissible or acceptable.
- b. The ethical conduct of all persons who minister in the name of Jesus Christ is of vital importance to FPC, because through these representatives an understanding of God and the gospels’ good news is conveyed.
- c. It is incumbent upon FPC, if allegations of Sexual Misconduct arise, to respond to those involved with compassion and justice. To that end this policy has been adopted.
- d. Definitions of various terms used in this document are included in the attached Appendix I. When an otherwise common noun is capitalized (such as “Accused”), or a capitalized acronym is used (such as “SMP”) it has a definition in Appendix I.
- e. This SMP provides further direction to FPC and all Covered Persons. This SMP incorporates by reference the Book of Order, the Presbyterian Church (USA)’s “Sexual Misconduct Policy and Its Procedures,” and required reporting procedures from FMP’s current insurance company.
- f. FPC recognizes that Secular/Secular/Civil laws can apply in situations involving allegations of Sexual Misconduct, particularly those involving minors or persons who are unable to protect themselves from such behavior. FPC also recognizes that requirements under Secular/Civil authority including relevant laws and regulations addressing these topics are not in any way changed or mitigated by this SMP, and must be followed.

II. Covered Persons. The following persons are expected to understand and adhere to the SMP and are defined as “Covered Persons”.

- a. All persons employed by or seeking employment with FPC.
- b. All Volunteers of FPC.
- c. Pastors / Teaching Elders
- d. Ruling Elders.
- e. Deacons.
- f. Church Officers.

- g. Other representatives of FPC.
- h. Members.
- i. Non-members including regular attendees and guests participating in FPC-related activities.

III. **Covered Circumstances.** This SMP is intended to provide guidance to FPC in addressing circumstances where there is both a Trust Relationship involving a Covered Person and an allegation of Sexual Misconduct within that Trust Relationship made against that Covered Person (the Accused). Covered Circumstances includes the following circumstances:

- a. Where alleged Sexual Misconduct has taken place during a FPC-related activity or on FPC property.
- b. When the behavior of the Accused, though not conducted in a FPC-related setting, raises questions for FPC regarding the character and fitness of the Accused to function in a leadership or volunteer capacity at FPC.

IV. **Principles and Standards of Conduct.** All Covered Persons referred to in Section II should be guided by these principles and standards in their conduct.

- a. It is always the responsibility of a Covered Person to prohibit sexual content within a Trust Relationship. Sexual Misconduct is a violation of the role a Covered Person is called to fulfill, which requires a Covered Person to exercise integrity, sensitivity, and caring within a Trust Relationship, and to act in the best interests of others. Sexual Misconduct is also antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world.
- b. Sexual Misconduct includes taking advantage of the vulnerability of children and other persons who may lack the power to protect themselves from such misconduct. Sexual Misconduct violates the mandate to protect the vulnerable from harm. In addition to this SMP, please refer to the Children and Youth Protection Policy (CYPP) as adopted by Session, which provides additional content specific to our care for Children and Youth.
- c. For the above reasons, Sexual Misconduct is prohibited by FPC and will never be condoned or tolerated. This prohibition applies equally to all Covered Persons.
- d. Individuals who violate this policy may be subject to consequences stated in FPC's employment agreement, FPC's employment policies and/or manuals, and the Book of Order, as well as any other consequence prescribed or provided by law.

V. **Relation to Secular/Secular/Civil Law and Authorities**

- a. This SMP is specifically written to document FPC's expectations of Covered Persons and to guide FPC's response to allegations of Sexual Misconduct within FPC.
- b. This SMP is not a substitute for Secular/Civil resolution of a Complaint/Report of Sexual Misconduct such as through report to Secular/Civil authorities (Saline Police Department, and/or another department if the alleged Sexual Misconduct occurred in a location outside of the City of Saline).

