

Missouri Union Presbytery Harassment and Sexual Misconduct Policy

Policy Statement

Missouri Union Presbytery (MUP) is committed to providing a safe and welcoming environment for all members, visitors, and staff in all presbytery activities.

Leadership in the church demands the highest standards of moral integrity and personal responsibility. It is a gift of the Spirit that can only be effectively exercised in an environment of trust. As the Gospel witness makes abundantly clear, “From everyone to whom much has been given, much will be required; and from the one to whom much has been entrusted, even more will be demanded.” (Luke 12:48).

Since trust is so fundamental to the well-being of the Christian community, Christian people have the right to expect that those they choose as leaders (ruling and teaching elders) understand and are committed to standards of behavior that are trustworthy. As the church and the body of Christ, we are united with all people of God in every place and time, and we are bound to serve and to respect the dignity of every human being. When this solemn trust is broken through some form of harassment, including sexual misconduct, not only is someone’s dignity diminished and her or his wellbeing seriously harmed, but also harm is done to the community of faith.

Missouri Union Presbytery has established a Child/Youth/Vulnerable Adults Protection Policy and Procedures, to ensure, to the extent reasonably possible, that our children, youth, and endangered adults will be free to participate in presbytery-sponsored programs, services, and activities without intimidation, coercion, or abuse of any type. This policy is established to cover any and all forms of harassment, including sexual misconduct, directed toward legally capable persons ages 18 and older and complements the presbytery’s Child/Youth/Vulnerable Adult Protection Policy.

Definition of Harassment

Harassment is not acceptable in the eyes of God. Harassment is any unwelcome behavior, communion, or conduct, whether verbal, written, physical, or electronic, that creates an intimidating, hostile, or offensive environment based on a person’s race, color, religion, sex, gender identity or expression, sexual orientation, national origin, age, disability, or any other protected characteristic under applicable law.

Harassment may include but is not limited to:

1. Verbal harassment, including offensive jokes, slurs, or derogatory comments.
2. Non-verbal harassment, such as gestures, leering, or offensive images.
3. Physical harassment, including unwanted physical contact or threats.
4. Cyberbullying, online harassment, or any form of electronic harassment.
5. “Quid pro quo” harassment, where submission to harassment is used as the basis for employment or volunteer placement decisions.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment.

Harassment Reporting Procedures

Any person who feels that he or she has been subject to any type of harassment is encouraged (but not required) to firmly and promptly notify the offender that the behavior is inappropriate and violates this Policy. Moreover, an individual who believes he or she has been the victim of or who has witnessed harassment should promptly bring such conduct to the attention of the Stated Clerk of the Presbytery or the Moderator of the Presbytery.

Failure to promptly report incidents of harassment will hinder MUP's ability to initiate investigation of a complaint of harassment and may limit MUP's ability to stop and prevent further harassment. Cooperation in reporting acts of harassment is essential.

Investigation Process (Book of Order D.7.01-7.1606)

Upon receiving a harassment complaint, the Moderator and Stated Clerk will promptly appoint an Investigating Committee. This Committee will then conduct a timely and fair inquiry gathering information, interviewing witnesses, and reviewing evidence.

If, after a thorough investigation, harassment is found to have occurred, appropriate corrective actions will be taken as follows:

- if it is determined that a person has violated this Policy, such person will be subject to appropriate corrective measures commensurate with the seriousness of the particular offense or other relevant circumstances;
- if it is determined that the complaining party falsely accused another of harassment, knowingly or in a malicious manner, the complaining party will be subject to appropriate corrective measures.

In all cases, the person who made the complaint and the alleged harasser will be advised of the outcome of the investigation.

Definition of Sexual Misconduct

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

- *Sexual abuse* 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.*
- *Sexual harassment*, defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. 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;
 - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
 - c. 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

d. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.

- *Rape* or sexual contact by force, threat, or intimidation.
- *Sexual conduct* is offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.
- *Sexual malfeasance*; defined as any impropriety or wrongdoing resulting from sexual conduct within a ministerial or professional relationship. Examples of such conduct include adultery, indecent exposure, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not intended to cover relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate, or marital relationships.
- *Misuse of technology*; use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

Sexual Misconduct Reporting Procedures

Allegations of sexual misconduct should never be taken lightly or disregarded. Nor should they be allowed to circulate without concern for the integrity and reputation of the accuser, the accused, and of the Church. Allegations should be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below.

