

**POLICY ON PERSONAL BOUNDARIES AND SEXUAL MISCONDUCT**  
**The Presbytery of West Jersey**  
Adopted November 18, 2014

James 3:1 - "Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with great strictness."

I Peter 1:15 - "...As God who called you is holy, be holy yourselves in all your conduct."

I Peter 5:1-3 - "...Exhort the elders among you to tend the flock of God that is in your charge, exercising the oversight, not under compulsion but willingly, as God would have you do it -- not for sordid gain but eagerly. Do not lord it over those in your charge, but be examples to the flock."

Philippians 4:8-9 - "Finally, beloved, whatever is true, whatever is honorable, whatever is just, whatever is pure, whatever is pleasing, whatever is commendable, if there is any excellence and if there is anything worthy of praise, think about these things. Keep on doing the things that you have learned and received and heard and seen in me, and the God of peace will be with you."

I Corinthians 12:26 - "If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it."

**SECTION I: INTRODUCTION**

We believe and proclaim that all people are created by God. God values all human life, has shown great love for all persons in Jesus Christ, and intended that all people should relate to one another with justice.

Scripture asserts that religious leadership involves a covenantal relationship that presumes the trustworthy exercise of power on behalf of those being cared for. Furthermore, persons in religious leadership always have the responsibility for keeping appropriate boundaries and assuring the safety of those in their care. Sexual misconduct is an abuse of power and trust. We believe, therefore, that sexual misconduct is unjust, sinful, and requiring of repentance and discipline.

**SECTION II: POLICY STATEMENT**

This policy covers the Presbytery of West Jersey, meaning all those persons who by position and ministry are responsible to it: the staff of the Presbytery and its agencies, members of congregations, teaching elders, ruling elders, deacons, youth workers, employees, volunteers and others as they serve the ministry, mission and business of the Presbytery.

It is the policy of the Presbytery that those described above maintain the integrity of ethical behavior consistent with Scripture and secular law by not engaging in personal boundary violations or in any form of sexual misconduct. As defined in this policy, these behaviors are never permissible. Further, it is the policy of this Presbytery that charges of sexual misconduct be treated with the seriousness they deserve and be dealt with swiftly and fairly for the benefit of all parties concerned.

Violations of personal boundaries are not normally subject to litigation. Therefore, the procedures described in this document will focus on sexual misconduct when the possibility of disciplinary action exists.

In keeping with American law and tradition, the presumption of innocence regarding the accused will be respected.

### SECTION III: DEFINITIONS

**Accused:** The person against whom an allegation of sexual misconduct is made.

**Accuser:** The person reporting alleged sexual misconduct committed by a staff person of the Presbytery or its agencies, members of congregations, teaching elders, ruling elders, deacons, youth workers, employees, volunteers and others as they serve the ministry, mission and business of the Presbytery.. The accuser may or may not be the victim of alleged sexual misconduct.

**Allegation:** A written statement accusing the accused of sexual misconduct.

**Investigation/Inquiry:** The terms used in the Rules of Discipline to determine whether charges should be filed based upon allegations received by a governing body. (Book of Order D-10.0201)

**Mandated Reporter:** According to New Jersey State Law, "any person having reasonable cause to believe that a child has been subjected to abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise." (N.J.S.A. 9:6-8, 10)

**Original Jurisdiction:** The power and responsibility of a Council to govern. In judicial process, each of the councils has jurisdiction as outlined in D-3.0101 to D-3.0106. Therefore, a member or an employee of a congregation (except a teaching elder or a commissioned ruling elder) is under the jurisdiction of the session, even if there is an allegation of offense during a presbytery event.

**Personal Boundaries:** In all human interactions, in person or via any media, others are to be treated with honor and respect and with full regard for their rights to autonomy and privacy. Manipulation, coercion, bullying, belittlement, and all expressions of disrespect are violations of personal boundaries.

**Persons Covered:** Those covered by the **Policy On Personal Boundaries And Sexual Misconduct** include those persons who are the staff of the Presbytery and its agencies, members of congregations, teaching elders, ruling elders, deacons, youth workers, employees, volunteers and others as they serve the ministry, mission and business of the Presbytery and who are accused of sexual misconduct in circumstances in which:

- 1) access to the victim is related to some form of service to the church, or
- 2) access to the victim in a non-church related setting raises questions as to the character and effectiveness for ministry of the church and/or of the accused.

**Sexual Misconduct:** This is the comprehensive term used to include:

1) Child sexual abuse: includes, but is not limited to, any contact or interaction between an adult and child wherein the child is being used for sexual stimulation of the adult. The behavior may or may not include physical touch. Sexual behavior between a child and an adult is always considered inappropriate whether or not consented to by the child. Child abuse must be reported to civil authority.