- c. In circumstances where a Complaint/Report to Secular/Civil Authorities is requested by the alleged Victim, or required such as in cases involving minors, FPC will notify relevant Secular/Civil Authorities (Saline Police Department and/or another department if the alleged Sexual Misconduct occurred in a location outside of the City of Saline) promptly.
 - i. FPC shall cooperate fully with /Civil Authorities at all times in their investigations of possible criminal misconduct.
 - ii. Church proceedings shall not interfere with any criminal investigation by Secular/Civil authorities, which will always have priority.
 - iii. FPC recognizing that Church proceedings may need to be suspended until any such Secular/Civil investigations are completed.
- d. In circumstances where a report to Secular/Civil Authorities is not required, and the alleged Victim has not requested FPC's help in making a report and/or has requested confidentiality, FPC will honor the alleged Victim's request for confidentiality. Unless required by law (as with a Complaint/Report of Sexual Misconduct regarding minors), no one within FPC will disclose information learned in connection with any investigation under this policy to Secular/Civil Authorities without the consent of the Non-Victim Accuser (in the case of a minor) or alleged Victim.
- e. Submission of a Complaint/Report to Secular/Civil Authorities is not a prerequisite to the resolution of a report or complaint of Sexual Misconduct under this SMP.

VI. Sexual Misconduct Ombudsperson

- a. Purpose and Function
 - i. The Sexual Misconduct Ombudsperson (Ombudsperson) is appointed by FPC to receive reports of allegations of Sexual Misconduct. Ideally there will be at least two such persons appointed at any given time, one male and one female.
 - ii. The Ombudsperson's function is to receive reports of alleged Sexual Misconduct and respond quickly and objectively.
 - iii. Anyone wishing to bring forward a report of Sexual Misconduct may contact any appointed Ombudsperson.
- b. Appointment of Ombudsperson
 - i. FPC's primary Ombudsperson is the Pastor.
 - ii. If the primary Ombudsperson is not reasonably available at the time that an allegation of Sexual Misconduct arises, or if an allegation is raised against or involves the Ombudsperson themselves, then the Clerk of Session is also approved by this Church as a person authorized to receive such allegations and serve as the Ombudsperson.
 - iii. The Session may name additional Ombudspersons, keeping in mind the advisability of gender diversity and other considerations that may encourage anyone affected by such misconduct to come forward.
- c. Responsibilities

- i. The Ombudsperson has the primary responsibility for ensuring the policy and procedure outlined in this SMP, the CYPP, the Presbyterian Church (USA)'s "Sexual Misconduct Policy and Its Procedures," and any procedures required by FPC's insurer are carried out promptly.
- ii. The Ombudsperson has the primary responsibility for ensuring prompt reporting to Secular/Civil authority in cases where that is required (such as in cases involving minors) or requested by an Accuser or alleged Victim.
- iii. The Ombudsperson will seek to provide support for the Accuser and/or alleged Victim as he/she decides how to resolve the situation, while ensuring appropriate and professional concern for the protection of the rights of all parties involved in the alleged incident including the alleged Accused.
- iv. The Ombudsperson should be careful not say anything that could be construed as providing medical or psychological services or legal advice regarding either Secular/Civil or church law. The Ombudsperson is in no way to serve as, or as a substitute for, legal counsel for any person.
- v. The Ombudsperson will neither initiate church-related disciplinary proceedings nor be available to testify in church-related disciplinary proceedings arising from an accusation of Sexual Misconduct.
- vi. The Ombudspersons will provide FPC contact information where they may be reached by anyone with a Complaint/Report of Sexual Misconduct, or with questions about this SMP. FPC will announce and posted this information publicly for the congregation.
- vii. The Ombudspersons shall be fully familiar with this SMP, the CYPP, the Presbyterian Church (USA)'s "Sexual Misconduct Policy and Its Procedures," and any procedures required by FPC's insurer. The Ombudspersons shall meet annual to review these documents and the procedures they will follow in the event of a Complaint/Report under the SMP and/or the CYPP. This review constitutes the Ombudspersons' annual training on the SMP and the CYPP.
- viii. The Ombudsperson should keep the Session informed of the status and resolution of the Complaint/Report. Recognizing the need for confidentiality, the Ombudsperson shall answer Session questions necessary to fulfill its oversight duties such as ensuring FPC's appropriate response to the Complaint/Report, addressing employment-related matters, providing guidance on policy or procedure, and understanding risk management and insurance considerations.
- ix. Ombudspersons may obtain such additional assistance from the Session, Church Officers or others, as the Ombudsperson finds necessary. Such assistance may include, but is not limited to, the formation of a pastoral response team.
- x. Ombudspersons should be familiar with counselors, advisors, medical and legal persons, and other resources available in the vicinity of FPC to serve and support victims of alleged Sexual Misconduct, so as to be able to provide references to such resources if and as needed.

