

## Sexual Misconduct Policy

### **Introduction:**

We believe that Scripture and our faith in Jesus Christ calls us to standards of responsible conduct in all of life, including sexual behavior.

Human sexuality is an integral part of who we are as persons. However it can become the basis for oppression, where trust relationships are breached and persons are abused.

The purposes of this policy are:

1. To prevent and eliminate sexual abuse in the context of any activity sponsored by the Synod of the Rocky Mountains (here after “the Synod”).
2. To safeguard the Church’s members and staff from abuse through any form of sexual misconduct.
3. To seek justice by assuring effectiveness of the church’s administrative, investigative, and judicial process in determining truth, protecting the innocent, and dealing appropriately with those who victimize others.
4. To promote proper healing of all persons affected by instances of sexual misconduct occurring in the context of Synod-sponsored activities.
5. It is understood that the presbyteries within the Synod are responsible for sexual misconduct policies applicable in the presbyteries.

### **Definition:**

Sexual abuse of another person is any offense involving sexual conduct in relation to

1. Any person under the age of eighteen years or anyone over the age of eighteen years without mental capacity to consent, or
2. Any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D10-0401b)

### **Prevention:**

1. All employees of the Synod are required to sign a written acknowledgment (see Attachment ‘A’) indicating that they have received a copy of this Sexual Misconduct Policy. Such acknowledgment will be kept in the person’s personnel file. It is the responsibility of the Coordinating Council to secure this acknowledgment from the Synod Executive. It is the responsibility of the Synod Executive to secure this acknowledgment from all other employees.
2. All persons ordained as ministers of Word and Sacrament being offered employment by the Synod shall complete the Personal Information Form currently being distributed by the Call Referral Services of the PC(USA), including Part IV, Sexual Misconduct Information, or its successor form. It is further the policy of the synod that employees other than ministers complete an Employee Questionnaire. (see Attachment ‘B’)
3. The Synod is responsible for contacting references for prospective employees, whether for positions requiring ordination or not. The Synod shall conduct criminal background checks for all new employees.
4. The Synod, including all its committees will adhere to this policy, including its standards, procedures, and practices. Commissioners to Synod shall consider themselves bound by the standards for conduct of this policy.
5. This policy shall be distributed to all employees and volunteers, including commissioners, of the Synod. The policy shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

6. Presbyteries and sessions are encouraged to adopt comparable policies for those involved in ministry under their responsibility and supervision. Synod staff and the Coordinating Council may provide advice to presbytery councils and, when asked by presbyteries, to sessions in developing policies and implementing them.

**Coordinating Council's Responsibility:**

1. The Coordinating Council will assist and guide the Synod officers and staff in responding to allegations of sexual abuse. The Coordinating Council will not have the responsibility of dealing directly with needs of the persons and groups affected by such allegations. Rather it shall coordinate the Synod's response to such allegations.
2. Whenever an allegation of sexual abuse is received by any Council member, Synod Officer, or staff of Synod, that person shall contact the Moderator of the Council.
3. The role of the Coordinating Council in response to allegations of sexual misconduct shall be to consult with appropriate staff and officers of the Synod concerning appropriate ways to meet the needs that arise in the context of a sexual misconduct case and who is responsible for each task.
  - a. Upon receipt of an allegation against an employee of the Synod, the Coordinating Council may place an employee or employees on administrative leave while the allegation is under investigation.
  - b. Upon receipt of an allegation against a member of a council, committee, or commission, the Coordinating Council may suspend the participation of a member while the allegation is under investigation.
4. If allegations are made against any employee other than the Synod Executive, the Synod Executive, in consultation with the Moderator of the Coordinating Council, shall follow this policy and the employment policy of the Synod in determining appropriate action, including administrative leave for the accuser or the accused.
5. If allegations are made against the Synod Executive, the Coordinating Council shall seek the assistance of one of the presbytery executives in fulfilling Council's responsibility.
6. If allegations are made against a Synod commissioner or member of any committee, appropriate staff or officers, in consultation with the Coordinating Council, will act to meet the needs that arise in the context of the allegation.
7. The Synod will, in all cases, cooperate with the governing bodies having disciplinary jurisdiction over church members or members of presbyteries.
8. The Synod will comply with applicable mandatory reporting laws and will cooperate with civil authorities in cases where criminal charges are being considered, subject to the provisions of the *Book of Order* on confidentiality.