2) Any pornographic or predatory internet or social media contact with or pornographic material about a child or other vulnerable persons, or about a non-consenting adult.

3) Rape or sexual contact by force, threat or intimidation.

4) Sexual harassment: unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made, either implicitly or explicitly, a condition of individual's employment status in an institution, or
- is used as the basis for employment decisions affecting the individual, or
- such conduct creates an intimidating, hostile or offensive working environment based on the reasonable person standards.

5) Sexual impropriety: sexual advances toward those for whose spiritual welfare one is responsible by virtue of one's position in the church. Such behavior can be verbal or physical conduct, including use of

social media, of an inappropriate nature (e.g. innuendoes, insults, ingratiating and over-solicitous behavior including sexually inappropriate visits and phone calls, seductions and fondling.)

## **SECTION IV: PROCEDURE**

### **1. RESPONSIBILITIES FOR REPORTING**

Allegations of sexual misconduct are reported in a variety of ways. An individual church or Presbytery cannot know in advance to whom an accuser will first report his/her concerns. Therefore, all church and Presbytery leaders and employees must know how reports of suspected sexual misconduct are to be handled so that they are directed to the proper authority.

Reports of sexual misconduct must never be taken lightly, disregarded, or allowed to circulate without concern for the integrity and reputation of the accuser, the subject of the allegation (if not the accuser), the accused, and the church. Reports of misconduct must be handled with the highest confidentiality before and after they have been reported to the appropriate authorities

If an anonymous or unsigned accusation is received, no further action will be taken to investigate it unless the person about whom the accusation is made desires a "Court of Vindication" to investigate to clear his/her good name.

Both Church and State hold the welfare of children as a sacred trust and legal obligation. All persons with knowledge or suspicion of any abuse of children are mandated reporters and shall report the allegation or knowledge or suspicion to civil or criminal authorities as required by state or local law. Considerations of reputation or impact on the Church or individual must never be an impediment to this reporting.

The importance of properly reporting allegations of sexual misconduct cannot be over emphasized. Attempts to resolve allegations informally at the lowest level, while understandable, can often result in nothing more than covering up the problem, ignoring the problem or trying to make it "go away." This is not acceptable nor is it ever effective.

All allegations of sexual misconduct as defined in this policy, whether they involve children or adults, no matter whether the Presbytery or the local church has original jurisdiction, shall be reported to the Stated Clerk of West Jersey Presbytery. In the event that the accused is the Stated Clerk or the Stated Clerk is not available, the report will be made to one of following individuals in this order:

- ❖ Moderator
- ❖ Moderator Elect
- ❖ Chair, Committee on Ministry
- ❖ Executive Presbyter

### **2. THE BOOK OF DISCIPLINE**

If the accuser chooses to file a complaint, the provisions of The Book of Discipline, Chapter D-10, will be followed.

### **3. PROCESS**

The process followed by the Presbytery of West Jersey will vary according to the ecclesiastical status of the accused. All members of particular churches and all members of Presbytery are subject to inquiry and discipline as provided in the Book of Order, D-3.0101.

- ❖ The Presbytery has jurisdiction over its teaching elder members and commissioned ruling elders {i.e.: ruling elders commissioned to limited pastoral services by the presbytery}.
- ❖ Presbytery also has jurisdiction over teaching elders engaged in work within the geographic bounds of the presbytery. (D 3.0101b(2))
- ❖ Local sessions have jurisdiction over their members.

- ❖ If the local church fails to act on the report within ninety (90) days after it is initiated, the Presbytery may assume original jurisdiction (Book of Order, D-3.0103).

Notwithstanding the jurisdiction of the local church, ALL allegations of sexual misconduct shall be reported to the Stated Clerk of the Presbytery.

#### 4.. PREBYTERY’S ROLE WHEN THE LOCAL CHURCH HAS JURISDICTION

- a) ALL allegations of sexual misconduct shall be reported to the Clerk of Session of the local church and the Stated Clerk of the Presbytery.
- b) When the Stated Clerk or, in the Stated Clerk’s absence, another leader within the Presbytery (as mentioned above) receives, in writing, an allegation of sexual misconduct committed by a member of a local church, he/she will advise the Chair of the Committee on Ministry and Executive Presbyter of the allegation. The Stated Clerk will forward the allegation to the Clerk of Session of the local church. The Presbytery will provide pastoral care (see Section V) and guidance (as necessary) to help the church in its inquiry and resolution and for insuring that the issue is resolved promptly.
- c) It is required that local churches have a written policy on sexual misconduct. (See Appendix # 1)

#### 5. WHEN THE PRESBYTERY HAS JURISDICTION

The Presbytery has original jurisdiction over:

- ❖ its member teaching elders
- ❖ teaching elders working within its bounds
- ❖ commissioned ruling elders
- ❖ the accused member of a local church when the local church fails to act on the report within 90 days after it is initiated.