VII. **Needs of Those Involved**

a. Victims and Families

- i. The Ombudsperson shall endeavor to assure that adequate treatment and care are available to the alleged Victims of Sexual Misconduct, and their families. If the alleged Victim or family refuses help, the Ombudsperson should remain available to provide future assistance if asked.
- ii. Above all, this Church shall not act in a self-protective manner by ignoring alleged Victims and their families.
- iii. The manner and level of care required by alleged Victims will vary from person to person. The Ombudsperson is to assume in all cases that the alleged Victim is experiencing pain, regardless of any eventual fact-finding and adjudication of the matter, and must endeavor to make appropriate pastoral care available.
- iv. While not an exhaustive list, the following may be some of the needs of the alleged Victim:
 1. To be heard and to be taken seriously.
 2. To receive protection and care if the alleged Victim, for whatever reason, is unable to care for him/herself.
 3. To be informed about church judicial process and progress with regard to the accusation.
 4. To receive pastoral care.
 5. To receive healing and reconciliation.
 6. To be informed of his/her rights to consult legal counsel, to obtain assistance from mental health professionals, and to make report to Secular/Civil Authorities.

b. Session

- i. The Ombudsperson will inform Session, under strict confidentiality in executive session, that a Complaint/Report of Sexual Misconduct has been received and a response is underway. No names will be divulged unless the Accused is also an Employee or a Volunteer in a leadership position.
- ii. Session is expected to maintain confidentiality throughout the investigation and resolution process.
- iii. It is Session's responsibility to place an Employee or Volunteer in a leadership position on suspension pending investigation.

c. Congregation

- i. The Ombudsperson should be sensitive to the concerns that the congregation may experience as a result of allegations of Sexual Misconduct being raised against a member of the FPC community. The allegations could polarize the congregation, damage morale, and create serious internal problems.

- ii. In partnership with the Session, pro-active steps should be taken to recognize and identify potential concerns and heal the damage done to the congregation.
- d. The Accused
 - i. The Ombudsperson shall be mindful that any Accused is to be presumed to be innocent until an investigation shows otherwise.
 - ii. If the Accused is a Pastor / Teaching Elder, the Ombudsperson is responsible for informing the Presbytery's Response Team about the allegation. The Presbytery will assume responsibility for the investigation and resolution of the alleged Sexual Misconduct.
 - iii. If the accused an employee of FPC, the Session may need to suspend that person until the issue is resolved. The Ombudsperson or a Pastoral Response team appointed by Session will conduct an appropriate investigation to understand the circumstances of the alleged Sexual Misconduct and reach resolution (if a Secular/Civil report is made, such as in cases involving minors, FPC's investigation might need to be put on hold) . The Session may choose to engage outside counsel to conduct the investigation.
 - iv. Confidentiality for the alleged Victim generally demands that the Ombudsperson and/or the Pastoral Response team may only reveal the name of the Accuser and/or the alleged Victim to the Accused if given permission to do so by the alleged Victim.
 - v. There may be circumstances when both ecclesiastical and Secular/Civil law requires that the suspected abuse be reported to Secular/Civil authorities. In such cases, the Ombudsperson will follow these mandated reporting obligations.
 - vi. If the accusation proceeds to the initiation of an ecclesiastical disciplinary case, the provisions of the Rules of Discipline of the Book of Order shall be followed.