- The first person to learn of a sexual misconduct allegation should not undertake an inquiry alone or question either the victim or the accused. The person who received the initial report will ask the accuser to report the incident, if criminal in nature, to local law enforcement and to the General Presbyter/Presbytery Moderator.
- When the allegation is received, the General Presbyter will also notify the Moderator of the Presbytery and the Chair of the Sexual Misconduct Allegation Response Committee and will ensure that law enforcement has been notified if the alleged act is criminal in nature. If the General Presbyter is unavailable, the incident must be reported to the Moderator of the Presbytery who will follow the same reporting procedure.
- If the accuser is unwilling to report a criminal act of sexual misconduct to law enforcement and/or the General Presbyter, the person who received the initial report will

make the report to the General Presbyter, who will in turn alert law enforcement, the Moderator of the Presbytery, and the Chair of the Sexual Misconduct Allegation Response Committee. Under these circumstances, the accuser and reporter should understand that this reporting method is considered second-hand information and will be processed differently than an accuser's first-hand information.

Presbytery Response

The response will vary according to the relationship of the PC (U.S.A.) with the person who is accused of sexual misconduct:

- The Presbytery is the court of original jurisdiction only for Ministers of the Word and Sacrament, Certified Christian Educators, and Commissioned Ruling Elders. These individuals fall under the Rules of Discipline of the *Book of Order*.
- Allegations against a lay employee of the Presbytery, should be reported to the Personnel Committee of Council for investigation and action.

Accused Covered by Book of Order

- When an allegation of offense of sexual misconduct has been received by the General Presbyter or Presbytery Moderator and reported to the Sexual Misconduct Allegation Response Committee, this investigating committee must promptly begin its inquiry into the allegation(s). Delay may cause further harm to the victim and/or the accused.
 - The presbytery must cooperate with law enforcement in an investigation of criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.
 - When an allegation of sexual misconduct is received against a minister of Word and Sacrament, the accused will be placed on administrative leave with pay immediately. Such administrative leave will continue until the matter is resolved. While administrative leave is in effect, the minister of Word and Sacrament shall not perform any pastoral, administrative, educational, or supervisory duties, and shall not officiate in any functions such as the administration of the sacraments, funerals, or weddings. (*Book of Order* D-7.0903)
 - Should circumstances indicate the pastoral relationship should be dissolved, the Presbytery may dissolve the pastoral relationship if, after consultation with the minister, the session, and the congregation, it finds the church's mission under the Word imperatively demands it (*Book of Order* G-2.0904). In other circumstances, the session may call a congregational meeting, have the presbytery appoint a moderator, and determine if circumstances warrant dissolution of the pastoral relationship. The Presbytery will take further action on the matter according to the *Book of Order* G-2.0903.
- Accused Not Covered by Book of Order
 - When the presbytery receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the General Presbyter will immediately put the employee on administrative leave with pay until the matter is

reviewed by the Personnel Committee and further action (termination, reinstatement, or continued administrative leave with or without pay) is authorized. Information regarding allegations shall be confidential.

- Should the incident result in criminal conviction, the employee will be automatically terminated. If the employee is acquitted, the case is nolle prosequi, or otherwise not pursued by legal authorities, the person's employment status will be reviewed by the Personnel Committee.

Retaliation

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is forbidden and is a violation of this policy.

Retaliation is any hardship, loss, or penalty imposed on any person in response to:

1. Filing or responding to a bona fide complaint of discrimination or harassment.
2. Appearing as a witness in the investigation of a complaint.
3. Serving as an investigator of a complaint.

Legal Compliance

MUP will adhere to all applicable federal, state, and local laws and regulations governing harassment, sexual harassment, and discrimination.

Communication and Enforcement

This policy will be communicated to all ministers of Word and Sacrament, congregations, staff, volunteers, and participants in presbytery activities.

Training

The topics of this policy shall be included in the boundary training which all pastoral leaders are required to complete every three (3) years in order to remain in good standing in the presbytery.

Policy Review and Revision

The Presbytery Council will review this Policy annually to make such revisions as it deems necessary and appropriate, particularly those that may be required for continued compliance with applicable laws and best practices.

By implementing and enforcing this policy, Missouri Union Presbytery aims to maintain a faith community built on love, respect, and inclusion for all members and participants.