PRESBYTERY OF EAST TENNESSEE
POLICY AND PROCEDURES ON SEXUAL MISCONDUCT

I. INTRODUCTION

Our sexuality is a gift from God and when rightly used helps lead to the wholeness of life which God intends for all people. Those who serve through the offices of the Church bear particular responsibility in making manifest the goodness of God's gift of sexuality.

SCRIPTURE states:

As God who called you is holy,
be holy yourselves in all your conduct.

Tend the flock of God that is your charge,
not under compulsion but willingly,
not for sordid gain but eagerly.
Do not lord it over those in your charge
but be examples to the flock.

You know that we who teach
shall be judged with greater strictness.
Peter 1:15; 5:2; James 3:1 NRSV)

THE BOOK OF CONFESSIONS states:

> "The relationship between man and woman exemplifies in a basic way God's ordering of the interpersonal life for which God created humankind. Anarchy in sexual relationships is a symptom of our alienation from God, neighbor, and self. The Church, as the household of God, is called to lead persons out of this alienation into the responsible freedom of the new life in Christ. Reconciled to God each person has a joy in and a respect for one's own humanity and that of other persons...The church comes under the judgment of God and invites rejection by people when it fails to lead men and women into full meaning of life together, or withholds the compassion of Christ from those caught in the moral confusion of our time."
>
> (Confession of 1967, 9.47d)

THE BOOK OF ORDER states:

To those called to exercise special functions in the church—deacons, ruling elders, and ministers of the Word and Sacrament—God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a council of the church.

(Gifts and Qualifications, G-2.0104)

THE PRESBYTERY OF EAST TENNESSEE states:

> We believe and proclaim that all people are created by God. God values all human life and intends that everyone -- children, women, and men -- have worth and dignity in all relationships.
>
> We further believe in justice for all persons. Sexual misconduct of religious leaders is an abuse of power and trust, and is, therefore, unjust. Scripture asserts that religious leadership involves a covenant relationship that presumes the trustworthy exercise of power in behalf of those in our care. A betrayal of this is more than just a personal tragedy for the victim. It reflects a tragic breakdown in the character of the abuser that seriously threatens, not only those immediately affected, but also the well-being of the Church itself.
>
> THE PRESBYTERY OF EAST TENNESSEE proclaims that the Church can never be well served by overlooking an abuse of power and trust, that sexual misconduct is wrong and that charges of misconduct must be dealt with swiftly, fairly, and with compassion for both the accused and the accuser.
>
> In doing so, we are to remember "...the purpose of church discipline is...to preserve the purity of the Church by nourishing the individual within the life of the believing community, to correct or restrain wrongdoing in order to bring members to repentance and restoration..." (D-1.0101) It is ..."for building up the body of Christ, not for destroying it, for redeeming, not punishing. It should be exercised as a dispensation of mercy and not of wrath so that the great ends of the Church may be achieved..." (D-1.0102)

The purpose of this Policy is to define the position of THE PRESBYTERY OF EAST TENNESSEE on matters pertaining to sexual misconduct and to state Procedures to be followed in investigating and resolving allegations of misconduct. This Policy is intended as a supplement to the Rules of Discipline (RoD) of the Presbyterian Church (USA), in particular Chapter X, Disciplinary Cases (D-10.0000).

II. POLICY STATEMENT

Members and employees of East Tennessee Presbytery and volunteers under its supervision, including those who serve on Presbytery committees, boards, and councils and in support of Presbytery programs, shall not engage in sexual misconduct as defined in this policy.

All procedures and activities under this policy shall deal seriously with every allegation of sexual misconduct. In recognition of the fact that reports of sexual misconduct can impact the reputation and effectiveness of the Accuser, the Accused, the Victim and the Church, all persons involved in this process are directed to hold information received in strict confidence.

All persons are encouraged to report all accusations of sexual misconduct involving members, employees and volunteers of East Tennessee Presbytery to the appropriate Presbytery officials identified below and/or to civil authorities. (See section 4-A). In those instances where secular civil and/or criminal investigations of the same accusations are conducted, the Presbytery shall proceed carefully and with appropriate legal advice to avoid interference with the secular proceedings.

III. DEFINITIONS

A. ACCUSED: The person against whom an allegation of sexual misconduct is made.

B. ACCUSER: The person reporting alleged sexual misconduct by a member, employee or volunteer of Presbytery.

1. EMPLOYEE: is the comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.

2. VOLUNTEER: is the term used for those who provide services for councils and entities of the church and receives no benefits or remuneration. For purposes of this policy, volunteers are treated the same as employees. Liabilities of the council or entity are the same for volunteers as for employees.

C. ADVOCATE: A person chosen by the accused, the accuser or the victim to accompany him/her at any/all stages of this process.

D. COUNCIL: A representative body of elders and ministers having governing authority in the Presbyterian Church (U.S.A.) as defined in the Book of Order. The Session of a church has original jurisdiction in disciplinary cases involving members of that congregation. (D-3.0101a) The Presbytery has original jurisdiction in disciplinary cases involving minister members of the Presbytery (D-3.0101b).

E. INVESTIGATING COMMITTEE: (IC) A group appointed by the council having jurisdiction over the accused to determine whether charges should be filed (D-10.0201).