e. The Non-Victim Accuser

- i. A person other than the alleged Victim, such as a parent, guardian or other advocate for a person who has been the alleged Victim of Sexual Misconduct, may be an Accuser. In the case of a Child, his or her minority status generally requires involvement of an adult to act on behalf of the Child (and reference to the CYPP).
- ii. The Ombudsperson shall be aware that a Non-Victim Accuser may also have some of the same needs as a Victim.

VIII. Response Procedures

- a. Receipt of a Complaint/Report
 - i. Any person who wishes to submit a Complaint/Report of Sexual Misconduct or who has a question involving this policy may contact an Ombudsperson.
 - ii. Reports of Sexual Misconduct will never be taken lightly or disregarded.
 - iii. Because information or rumors relating to such reports may affect the integrity and reputation of the Accuser, the Accused, the alleged Victim, and FPC,

reports of Sexual Misconduct should be treated as sensitive and confidential, and treated throughout with due discretion, before and after they have been submitted to the appropriate authorities.

b. Notifying those with a Need to Know

- i. Once a Complaint/Report is received by an Ombudsperson, if that Ombudsperson determines that information contained in the Complaint/Report is of a type that requires disclosure to Secular/Civil authorities, they will make that disclosure promptly.
- ii. Once a Complaint/Report is received by an Ombudsperson, that Ombudsperson will at a minimum ensure that the following Church-related persons are aware of the allegation having been raised (unless the allegation involves any of these people themselves): the Pastor, the chair of the Administration and Personnel Committee (if an employee is involved), the Clerk of Session, FPC's insurance carrier, and FPC's legal counsel, if any.

c. Subsequent Response

- i. Once a Complaint/Report is received by an Ombudsperson, a review will begin promptly. The Ombudsperson will first contact the alleged Victim/Accuser (if the initial report comes from a Non-Victim Accuser) and offer support on behalf of FPC. In the case of a child or youth, the Ombudsperson will work with and/or through a parent or guardian.
- ii. Because the role of the Ombudsperson is to support, educate, and listen compassionately, such person will treat all information as confidential, except information as noted above that must be reported under ecclesiastical and Secular/Civil law.
- iii. The Ombudsperson's task is to provide a safe place for the alleged Victim/Accuser to describe what has happened and to explore options available to him/her within FPC for dealing with what has happened. Unless there are allegations of Sexual Misconduct involving a minor, where reporting to Secular/Civil authorities is required, the decision for future action rests with the alleged Victim/Accuser. The Ombudsperson's role regarding future action is limited to providing accurate information, so that the alleged Victim/Accuser can make an educated decision. The Ombudsperson cannot substitute their judgement for that of the alleged Victim/Accuser.
- iv. The alleged Victim/Accuser may or may not choose to pursue further help from the Ombudsperson. Based upon information received from the alleged Victim/Accuser, the Ombudsperson may recommend that the alleged Victim/Accuser seek consultation with a professional (e.g., medical, counseling, legal). If such a recommendation is made, appropriate referrals could be provided if available.
- v. If the Accuser is not the alleged Victim, the Ombudsperson will encourage the Non-Victim Accuser to tell the alleged Victim about the services available through FPC. Further, the Ombudsperson will encourage the Non-Victim

Accuser to advise the alleged Victim of the Non-Victim Accuser's Complaint/Report to the Ombudsperson.

