

PRESBYTERY OF CIMARRON
Presbyterian Church (USA)

Sexual Misconduct Policy

PREFACE

This policy regarding sexual misconduct by persons in positions of religious leadership has been written out of awareness that the **Presbytery of Cimarron** (Presbyterian Church, USA) has a public and spiritual trust and in accord with the Constitution of the Presbyterian Church, USA (G-3.0106). This policy provides a process that will assure proper response to situations involving sexual misconduct. Our hope is that the following will assist any who have been harmed by such behaviors in healing, justice, and restoration. The Presbytery of Cimarron has a companion Child Protection Policy that includes, but is not limited to, sexual misconduct.

INTRODUCTION

Policy Statement:

It is the policy of Cimarron Presbytery of the Presbyterian Church (USA) that all church members, church officers, non-member employees, volunteers of the governing bodies and entities of the Church within the bounds of the Presbytery are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Sexual misconduct is not only a violation of the principles set forth in Scripture, but also, of ministerial employment and professional conduct, and is never permissible. We also understand that it is our duty to report knowledge of sexual abuse involving a minor or an adult who lacks the capacity to consent, to ecclesiastical and civil legal authorities as described in the Book of Order (G-4.0302).

The purposes of this policy are to:

- a. set forth and enforce standards of ethical behavior consistent with Scripture and secular law;
- b. provide procedures for –
 1. inquiry and effective response to allegations, against a minister or anyone involved in the presbytery's work, of the breach of duty of emotional, spiritual, and physical care;
 2. protection of other persons which rest on all who represent the Church in any way;
- c. condemn sexual misconduct;
- d. demonstrate pastoral concern for the victims as well as those accused of sexual misconduct;
- e. serve the peace and purity of the Church; and
- f. provide a model for development of congregational policies that deal with sexual misconduct incidents within congregations.

DEFINITIONS

Accused – The person against whom a claim of sexual misconduct is made.

Accuser – The person (who may or may not be the victim) who makes a written or spoken statement of offense of sexual misconduct (see current *Rules of Discipline*).

Allegation – The first written or spoken claim of sexual misconduct. This claim may be only a rumor. Each allegation will be reviewed by the Inquiry Team (see Paragraph A, Response Procedures), unless a formal written statement of offense is forwarded to the Stated Clerk.

Charge – The formal claim of sexual misconduct presented by an Investigating Committee to the Stated Clerk who forwards the claim to the Clerk of the Permanent Judicial Commission (see current *Rules of Discipline*).

Individual – the person who believes himself or herself injured by sexual misconduct.

Inquiry Team – The 3-member team who makes an initial assessment of an allegation.

Investigating Committee - 3-5 member committee designated by the presbytery to determine whether charges should be filed (see current *Rules of Discipline, D-10.*)

Minister – Refers to a teaching elder or to a ruling elder commissioned to particular service in a congregation.

Secular Authorities – Those city, county, and federal bodies responsible to investigate and prosecute criminal or civil charges against individuals.

Sexual Misconduct – An abuse of any person under the age of 18 years or anyone over the age of 18 years without mental capacity to consent, or any person when the conduct includes force, threat, intimidation, coercion, or misuse of office or position (see current *Rules of Discipline*)
Sexual misconduct is a broad term that includes the following:

Child Sexual Abuse – Contact between a child and an adult, which may or may not involve touching, wherein the adult or a third person is using the child for sexual stimulation. Such contact could include photographs or computer resources that shows children as objects for sexual stimulation. In the state of Oklahoma, it is mandatory that a minister report (to the Department of Human Services) physical, sexual, or mental abuse by a person responsible for the child’s health or welfare (see Oklahoma Statutes. 10-7102 et seq.).

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, or verbal/physical conduct of a sexual nature, **including contact through social media.**

Sexual Malfeasance – Any sexual conduct within a ministerial or professional relationship. It is the responsibility of the minister(s) to avoid any sexual conduct regardless of who initiates any such behavior in order not to take advantage of persons in vulnerable emotional states, e.g. counseling.

Statement of Offense – the written statement submitted to the Stated Clerk, giving a clear narrative which alleges facts that, if proven true, would likely result in disciplinary action.