The Presbytery also has jurisdiction when there are appeals from cases decided at the local level.

- a) Immediate Procedures

An allegation is received by the Stated Clerk.	
<ul style="list-style-type: none"> <li>✓ The Stated Clerk immediately refers the allegation to an Investigating Committee which is appointed by the Moderator of the Presbytery (See Standing Rule 432)</li> <li>✓ The Stated Clerk reports to the Presbytery at the next stated meeting that an offense has been alleged and that an Investigating Committee has been appointed.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The Stated Clerk immediately informs the Chair of the Permanent Judicial Commission</li> <li>✓ The Chair of the Permanent Judicial Commission appoints two former members to determine if paid administrative leave shall be imposed upon the teaching elder against whom an allegation has been made. (See section on Administrative Leave below).</li> </ul>
<p>The Investigating Committee will follow the procedures outlined in Chapter 10 of the Book of Discipline.</p>	<p>The PJC receives the case if it is determined by the Investigating Committee that charges should be filed. The case proceeds according to the Rules of Discipline.</p>

b). Certificate of Transfer

No certificate of transfer shall be granted while an inquiry or charges are pending.

c). Administrative Leave

When a written statement of an alleged offense of sexual misconduct toward any person has been received against a teaching elder over whom the presbytery has jurisdiction, the procedures regarding paid administrative leave in D-10.0106 shall be followed.

If paid administrative leave is imposed by the Permanent Judicial Commission upon a teaching elder, full pension, compensation (salary, housing, deferred income), Social Security reimbursement and the Presbytery-required additional medical coverage will be paid by the church or other compensating body under the jurisdiction of the Presbytery until the matter is resolved as defined in D-10.0106.

While administrative leave is in effect, a teaching elder may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptism, funerals, or weddings. (D-10.0106)

Such administrative leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission. (D-10.0106a)

d). Notice to particular employing organizations

When the accused has been convicted of an offense and is in a validated ministry beyond Church jurisdiction, a notification will be sent to the employing organization of the fact that charges of ministerial misconduct have been sustained.

## 6. RECORDS

- a). In addition to the records and procedures required by the Book of Order, D-11.0600, written records should be kept by persons involved in each aspect of the process above to memorialize conversations, actions, rationales and other data that may be pertinent. All records must be kept confidential. When the inquiry process has concluded either by the filing of charges or the dismissal of the allegations, all records are to be sealed and forwarded to the Stated Clerk.
- b). The Stated Clerk will maintain a record of allegations received, noting the accuser, the accused, and the action taken (i.e.. allegation withdrawn, no charges filed, charges filed, etc.). This file will be confidential with access restricted to the Stated Clerk, the Executive Presbyter and the Chair of the Committee on Ministry.

## 7. INSURANCE

- a.) It is the policy of the Presbytery of West Jersey, in keeping with G-3.0112 that "each council shall obtain property and liability insurance coverage to protect its facilities, programs, staff, and elected and appointed officers." Such coverage will include sexual misconduct protection.
- b.) In the event of an allegation affecting the presbytery or congregation, the company providing the insurance coverage shall be notified.

## **SECTION V: PASTORAL RESPONSE**

Whether or not allegations of offense are ultimately sustained, the person bringing such allegations is doing so from a deep sense of being wounded by a servant of the church. Such wounds need to be addressed pastorally and immediately. The confidentiality required by our process of discipline in the stage of inquiry, the sensitivity of the matters usually brought for remediation through this process, the length of time needed to conduct inquiry and the isolation and alienation the accuser often feels from the usual networks of care within the church while this process is ongoing all require that an independent source of care, support, and advocacy for his or her special needs be provided from outside the ordinary channels of church government. The accused, once advised of the accusations, is also in need of special care, even more so after the accusations are public knowledge. Congregations or other constituent groups will all be affected by cases of alleged misconduct by a member of their group and, since they are a part of the church family, will need and are entitled to the care of the church.

### **1. POLICY**

It is the policy of the Presbytery of West Jersey to extend the care of the church to parties involved in allegations of sexual misconduct during and, if necessary, after the process of discipline.