- vi. The Ombudsperson cannot take action on a matter that is vague in nature and/or where the names of the alleged Victim and/or the alleged Abuser are not known. As in all other cases, if there is an allegation of Sexual Misconduct involving a minor, the Ombudsperson will make an immediate report to Secular/Civil authorities (Saline Police Department).
- vii. In some cases, the alleged Victim/Accuser may ask the Ombudsperson to contact the Accused. Before doing so, the Ombudsperson should receive a signed and dated authorization for release of information.
- viii. Should the alleged Victim/Accuser decide to file charges under the church's Rules of Discipline, and if the alleged Accused is a Pastor / Teaching Elder, the alleged Accuser/Victim will be informed by the Ombudsperson how to contact the Stated Clerk of the Presbytery to initiate such a process. The Ombudsperson's continued involvement at this point will be determined by the needs of the Accuser for continued support.

d. Written Records

- i. Writings prepared by Victims/Accusers
 - 1. The alleged Victim/Accuser may, at their sole discretion, write a description of the alleged Sexual Misconduct. The Ombudsperson will recognize that the preparation of such a writing is a potentially traumatizing event and will not request or require that the alleged Victim/Accuser prepare such a writing.
 - 2. If the alleged Victim/Accuser wishes to make such a writing, the Ombudsperson's role will be to provide support during this process, which may involve directing the alleged Victim/Accuser to additional counseling.
- ii. Confidentiality of all written records
 - 1. Any records kept by the Ombudsperson about incidents covered by this policy will be confidential to the extent allowed by law. Such records shall be under the control of the relevant Ombudsperson, who controls any decision to grant access to these records by any other persons.
 - 2. Any records kept by the Ombudsperson about incidents covered by this policy must be kept in a secure place and should be retained for a period of not less than six (6) years from the time of their creation. Records may be destroyed after that time, but only after consultation with legal counsel. These records may include names, dates of contact, recommendations, and personal notes.

e. Voluntary Leave and Mandatory Suspension

- i. For the protection of those involved, a Covered Person who is Accused will be given the opportunity for voluntary leave from their position for the duration of

the investigation. If they do not wish to go on voluntary leave, then they will be placed on mandatory suspension from their position for the duration of the investigation.

- ii. If the matter involves a Pastor / Teaching Elder, the terms of the leave will be determined between the Presbytery and the Session of FPC, with particular attention being paid to the provisions of the Rules of Discipline of the Presbyterian Church (USA) regarding administrative leave in such circumstances.

IX. Risk Management Practices

- a. **Implementing the Policy**
 - i. FPC will take appropriate steps to inform Covered Persons of the provisions of the SMP including the procedures for effective response to be carried out if a report of Sexual Misconduct is received.
 - ii. On an annual basis, the Session will confirm the identified Covered Persons who need to review and sign the form each year. These identified Covered Persons (typically Staff, Elders, Deacons, and Church Officers) will be required to sign an acknowledgement form (Appendix II) certifying that they have reviewed the SMP and understand it. FPC will maintain the signed acknowledgement forms for six (6) years. The annual acknowledgement form will serve as a record of each Covered Persons' annual review and training on this SMP.
 - iii. Also annually, FPC will remind the congregation of the general provisions of the SMP and CYPP and make copies available for review.
 - iv. Clergy associated with FPC must be aware of how state law regarding clergy confidentiality intersects with state law on child sexual abuse and reporting obligations. The Teaching Elder is responsible for informing Session of these obligations with appropriate notice to all Covered Persons.
- b. **Liability and Insurance**
 - i. FPC should obtain liability insurance covering sexual abuse and ensure that the liability insurer's reporting requirements are understood and followed. This is the responsibility of the Administration and Personnel Committee.
- c. **Employee Screening**
 - i. Pre-employment screening shall include specific questions related to any prior charges of Sexual Misconduct.
 - ii. An applicant for employment shall be informed of any reports of Sexual Misconduct obtained through the reference checking process and shall be given an opportunity to submit additional references or to give other evidence to correct or to respond to harmful information obtained from a reference prior to a final decision being made on the applicant.
- d. **Volunteer Screening**

- i. FPC's screening procedure for Volunteers who might work with children is detailed in the CYPP and includes required criminal background checks before such persons are assigned to work with children.
- ii. Registered sex offenders may not volunteer at FPC.
- iii. Registered sex offenders cannot participate in any other capacity at FPC unless accompanied at all times while engaged in a church sponsored activity by a designated partner approved by the Pastor.

