

## Westminster Presbyterian Church

# Sexual Misconduct and Harassment Policy

Approved by Session July 25, 2024

### Policy & Purpose

It is the goal of Westminster Presbyterian Church (WPC) to ensure that all members of the church community have a safe environment in which to participate in the life and ministry of the church of Jesus Christ. Sexual misconduct by any member of the WPC community in any form is unacceptable and impermissible. Acts of sexual misconduct break the mutual trust between members of our church community, violate the WPC's mandate to protect all members of the church community – particularly those most vulnerable – from harm, and undermine WPC's efforts to always act in the best interests of members of the church community. They may also be unlawful. WPC is adopting this Sexual Misconduct Policy (the "Policy") to clarify the expectations WPC has for all volunteers, employees, and parishioners, to provide a clear framework for responding to allegations of sexual misconduct, and to ensure that all incidents are handled with consistency and integrity.

### Definitions

Sexual Misconduct: Sexual Misconduct is the comprehensive term used in this policy to include:

- **Child Sexual Abuse:** This includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced. In the Presbyterian Church (U.S.A.), the term child sexual abuse applies to anyone under age eighteen (18). For more information on how WPC protects the most vulnerable among us, see the Child, Youth, and Vulnerable Adult Protection Policy.
- **Sexual Abuse:** "Sexual Abuse" is defined herein as defined in the *Book of Order*: "Sexual abuse is any offense involving sexual conduct in relation to any person under the age of eighteen years or anyone without the capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position. Sexual abuse is contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A.) and is therefore always an offense for the purpose of discipline." See *Book of Order*, D-7.0901.
- **Sexual Harassment:** Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, or their continued status in an institution.
  2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual.

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. An individual is subjected to unwelcome sexual commentary or language, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.
- **Sexual Assault:** Any sexual contact by force, threat, or intimidation. In this context, sexual contact is defined as the unlawful and intentional touching of or application of force, without consent, to the intimate parts of another. See [NMSA 1978, §30-9-12](#).
  - **Sexual Malfeasance:** This refers to any sexual activities within a professional relationship that result in misuse of office or position arising from the professional relationship.
  - **Misuse of Technology:** The use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images. When the misuse of technology involves a person under the age of eighteen (18), it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by the church or any church entity or within the context of ministry.

### Principles

- Sexual misconduct violates a relationship of trust between or among WPC members, volunteers, staff, and parishioners. This is particularly concerning when church community members hold authority and power over another, and use said authority and/or power to gain an advantage over another. WPC reiterates that it is the responsibility of WPC members, volunteers, staff and parishioners to maintain appropriate boundaries, roles and relationships, specifically avoiding any sexual misconduct or improper sexual relationship(s).
- Sexual misconduct on the part of a clergy person is a particular violation of the relationship of trust between members of the congregation and the pastor. Any allegations of sexual misconduct by a Minister of Word and Sacrament ordained by the Presbyterian Church (USA) should be reported, in writing, to the Stated Clerk of the presbytery which has jurisdiction over the accused. (See *Book of Order* D-7.02 for information on how to submit an allegation).
- All members of the WPC community subject to this Policy must commit to taking all allegations of sexual misconduct seriously and treat such allegations with sensitivity. Wherever possible, in responding to an allegation of sexual misconduct, WPC will take action to protect the confidentiality and privacy of all individuals involved.
- Beyond responding to allegations of sexual misconduct, members of the WPC community will commit to preventative action, doing all they can to ensure that future violations do not occur and educating members of the WPC community on appropriate conduct.
- Beyond following the procedures outlined herein, every person, including a licensed physician or person treating a child, a judge, a registered or visiting nurse, a school employee, a social worker, or a member of the clergy who has information that is not privileged as a matter of law, who know or has a reasonable suspicion that a child is an abused or a neglect child, shall report the matter immediately to a local law enforcement agency, the New Mexico Children Youth and Family Department (CYFD), or a tribal law enforcement or social services agency for any Indian child residing on Indian country ([NMSA 1978, §32A-4-3](#)).

## **Sexually Explicit Images**

Sexually explicit images include inappropriate (non-criminal) images as well as images which may be of a criminal nature. Such crimes include but are not limited to those crimes specified under [NMSA 1978, §§30-9-1 to -21](#).

