

**WESTMINSTER PRESBYTERIAN  
CHURCH**

**Alexandria, VA**

**SEXUAL MISCONDUCT POLICY**

Approved by Session on June 22, 2016

**Westminster Presbyterian Church – Sexual Misconduct Policy**

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# Westminster Presbyterian Church – Sexual Misconduct Policy

## Section 1 – Purpose

Westminster Presbyterian Church (WPC) is committed to creating a worship and work community in which members, volunteers, officers, staff, and clergy can worship and work together in an atmosphere free of all forms of discrimination, harassment, abuse, or intimidation. Specifically, all persons associated with WPC should be aware that the church is strongly opposed to sexual misconduct, abuse, and harassment and that such behavior is prohibited by church policy. It is the intention and responsibility of the church to take whatever action may be needed to prevent and respond to behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

In addition to this policy, all clergy and certified Christian Educators employed by WPC are subject to the National Capital Presbytery Clergy Sexual Misconduct Policy.

## Section 2 – References

1. Book of Order (or see <http://bookoforder.info/>)
2. Westminster Presbyterian Church Child Protection Policy (or see <http://www.wpc-alex.org/resources>)
3. National Capital Presbytery Clergy Sexual Misconduct Policy (or see <http://www.thepresbytery.org/documents/child-protection-policies>)
4. Westminster Presbyterian Church Personnel Policy Manual (for relevant section on Prohibition Against Harassment, see Appendix A below)

## Section 3 – Definitions

**Sexual Misconduct:** This is a comprehensive term which includes, but is not limited to:

- Rape or Sexual Assault
- Sexual Abuse of children or adults
- Viewing, storing or transmitting pornographic material for any purpose on church property, with church-owned devices such as, but not limited to, computers or cellular telephones, or within the employment relationship
- Inappropriate sexualized behavior

**Sexual Abuse:** occurs:

- Whenever a person in a position of trust engages in a sexual act, has sexual contact or creates a sexualized environment with any person to whom he or she owes a professional responsibility.
- When a person in a position of trust ignores a request to cease sexualized behavior by any person to whom he or she owes a professional responsibility. Such persons may include and are not limited to a congregant, staff member or counseling client.

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**Sexual Abuse of a Minor:** consists of any sexual contact between an adult and an individual under the age of eighteen. In addition, sexual abuse of a minor includes accessing, promoting, or pandering of child pornography on church property and/or with church-owned devices such as computers or cellular telephones.

Sexual abuse of a minor 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 party. The behavior may or may not include touching.

Sexual abuse of a minor is a crime in all states.

**Sexual Harassment:** includes sexual behavior in the workplace which may affect an individual's employment, unreasonably interfere with an individual's work performance or create an intimidating, hostile or offensive work environment. (See Appendix A: WPC Personnel Policy Prohibition Against Harassment)

Sexual Harassment includes sexualized behavior which may affect a congregant or counseling client's ability to find sanctuary in the worship environment and/or ministerial relationship.

**Accused:** The person against whom a claim of sexual misconduct is being made.

**WPC:** Westminster Presbyterian Church including the Westminster Weekday Preschool.

### Section 4 – Policy

All allegations of sexual abuse, sexual harassment and sexual misconduct shall be taken seriously. Every allegation shall be received, investigated, and acted upon in accordance with the terms of this policy, the WPC Personnel Manual, and the WPC Child Protection Policy.

An accused person is presumed innocent until proven guilty. In the context of this policy, no adverse finding shall be made public or revealed against an accused person except on a need to know basis until a full investigation is completed and it has been determined that the complaint has been properly substantiated.

#### A. Reporting:

1) Any person suspecting or having knowledge of a violation of sexual misconduct, abuse, or harassment involving a minor is strongly encouraged to report such violation to civil authorities and to the Child Protection Committee, who will proceed according to the WPC Child Protection Policy. (The Child Protection Committee consists of the ministers, the Clerk of Session, the Business Administrator, the Director of Children's Ministry, and the Chair of the Christian Education Committee.)