- e. Regular SMP Review
 - i. This policy will be reviewed, and if necessary updated, by the Administration and Personnel Committee every three years or more frequently if requested.

APPENDICES:

- I. Definitions
- II. Acknowledgement of Receipt and Understanding / FPC Staff Acknowledgement Form

APPENDIX I. DEFINITIONS

“Accused” is the Covered Person against whom a claim of Sexual Misconduct is made.

“Accuser” is the person claiming knowledge of Sexual Misconduct by a Covered Person. The Accuser may or may not be the alleged Victim of alleged Sexual Misconduct. A person such as a family member, friend, or colleague of the alleged Victim may be the Accuser.

The “Book of Order” is the Book of Order 2023-2025 published by the Presbyterian Church (U.S.A.) or subsequent versions published in the future.

“Church” or “FPC” refers to the First Presbyterian Church of Saline, Michigan.

“Church Officer” means anyone identified as such in the church’s official filing with the State of Michigan.

“Complaint, Complaint/Report, and/or Report” are used interchangeably to refer to any communication, written, oral, or otherwise, made to the Ombudsperson by an Accuser, whether a Victim or not a Victim, regarding alleged Sexual Misconduct by a person covered by this policy.

“Counselor” means someone who provides pastoral care and typically refers to the Pastor / Teaching Elder and Deacons.

“Covered Persons” means persons who are expected to understand and adhere to the SMP, specifically:

1. All persons employed by or seeking employment with FPC.
2. All Volunteers of FPC.
3. Pastors / Teaching Elders
4. Ruling Elders.
5. Deacons.
6. Church Officers.
7. Other representatives of FPC.
8. Members and regular attendees..
9. Non-members and guests participating in FPC-related activities.

“Deacon” is defined in the Book of Order.

“Investigation” is the term generally used by police, Secular/Civil authorities including law enforcement and prosecutors, and child protective services when responding to allegations of an offense.

“Mandated Reporter” is any professional whom is required by The Michigan Child Protection Law to report their suspicions of child abuse or neglect to Children’ Protective Services (CPS) at the Department of Human Services (DHS, phone number 855-444-3911). Mandated Reporters

are required by law to make an immediate verbal report to CPS (Child Protective Services) and a written report within 72 hours when they suspect child abuse or neglect. The identity of the reporter is kept confidential.

“Non-Victim Accuser” is the person, such as a parent, guardian or other advocate for the person who has been the alleged Victim of misconduct and may be the Accuser whose information initiates an inquiry.

“Pastor” is defined in the Book of Order.

“Response” is the action taken by FPC 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 and professional intervention for alleged Victims, their families, Accusers and others involved in congregational and employment settings, (4) pastoral care and professional intervention for the congregation and staff, and (5) pastoral care for the Accused.

“Rules of Discipline” are the Rules of Discipline promulgated and amended from time to time by the Presbyterian Church (U.S.A.) and set forth in the Book of Order, D-1.0000 *et seq.*

“Ruling Elder” is defined in the Book or Order.

“Secular/Civil Authorities” are the governmental bodies, whether city, county, state or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring Secular/Civil charges against individuals accused of crimes or offenses.

“Secular/Civil Law” is the body of municipal, state and federal laws and is often referred to collectively as Secular/Civil and criminal. Prohibited behavior addressed by this policy may result in criminal charges and/or Secular/Civil lawsuits filed under Secular/Civil Law.

“Sexual Harassment” in this Policy Means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual’s employment or volunteer service or membership, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or 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, or 4) in the case of FPC, such conduct has the purpose or effect of unreasonably interfering with an individual’s membership at FPC.