In the event that any member of the WPC church community, while participating in a WPC-sponsored event, is accused of sending sexually explicit images on an electronic device or shown such images to another person, the following procedure shall be followed:

### Management Responsibilities

1. **Suspected criminal actions.** If an individual is accused of an action which is a suspected crime or he/she may be the victim of a crime, the pastor shall be notified immediately. The pastor shall notify the police as required by law.
  - a. **If an individual involved is a child or youth:** the Pastor shall report allegations of child sexual abuse to the police department that has jurisdiction and to NM CYFD as required or necessary. If the allegation involves a report of abuse by a church employee or volunteer or on church property, the Pastor should make a report to the church's liability insurance provider and may wish to consult with an attorney. If a report is made, parents will be notified unless parents are the alleged abuser, or it would pose a risk to the child to inform the parent. Staff members will use their best judgment in revealing the identity of the alleged abuser to parents. (See Child, Youth, and Vulnerable Adult Protection Policy for more details)
2. **Non-criminal actions.** If the individual is not suspected of having committed a crime or being the victim of a crime but has merely shown or electronically sent sexually explicit images at a WPC event, then the person responsible for the WPC event shall report this incident to the pastor. In the event that the person responsible for the WPC event is the individual suspected of showing or sending the image(s), then another witness may report the incident to the pastor. The pastor will meet with the accused individual. That individual will not be allowed on WPC grounds, nor may that individual attend any WPC sponsored events until this meeting has taken place. At this meeting, the pastor will try to determine, using best judgment, whether the accusation is true. If, after investigation, the pastor believes the accusation to be true, the individual will not be allowed to bring electronic devices to any future events sponsored by WPC. If the individual is found to disregard this prohibition, he/she will be asked not to return to WPC.

## **Responding to Allegations of Sexual Misconduct**

### **Volunteer and Employee Responsibilities**

Volunteers and employees may become aware of sexual misconduct involving individuals involved in WPC-sponsored activities. In the event that an individual becomes aware of suspected sexual misconduct, the allegation should be reported immediately to the person in charge, who will pass the information to the pastor and Clerk of Session for further action. (See *Book of Order* D-7.0102)

## Management Responsibilities

WPC management has a duty to investigate any allegation of sexual misconduct. In the event that an incident of sexual misconduct is alleged to have occurred during WPC-sponsored programs and activities, the following procedure shall be followed:

1. If the victim is a child or youth, the Child, Youth, and Vulnerable Adult Protection Policy procedure will be followed, in addition to procedures in this document and the disciplinary process as laid out in the *Book of Order*. All allegations of misconduct in which a child or youth is alleged to be a victim should be reported to the appropriate civil authorities (i.e. [New Mexico Children, Youth, and Family Department \(CYFD\) at 1-855-333-SAFE \(7233\)](#) or #SAFE from a cell phone), and the organization will comply with the state's requirements regarding mandatory reporting of such misconduct as required by law. WPC will fully cooperate with the investigation of the incident by civil authorities.
2. If the Clerk of Session receives a written allegation, the disciplinary process as described in *Book of Order* Church Discipline chapters 7 and 8 shall be followed.
3. If an allegation or complaint is made in some form other than written, the person making the complaint will be advised about this policy and the *Book of Order* disciplinary process.
4. The church's insurance company will be notified, and WPC will complete an insurance incident report. WPC may need to share documents related to an incident to insurance providers as required. In such cases, WPC will make all efforts to protect confidentiality wherever possible.
5. At the time the allegation is made in writing, the Clerk of Session and the pastor shall appoint a spokesperson to the media. The advice of legal counsel should be sought before responding to media inquiries or releasing information about the situation to the congregation. All other representatives (staff and officers) of the organization are asked to refrain from speaking to the media on the church's behalf.
6. A pastoral visit will be arranged for those who desire it. This shall be for the purpose of providing pastoral support during the time of crisis and shall not be for the purpose of investigating the incident or influencing the investigation. In the event that the pastor is accused of being involved in the incident, this pastoral support shall be provided by an ordained person from within the Presbytery of Santa Fe, but it shall not be made by WPC's pastor.
7. Any employee who is convicted of a crime involving the alleged misconduct, who is found liable in a civil lawsuit involving the alleged misconduct, or who does not dispute any such charge will be removed from their position. They shall not be allowed to be on the premises of or at an activity sponsored by WPC unsupervised.
8. Any member who is convicted of a crime involving the alleged misconduct, who is found liable in a civil lawsuit involving the alleged misconduct, who is found guilty in a disciplinary trial of the Presbyterian Church (USA) as described in the *Book of Order* D-8 .01-8.13, or who does not dispute any such charge shall not be allowed on the premises or at an activity sponsored by WPC unsupervised.