Victim – The person injured by sexual misconduct or the person falsely accused of sexual misconduct.

STANDARDS OF CONDUCT

(for Teaching Elders, Ruling Elders Commissioned for Particular Service, other members of Presbytery, Presbytery Employees, and Participants in Presbytery Events)

The ethical conduct of all who serve in the name of Jesus Christ is of vital importance to the Church, because they are the representatives who convey an understanding of God and the gospel's Good News.

Through this policy, Cimarron Presbytery declares that sexual misconduct violates the role of all types of ministers because it breaks the covenant responsibility to act in the best interest of those to whom ministry is offered. Sexual misconduct is a misuse of authority and power that leads to broken trust within a working or pastoral relationship.

Sexual misconduct is wrong even when the other person (parishioner/client/supervisee) initiates improper behaviors. Sexual misconduct violates the responsibility to protect people who are vulnerable and less able to act for their own welfare.

When instances of sexual misconduct are claimed, the Church is called upon to respond with compassion and speed. A caring response will include the offer to provide alleged victims and offenders with counseling and treatment. Sensitivity to the anger, denial, pain and hurt that is caused by an allegation must also guide the response of the Church. The Church will demonstrate its accountability by immediately reporting incidents involving children or vulnerable adults to secular authorities and by cooperating fully with any subsequent investigation of criminal behavior.

Cimarron Presbytery commits itself to:

1. have appropriate liability and comprehensive insurance coverage;
2. encourage all sessions to have similar up-to-date insurance coverage;
3. keep complete and accurate records of all charges against ministers under its jurisdiction;
4. make reference inquiries with regard to both candidates and ordained ministers
5. distribute copies of this document to all sessions and other employing entities.
6. **require and maintain record of sexual misconduct prevention/boundaries training of all Presbytery leaders, which includes Ministers of the Word and Sacrament, Ruling Elders with Presbytery leadership positions (including Lay Preachers and Commissioned Pastors), and professional church educators¹.**

RESPONSE PROCEDURES

A. Whenever an allegation is made against anyone involved in the work of the presbytery, it shall be reported immediately to the Moderator of Council, the Moderator of the Committee on Ministry and Preparation, or the Executive Presbyter, who will serve as an Inquiry Team. If the alleged victim is a child under 18 years of age or anyone who lacks the mental capacity to consent, the incident/allegation will be reported immediately to secular authorities under the

¹ See Appendix A: Compliance and Expectations

Sexual Misconduct Policy for Cimarron Presbytery
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guidelines of the Mandatory Reporting Law of the Oklahoma Criminal Code (10 O. S. Section 7103).

1. The purpose of the Inquiry Team is to:
 - a. make an initial assessment of the allegation;
 - b. depending on the allegation, to explore appropriate responses;
 - c. to explain procedures that will be used to the accuser, the accused, and the session (or other employing body);
 - d. to refer the case to the Stated Clerk if the allegation requires further investigation.
 2. When a verbal allegation is made, the Inquiry Team:
 - a. will meet with the accuser:
 - to listen to the accuser and, if appropriate, to encourage a written statement of accusation;
 - to explain procedures;
 - to explore appropriate responses
 - b. may meet with the accused and the session (or appropriate employing entity).
 3. When a written allegation is made, the Inquiry Team will forward the allegation to the Stated Clerk (See Response Procedures B).
 4. Once these responsibilities have been fulfilled, the Inquiry Team will cease to function.
- B. Upon receipt of a written allegation, the Stated Clerk will set in motion the process of investigation as described in the *Rules of Discipline* 10.0103 and 10.0200.
1. The Stated Clerk will inform presbytery of an alleged offense without naming the accused or the nature of the alleged offense as stated in D-10.0103.
 2. An Investigating Committee will be named by the Council to investigate the accusation and to bring a recommendation to the Permanent Judicial Commission of the presbytery on whether to file charges. The Investigating Committee may be composed of the members of the Inquiry Team.
 3. If a teaching elder is accused, the Stated Clerk will inform the Permanent Judicial Commission of the allegation. Two members of the Permanent Judicial Commission will determine whether the accused should be placed on paid administrative leave (*Rules of Discipline D-10.0106*).
 4. The Investigating Committee will meet within 7 days of appointment and will seek to complete its work within 90 days, and not more than 365 days.
- C. Upon completion of the investigation and the Presbytery's action according to the *Rules of Discipline*, all records of the Inquiry Team, Investigating Committee, and/or Permanent Judicial Commission that are appropriate to be retained will be sealed in a permanent file by the Stated Clerk.
- D. The church's investigative and disciplinary procedures will be carried out in conjunction and cooperation with secular authorities should criminal charges be filed against the accused.