### **2. PROCEDURE**

Whenever allegations of sexual misconduct or abuse are made in writing to the Stated Clerk against anyone over whom the Presbytery has jurisdiction, in addition to and separate from the process of discipline required by the Book of Order, the Stated Clerk, the Executive Presbyter and the COM Chair will confer and determine how and by whom pastoral care and other appropriate kinds of care shall be offered to and for the accuser, accused, subject(s) of the accusation (when the accusation is made on behalf of a third party), and the congregation.

- a) To avoid interfering with the ordinary process of discipline, no information about the nature of the allegations or the name of other parties involved shall be disclosed to pastoral care givers beyond a "need to know" basis.
- b) No persons involved in rendering pastoral care to any affected person(s) or group(s) listed above are to be involved in any way with the process of discipline as set forth in the Book of Order, Rules of Discipline. They shall not be concerned with determining the truth of allegation(s). Because advising those to whom care is tendered that they have the right to remain silent and be represented by counsel is antithetical to the purpose of pastoral care and creates an atmosphere in which pastoral care may be difficult, persons involved with the pastoral care as set forth above shall not advise those in their care of their rights and, consequently, shall not be witnesses for or against those persons in hearings by an Investigating Committee or Permanent Judicial Commission.
- c) All information given to those rendering pastoral care by any party shall be strictly confidential and such confidentiality shall be carefully maintained.
- d) The costs of pastoral care providers shall be a Presbytery expense as if it were part of the process of discipline. Extraordinary costs (such as for professional expenses, if deemed necessary) will be negotiated with the Presbytery, through the Stated Clerk, the Executive Presbyter and the COM Chair before the services are offered. Insurance and Board of Pensions resources may be utilized.

**SECTION VI: EDUCATION AND IMPLEMENTATION OF  
THE POLICY ON PERSONAL BOUNDARIES AND SEXUAL MISCONDUCT  
of The Presbytery of West Jersey**

**1. RESPONSIBILITY**

The Stated Clerk of the Presbytery is responsible for the implementation, training, record keeping and reporting as outlined in this policy. The Executive Presbyter, Officers, Staff and Council will be consulted and will assist as needed.

**2. EDUCATION AND TRAINING**

- a) The Stated Clerk, the Executive Presbyter, staff and the current officers of the Presbytery will review the policy each year in order to be versed in proper procedures to follow if they receive allegations or inquiries.
- b) Training is mandatory for teaching elder-members of the Presbytery who are full or part-time pastors or associate pastors, designated pastors, or temporary supplies, interim pastors, parish associates and all teaching elders on the Pulpit Supply List. Training is also mandatory for non-parish and retired teaching elders who do supply preaching and for commissioned ruling elders.
- c) All teaching elders and commissioned ruling elders who meet the requirements of b) are required to participate in a training event at least once every three years during their tenure within the Presbytery.
- d) All new members of the presbytery and all newly commissioned ruling elders are required to attend a training event within the first year of their membership.
- e) Ruling elders may be invited to attend training events as well.
- f) The Presbytery will arrange and allocate funds each year for education and training.

**3. ANNUAL REPORT**

An annual report on compliance with the policy will be submitted to the Council and the Committee on Ministry.

## APPENDIX # 1 Sexual Misconduct Policies for the Local Church

It is required that each church have policies for the prevention of and response to sexual misconduct. The policy of the Presbytery can serve as a template for many aspects of the local policy.

Session members, pastors and staff of churches should be conversant with the policy and its procedures in order to implement them promptly. Each congregation is highly encouraged:

- ❖ To ensure that at least one elder and one other person receives training.
- ❖ To include education in child protection and sexual misconduct and the appropriate policy in the program focus of the parish.
- ❖ To maintain this level of training and education as there are changes in personnel on boards and committees.

### Suggested Content

- ❖ Biblical and Theological rationale for the policy
- ❖ Definitions of sexual misconduct and related terms
- ❖ Laws regarding mandated reporting when children are in danger.
- ❖ Steps that the church will take to prevent misconduct and to protect children and vulnerable persons who are present on church property or at church activities on or off church property or under the supervision of church employees or volunteers.
- ❖ Steps that the church will take to inform parishioners of the policies and procedures for protecting vulnerable persons and also the process for addressing allegations should any be received.
- ❖ Requirement to notify the Stated Clerk of the Presbytery when an allegation of abuse is received.
- ❖ Procedures for addressing accusations of misconduct in accordance with the Book of Discipline.
- ❖ Emphasis on confidentiality.
- ❖ Financial considerations and Leave of Absence procedures

Upon request, the Stated Clerk of the Presbytery will provide copies of sexual misconduct and child protection policies adopted by other churches.

A congregation's insurance agency may also have information and assistance in the preparation of a policy statement