**Tasks to be Addressed by the Synod:**

1. Required reporting
  - a. To insurance carriers
  - b. To appropriate local, state, or federal authorities if the allegations involve the abuse of a minor child or other criminal behavior.
2. Contact with the accuser and/or alleged victims and family, within the limits of the Rules of Discipline
  - a. Meeting their needs (i.e. counseling, advocacy)
  - b. Interviews in relation to the investigation
3. Contact with the accused and family
  - a. Meeting his/her needs (i.e. counseling, advocacy)
  - b. Interviews in relation to the investigation
4. Contact with the session or presbytery  
Based upon need-to-know decisions.

5. Contact with others affected  
This may include other persons in a presbytery or an agency.

**Disciplinary Process:**

All allegations of sexual misconduct will be investigated through the appropriate process. In cases of members under the jurisdiction of a presbytery, judicial process as provided in the Rules of Discipline will be followed. In cases involving employees, the provisions of the Personnel Policy will be followed. For employees who are members of a Presbytery, both Personnel Policy provisions and disciplinary process will apply.

**Judicial Process is governed by the appropriate chapters of the Rules of Discipline.**

**Administrative Process is governed by the Personnel Manual of the Synod.**

Synod Sexual Misconduct Policy – Adopted by Synod Assembly, June 12, 2010 (September update)

Synod of the Rocky Mountains  
Sexual Misconduct Policy  
Attachment A

I, as a condition of employment, acknowledge receipt of a copy of the Sexual Misconduct Policy of the Synod of the Rocky Mountains (the Synod).

I understand that I am bound, during the time of my service as a member of the staff of the Synod, by the principles, definitions, and boundaries on behavior expressed in the policy. A copy of the policy, along with this signature page will be kept in my personnel file.

I understand that any alleged violation of the policy on my part will be addressed and investigated according to the requirements of the policy, and any violation, if proven, will result in appropriate disciplinary action, as provided for in the Personnel Policy of the Synod and/or the Rules of Discipline of the *Constitution of the Presbyterian Church (U.S.A.)*.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (name, printed)

\_\_\_\_\_ (date)

I have provided the above employee with a copy of the policy and witnessed his/her signature.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (name and title, printed)

\_\_\_\_\_ (date)

[The policy was adopted by the Synod Assembly on June 12, 2010. See Synod Minutes.]

Synod of the Rocky Mountains  
Sexual Misconduct Policy  
Attachment B

Employee Questionnaire

Do you consent to a criminal background check being conducted as a condition of your being offered a position with the Synod of the Rocky Mountains? Your SS # will be required.

\_\_\_\_\_Yes    \_\_\_\_\_No    If no, you will not be offered employment

Have you ever been terminated from employment because of allegations of or proven sexual misconduct, including sexual harassment?

\_\_\_\_\_Yes    \_\_\_\_\_No    If yes, please state the relevant details:

Have you ever resigned from a position to avoid disciplinary action or criminal charges?

\_\_\_\_\_Yes    \_\_\_\_\_No    If yes, please state the relevant details:

Have you ever been found guilty in a church disciplinary case or a criminal case of sexual misconduct, including sexual harassment?

\_\_\_\_\_Yes    \_\_\_\_\_No    If yes, please state the relevant details:

I certify that I have answered the above questions truthfully and completely.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (name, printed)

\_\_\_\_\_ (date)

This signed questionnaire will be retained in the employee's personnel file. A copy will be given to him/her to retain in personal records.