F. INQUIRY: The process of an investigating committee to determine whether charges should be filed (D-10.0201).

G. PERSONS COVERED: Minister members and employees of Presbytery of East Tennessee, lay members of the Presbyterian Church (U.S.A.) and non-member persons who are volunteers under the supervision of Presbytery of East Tennessee, including officers, those serving on its committees, divisions, boards and councils and in support of its programs.

H. SEXUAL MISCONDUCT: may (1) occur in connection with a Presbytery-sponsored program or activity, or (2) occur in a non-church-related setting giving rise to questions of character and effectiveness of members, employees or volunteers of Presbytery. This is a comprehensive term which includes:

1. Child sexual abuse: Any conduct or interactions between a person of any age and a minor where the minor or the conduct with the minor is used for the sexual stimulation or gratification of the adult or of a third person. The behavior may or may not include touching. No defense of consent by the minor shall be recognized. Child abuse must be reported to the civil authorities in accordance with state law.

2. Rape or Sexual contact by force, threat or intimidation.

3. Sexual harassment: Continued unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature or harassment of an individual because of the individual's gender constitute sexual harassment when submission to such conduct is made, either implicitly or explicitly, a condition of the individual's employment, or is used as the basis for employment decisions affecting the individual, or creates an intimidating, hostile or offensive working environment.

4. Sexual impropriety: Inappropriate verbal or physical sexual conduct, other than that defined above, toward those under one's supervision or for whose spiritual and physical welfare one is responsible by reason of 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.

I. REASONABLE SUSPICION: A subjective criterion that refers to a belief or opinion based on facts or circumstances that are sufficient for a prudent person to want to inquire further, to take protective action, or report to authorities. State child abuse reporting laws may include wording that indicates what degree of suspicion or knowledge gives rise to the duty to report.

IV. PROCEDURES FOR REPORTING AND RESPONSE

A. REPORTING ACCUSATIONS

1. Any person with reasonable suspicion of sexual misconduct by any member, employee, or volunteer of the Presbytery of East Tennessee shall immediately submit to the Stated Clerk of the presbytery a written statement of an alleged offense, together with any supporting information. The statement shall give a clear narrative and allege facts that, if proven true, would likely result in disciplinary action (D10.0101). The accuser shall be informed of the next steps in the procedure.

2. Upon receipt of a written statement of an alleged offense, the Stated Clerk shall make report of its receipt to the presbytery and shall refer the statement immediately to an investigating committee (D.10.0103).

3. If the Stated Clerk is the accused, the report shall be made to the General Presbyter, who will then fulfill the duties of the Stated Clerk in reference to this case.

4. The Stated Clerk shall inform the General Presbyter of the alleged sexual misconduct.

5. The Stated Clerk shall notify the presbytery’s insurance carriers that an accusation has been received.

B. INVESTIGATING COMMITTEE (IC)

1. The Moderator, in consultation with the Stated Clerk and General Presbyter, will form an Investigating Committee composed of no more than five but no less than three members as defined in D-10.0201.
2. The Investigating Committee shall make inquiry to determine whether charges should be filed and shall follow all the responsibilities of an IC as defined in D-10.0202.
3. If the Investigating Committee determines that charges are to be filed, the IC shall designate one or more persons from among its membership to be known as the Prosecuting Committee (PC) to prosecute the case (D-10.0202j)

V. COMMUNICATIONS

A. The Presbytery encourages all local Sessions and all Special Ministries to establish similar policies, procedures and practices related to sexual misconduct.

B. Local Sessions shall inform members, employees, volunteers, inquirers, and candidates of the Presbyterian Church (U.S.A.) of standards of conduct and the Presbytery's Policy and Procedures with respect to sexual misconduct.

C. The Stated Clerk shall be responsible for providing training every three years on sexual misconduct prevention and the Presbytery's Policy and Procedures. All active minister members and commissioned pastors of the presbytery are required to attend. Records of attendance shall be kept in the personnel files of the Presbytery.

D. All inquiries from the media regarding an alleged incident of sexual misconduct shall be referred to the General Presbyter.

E. All minister members of Presbytery, active and at large, all employees and volunteers of Presbytery's programs, are required to sign the following acknowledgement that they have received and read the Presbytery's Policy and Procedures on Sexual Misconduct. The signed receipt shall be kept in the personnel files of Presbytery.

Policy approved: September 19, 1995
Book of Order reference updates approved: June 17, 2003
Revised policy approved: November 10, 2009
Revised policy approved: November 13, 2018

Exhibit A

REPORT OF ALLEGED SEXUAL MISCONDUCT

Date of Report: _____

Accuser: _____
Name and Title

_____
Address

_____
City, State, and Zip Code

_____
Telephone

Alleged Victim: _____
Name and Title

_____
Address

_____
City, State, and Zip Code

_____
Telephone

Circle one: Adult Minor Child

Accused: _____
Name and Title

_____
Address

_____
City, State, and Zip Code

_____
Telephone

Circle one: Minister Non Minister Volunteer Independent Contractor

PRESBYTERY OF EAST TENNESSEE
POLICY AND PROCEDURES ON SEXUAL MISCONDUCT

ACKNOWLEDGEMENT OF RECEIPT

I have received and read a copy of "The Presbytery of East Tennessee Policy and Procedures on Sexual Misconduct".

_____
Signature

_____
Name (Please Print)

_____
Church

Date _____

Please return the signed acknowledgment to the Presbytery office by email or mail:

office@presbyteryeasttn.org

Presbytery of East Tennessee
P. O. Box 31625
Knoxville, TN 37930-1625