Any person ordained in the Presbyterian Church (USA) (Deacons, Elders, and Ministers of Word and Sacrament), employed by WPC, or volunteering with children and youth at WPC and therefore subject to the WPC Child Protection Policy is required to report all suspected incidents of child sexual abuse to civil authorities and to the Child Protection Committee.

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2) Anyone suspecting or having knowledge of a violation of sexual misconduct, abuse, or harassment not involving a minor is strongly encouraged to report such violation to any minister, to the Clerk of Session, to one of the elders or, for employees of WPC, to a supervisor.

B. When the Clerk of Session, elder, minister, or other staff member receives an allegation of sexual misconduct that is not covered by the WPC Child Protection Policy, they will report it to the session. Appropriate efforts will be made to protect the privacy of the parties involved. The session will establish a response team comprised of no fewer than three session members, with at least one female and one male, and engage counsel as needed.

C. The response team shall do the following:

1) If the report is against a clergy member or certified Christian Educator, the response team shall, without further investigation, inform the Clerk of Session to send a written statement of allegation to the Stated Clerk of the National Capital Presbytery.

2) If the report is against an elder, the response team shall work with the Head of Staff to form an investigating committee under the Rules of Discipline of the Book of Order of the Constitution of the Presbyterian Church (USA).

3) If the report is against an employee (paid or unpaid) of WPC, the response team shall notify the person(s) responsible for supervision of the employee. The response team shall request a follow-up report from the supervisor of the outcome of any subsequent investigation or discipline.

4) If the report is against a member, volunteer, or non-member of the congregation, the response team shall initiate an investigation of the allegations as follows:

a) gather any statements of sexual misconduct, abuse, or harassment from those making the report and any party to the misconduct, abuse, or harassment.

b) gather any information from the person who was accused of sexual misconduct, abuse, or harassment.

c) make determinations and take actions appropriate to resolve the matter.

5) Determine, with the pastoral staff, how leadership shall be maintained in the church while this issue is being addressed, balancing the need of the community to discuss the issue of sexual misconduct with the rights of the individual accused not to be assumed guilty.

D. A written summary of any proceeding in such cases shall be maintained.

E. Any person, acting in good faith, bringing a sexual misconduct report or assisting in investigating such a complaint shall not be thereby adversely affected in terms and conditions of employment, church membership, or affiliation.

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### **Section 5 – Prevention & Awareness**

#### **A. Screening**

- 1) All paid or volunteer members of the WPC community who are in positions of trust with children and youth are subject to the WPC Child Protection Policy, including its screening process. This process requires a criminal background check.
- 2) All prospective employees of WPC who will not be in positions of trust with children and youth will also be subject to a criminal background check. What constitutes a disqualifying offense that will keep an individual from working for WPC will be determined by the Personnel Committee in its sole discretion on a case-by-case basis in light of all the surrounding circumstances.

#### **B. Training**

- 1) In accordance with the National Capital Presbytery Sexual Misconduct Policy (Reference 3), Church Professionals (clergy and certified Christian Educators) received by NCP are required within one year of reception to attend a seminar on the issues of sexual misconduct offered by NCP or another source satisfactory to the Presbytery. Thereafter, every three years all Church Professionals of NCP shall attend a seminar offered by NCP or another source satisfactory to the Presbytery on the issues of sexual misconduct.
- 2) The Head of Staff will be responsible for arranging staff training, which will include an annual review of Westminster's policies and procedures.
- 3) All church officers will be required annually to review the Sexual Misconduct Policy and sign the Acceptance Form.

#### **C. Congregational Outreach**

- 1) The congregation shall be informed of this policy (and subsequent updates) upon its adoption by the session.
- 2) A summary of this policy shall be widely disseminated, especially after updates, through any or all of the following channels: newsletter, website, announcements, special presentations/classes, and new member packets.
- 3) A copy of this policy shall be made available on the WPC website.
- 4) A copy of this policy shall be posted in the church library as well as the church office.

### **Section 6 – Annual Policy Review**

The Personnel Committee shall review the WPC Sexual Misconduct Policy annually and recommend any necessary changes to the WPC session.