Appendix A: Compliance and Expectations

The power that Jesus Christ has vested in his Church, a power manifested in the exercise of church discipline, is one for building up the body of Christ, not for destroying it, for redeeming, not for 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, that all children of God may be presented faultless in the day of Christ. (D-1.0102)

Cimarron Presbytery has established the following program for encouraging Ministers of the Word and Sacrament, Ruling Elders with Presbytery leadership positions (including Lay Preachers and Commissioned Pastors), and professional church educators to stay in compliance with the triennial training requirements of the Cimarron Presbytery Sexual Misconduct Policy. This program is an encouragement to fulfill our pastoral responsibilities. While the Presbytery will strive to remind its members of their obligations, it is each Presbytery member's responsibility to keep track of their own training, which must be renewed every three years.

Trainings will be offered at least every other year; online training will be available for those unable to attend in-person sessions. Upon notification that their training has expired, Presbytery members will have an additional 30 days to finish their training, in compliance with the policy. After the allotted time has elapsed, the Presbytery will take the following steps:

A. One Year Beyond Compliance: Ministers of the Word and Sacrament and Ruling Elders, who are not within compliance of the Presbytery's Training Requirements after the 30-day grace period:

1. Will be invited to meet with COMP to form an intentional plan for training.
2. Will not receive their clergy ID cards

B. Two Years Without Training: In addition to the consequences listed above, those who are two full years out of compliance with the Presbytery's Training Requirements:

1. Will be reported to their congregation's Personnel Committee as being out of compliance and informed of the consequences of further non-compliance.
2. Will not receive a statement from the Presbytery attesting to their good standing.
3. Will not have their Personal Information Forms attested to by the stated clerk.
4. Will not receive a favorable recommendation from the Presbytery staff.

C. Three Years Without Training: In addition to the consequences listed above, those who are three full years out of compliance with the Presbytery's Training Requirements:

1. Will be classified as no longer engaged in a validated ministry. Such persons “shall not have voice or vote in meetings of the presbytery” (G-2.0508). At this time, the Presbytery shall act to dissolve any active pastoral relationship.

2. Will be declared to be released from the exercise of the ordered ministry. “Release from the exercise of ordered ministry requires discontinuance of all functions of that ministry. The designations that refer to ministers of the Word and Sacrament shall not be used.”(G-2.0507).

Reconciliation: Any Minister of the Word and Sacrament or Ruling Elder who has been classified as no longer engaged in a validated ministry, or who has been released from the exercise of ordered ministry, may, upon completion of boundary training, reapply for admission. Upon approval by the Committee on Ministry, and “upon the reaffirmation of the ordination questions, and the resumption of a ministry that qualifies that person for membership in the presbytery, [the person] shall be restored to the exercise of the ordered ministry as a teaching elder without re-ordination” (G-2.0507).

Exceptions and Waivers: Any honorably retired Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher who is no longer engaged in the exercise of ordered ministry may request a waiver to be excused from the Presbytery’s Training Requirements. Any Minister of the Word and Sacrament, Commissioned Pastor, or Lay Preacher who cannot participate in the Presbytery Training for health or other personal reasons, may also request alternate training or a waiver of the boundary training requirements if no alternative can be found. This waiver will be reviewed annually for those in active service, and every 3 years for those no longer engaged in ordered ministry. If still appropriate, waivers may be renewed. Training shall be required for retired persons who re-enter into ordered ministry. All waivers shall be reviewed by the Stated Clerk of the Presbytery.