## Former Members of the WPC Community

It is possible for WPC to become aware of allegations of sexual misconduct regarding former members of the WPC community. If such allegations come to light and the accused is still a member of the Presbyterian

Church (USA), a written allegation may be submitted to the Clerk of the council which has authority over that member. There is no time limit on allegations of sexual misconduct. (See *Book of Order* D-7.0201a-b)

**Record Keeping**

WPC will make every effort to date and maintain written reports regarding all incidents of sexual misconduct involving clergy or members of the congregation. Electronic copies and one hard copy notebook of these reports must be kept by the Clerk of Session. Should WPC close, these records shall be transferred to the Stated Clerk of the Presbytery.

**Employment Screening**

WPC will follow all pre-employment screening procedures as set out in the WPC Personnel Manual and the WPC Child, Youth, and Vulnerable Adult Protection Policy.

**Liability and Insurance**

Under state and federal law, it is possible that WPC may be held liable for actions of sexual misconduct committed by WPC staff and volunteers. WPC may maintain insurance policies with endorsements to its general liability insurance policy to specifically cover acts of sexual misconduct. Where an allegation of sexual misconduct occurs, WPC’s church’s insurance company will be notified, and WPC will complete an insurance incident report. WPC may need to share documents related to an incident to insurance providers as required. In such cases, WPC will make all efforts to protect confidentiality wherever possible.

**Prevention and Education**

WPC commits to being as proactive as reasonably possible in educating members of the WPC community regarding sexual misconduct, and the policies, procedures, responsibilities and duties of WPC regarding the same.

**Training**

All church officers and staff must receive orientation to these policies prior to being allowed to work in any activities sponsored by WPC. It will be the joint responsibility of the pastor and the Session to ensure that this training takes place. The pastor will administer this training and every employee or volunteer shall be retrained in these policies every three years. After having received the training on this policy, each shall be required to sign an acknowledgment indicating their understanding and receipt of a copy of this policy.

I have received a copy of this policy. I understand its terms and agree to abide by its terms.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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Witness

## References

Las Placitas Presbyterian Church. 2023. Sexual Misconduct Policy.

Graystone Presbyterian Church. 2013. Sexual Misconduct Policy with Appendixes A, B & C. [https://s3.amazonaws.com/media.cloversites.com/ec/ec26962a-a86e-49d3-a6e7-c363bbc838a6/documents/Final\\_Sexual\\_Misconduct\\_Policy.pdf](https://s3.amazonaws.com/media.cloversites.com/ec/ec26962a-a86e-49d3-a6e7-c363bbc838a6/documents/Final_Sexual_Misconduct_Policy.pdf)

Maumee Valley Presbytery (Ohio, Michigan). 2020. Sample Sexual Misconduct Policy. [https://maumeevp.org/wp-content/uploads/2023/06/MVP\\_Manual\\_of\\_Operations\\_-\\_Dec\\_2022.pdf](https://maumeevp.org/wp-content/uploads/2023/06/MVP_Manual_of_Operations_-_Dec_2022.pdf)

PCUSA. 2013. Presbyterian Church (U.S.A.) Sexual Misconduct Policy and Its Procedures. <https://www.pcusa.org/resource/presbyterian-church-us-sexual-misconduct-policy-an/>

Presbyterian Church (U.S.A.) 2023-2025. Book of Order. Office of the General Assembly.

## Things to Follow-up on or Further Clarify by WPC's Session as of 7/25/24

1. 3<sup>rd</sup> party reporting where the victim does not want to report it themselves.
2. Non-members of WPC who are part of the congregation.