“Sexual Misconduct” is a misuse of authority and/or power that breaches Christian ethical principles by exploiting a Trust Relationship to gain advantage over another person for personal pleasure or gain. Such behavior is abusive, exploitative, and unjust. **“Sexual Misconduct”** includes:

1. Child Sexual Abuse, which is sexual conduct between a child or youth and an adult, or between a child or youth and another child or youth at least four years older than the alleged Victim and at least twelve (12) years of age.

2. Sexual Harassment, as defined in this Appendix.
3. Rape or sexual contact by force, threat, intimidation, coercion, or misuse of power in a trust relationship.
4. Sexual conduct (including, but not limited to, sexual advances, requests for sexual favors, and other kinds of verbal or physical conduct of a sexual nature, such as obscene or suggestive language or behavior, use of church property, computers and other equipment for sexual or pornographic purposes, unacceptable visual contact, touching or fondling) that is unwelcome and/or repeated when the person engaged in the conduct knows or has been informed that the conduct is unwelcome or offensive to the recipient. In some cases, a single interaction qualifies, i.e. it does not require a prior warning, if a reasonable person would deem the conduct abusive. In the case of children, youth, or developmentally disabled persons, all sexual conduct is considered to be non-consensual and thus “unwelcome” for the purposes of this policy.
5. Sexual conduct within a pastoral (e.g. clergy with a member of the congregation) or professional relationship (e.g. counselor with a client), lay employee with a Church member, Church Officer or representative with a Church member (or other person who may be a lay person, a teaching or ruling elder, or deacon), including sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. There are some circumstances in which such relationships are permissible, e.g. between spouses or domestic partners, or consenting adults in a dating relationship where neither party has a position of authority over the other. In any other cases such relationships should be reported promptly to an Ombudsperson by the person involved who is in a position of relative power, influence, or authority (i.e., Pastor / Teaching Elder, Ruling Elder, Church Officer, Supervisor, Volunteer, Counselor, Teacher or adviser).
6. Any conduct which would come within the meaning of “sexual abuse” as used in the Rules of Discipline of the Book of Order of the Presbyterian Church (U.S.A.).

“SMP” is this Sexual Misconduct Policy.

“Staff” is any person who works for salary or wages at FPC.

“Supervisor” is any Staff who has managerial responsibility over another person who works for salary or wages at FPC. For purposes of this policy, Volunteers who manage or oversee other Volunteers and/or Staff (for example, because they chair committees or lead projects or mission trips or program) are considered equivalent to employed Supervisors.

“Teacher” means anyone who is leading educational sessions, whether formal or informal, and includes program Volunteers. Teachers are often referred to as Christian educators and terms are used interchangeably.

“Teaching Elder” is defined in the Book of Order.

“Trust Relationship” means a relationship in which (a) a Covered Person is performing some form of service within FPC including employment, Volunteer service with appointment to a committee, group, team, or board of FPC and (b) the Covered Person is in a position of relative power, influence, or authority over another person. “Trust Relationships” does not include a

consensual relationship between adults in which neither party has a position of relative power, influence, or authority over the other.

“Victim” is the term used to identify the person alleged to have been injured by Sexual Misconduct.

“Volunteer” is the term used for those who provide services for FPC and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees and other groups. For purposes of this policy, Volunteers are treated the same as employees.

APPENDIX II. Acknowledgement of Receipt and Understanding

The form on the following page may be used by PFC staff to satisfy Section XI.a.ii, which requires them to review and acknowledge their understanding of the Sexual Misconduct on an at least annual basis.

FPC Staff Acknowledgment Form

I acknowledge that I have received, read and understand the FPC Sexual Misconduct Policy. I understand that any action inconsistent with this Policy or failure to take action mandated by this Policy may result in termination of my employment.

Signature

Date

I acknowledge that I have reviewed the FPC Sexual Misconduct Policy and agree that I continue to be bound by its provisions.

Signature

Date

Signature

Date

Signature

Date

Signature

Date