## **Westminster Presbyterian Church – Sexual Misconduct Policy**

### **Appendix A – Westminster Presbyterian Church Personnel Policy Section X: Prohibition Against Harassment**

#### **Prohibition against Sexual Harassment**

It is the goal of WPC to promote a workplace that is free of sexual harassment by all church employees, volunteers, independent contractors, vendors, or other agents. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated.

WPC takes allegations of sexual harassment seriously. WPC will respond promptly to complaints of sexual harassment and if it is determined that inappropriate conduct has occurred, WPC will act promptly to eliminate the conduct and impose corrective action as necessary, including disciplinary action up to and including unpaid suspension or immediate termination.

While this policy sets forth the goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority of the Pastor/Head of Staff or Personnel Committee to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct meets the definition of sexual harassment as a matter of law or under this policy.

#### ***Definition of Sexual Harassment***

Sexual harassment may include sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions such as favorable reviews, salary increases, promotions, increased benefits, or continued employment, regardless of whether the harasser actually carries through with threats to alter the subordinate's terms or conditions of employment; or

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or are of different genders.

All employees should take special note that retaliating against an individual who has complained about sexual harassment or retaliating against individuals for cooperating with an investigation of a sexual harassment complaint or engaging in any legally protected activity is unlawful and will not be tolerated by this organization.

#### ***Complaints of Sexual Harassment***

If any employee believes that he or she has been subjected to sexual harassment, or has reason to suspect that such harassment is occurring, the employee should inform the Church Business Administrator, the Pastor/Head of Staff or the Personnel Committee. This may be done in writing or orally. These people are also available to discuss any concerns staff members may have and to provide information to you about our policy on sexual harassment.

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### ***Sexual Harassment Investigation***

When a complaint of behavior that is inconsistent with this policy is received, WPC will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent possible under the circumstances. The investigation will typically include a private interview with the person filing the complaint, and with any witnesses. The Pastor/Head of Staff or Personnel Committee representative will also interview the person alleged to have committed harassing conduct. When the investigation is complete, WPC will, to the extent appropriate, inform the person filing the complaint and the person who is the subject of those allegations of the results of that investigation.

If it is determined that inappropriate conduct has occurred, WPC will act promptly to eliminate the offending conduct and when appropriate, will impose disciplinary action, up to and including unpaid suspension or immediate discharge of the offender.

### **Prohibition against Non-Sexual Harassment**

WPC strongly supports the rights of all its employees to work in an environment free from all forms of harassment, including harassment on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability or any other category protected by federal, state, or local law.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, gender, sexual orientation, national origin, age, disability, or any other protected category, or that of the individual's relatives, friends or associates; and that:

- Creates an intimidating, hostile or offensive working environment;
- Unreasonably interferes with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

WPC prohibits harassment of any kind. Any violation of the WPC harassment policy should be reported to the Church Business Administrator, Pastor/Head of Staff, or the Personnel Committee. This may be done in writing or orally.

All situations will be treated confidentially to the extent possible and will be promptly investigated. When it is determined that inappropriate conduct has occurred, WPC will act promptly to eliminate the conduct and impose corrective action as necessary, including disciplinary action up to and including unpaid suspension or immediate termination as appropriate. While this policy sets forth our goals for promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct meets the definition of harassment as a matter of law or under this policy.

### **No Retaliation**

WPC strictly prohibits retaliation against an individual who has (1) complained about conduct that they reasonably believe violates the Sexual Harassment or Harassment policies; (2) participated in any investigation into such a complaint; or (3) engaged in any other legally protected activity.

If any employee believes that he or she has been subjected to retaliation, the employee should immediately inform the Church Business Administrator, Pastor/Head of Staff or the Personnel Committee. This may be done in writing or orally. In investigating and in imposing any discipline for conduct inconsistent with this policy, WPC will attempt to preserve confidentiality to the extent that the needs of the situation permit.

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Acceptance Form**

I, \_\_\_\_\_ (print name), am committed to creating a worship and work community at Westminster Presbyterian Church in which members, volunteers, officers, staff, and clergy can worship and work together in an atmosphere free of all forms of discrimination, harassment, abuse, or intimidation.

I have read the Westminster Presbyterian Church Sexual Misconduct Policy and I agree to abide by it.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_