

Emmanuel Presbyterian Church

Sexual Abuse And Restoration Policy

The Scriptures teach that God gave us sex as a gift, exclusively reserved for a man and a woman in marriage. God designed sex not only for procreation and pleasure, but to draw a husband and wife more closely together in a lifetime relationship. Outside of that marriage bond, God's gift is misused, and we experience sexual brokenness, misconduct and/or abuse.

Jesus Christ calls his followers to a high ethical standard, as the Church is to be a witness to the good gifts God gives to us, including our sexuality. To that end, this policy has been adopted. It is the policy of this church that all church members, pastors, officers, employees and volunteers working in, with and for this church, maintain high standards of interpersonal relationships at all times.

Principles of Conduct

Sexual abuse, defined further below, is a misuse of authority and power that breaches Christian ethical principles and is never permissible or acceptable. Sexual abuse is a violation of the command to love your neighbor, who is made in the image of God. Sexual abuse takes advantage of the vulnerability of children and adults who may lack the power to protect themselves from such abuse. Sexual abuse is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. Sexual abuse violates the mandate to protect the vulnerable from harm.

For the above reasons, sexual abuse is prohibited by this church and will never be condoned or tolerated. It is incumbent upon the church to respond to any allegations of sexual abuse with compassion and justice. Those reasonably suspected to have committed sexual abuse, following an investigation, will be appropriately disciplined, up to and including termination of employment and/or membership, in accordance with the *Book of Church Order* of the Presbyterian Church in America, as well as referred to law enforcement and/or protective services authorities consistent with applicable laws. No officer, employee, volunteer, or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse.

Sex outside the bonds of marriage between a man and a woman is a misuse of God's good gift, and properly dealt with according to Jesus' prescriptions in Matthew 18:15-17. The gospel is indeed good news, offering forgiveness and restoration through the cross of Jesus Christ. If a church member is unrepentant and unwilling to receive that restoration, the Session will follow the steps of church discipline outlined in the *Book of Church Order*.

Definitions and Examples

Sexual abuse, assault, or harassment may include, but is not limited to:

1. Child sexual abuse – any sexual activity, involvement or attempt of sexual contact by an adult with a person who is a minor (under 18 years old).
2. Sexual activity with a person who is legally incompetent or otherwise unable to give consent.
3. Physical assaults or violence, such as rape, sexual battery, abuse, molestation, domestic violence, dating violence, or any attempt to commit such acts.
4. Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders and/or pulling against another's body or clothes.
5. The display of pornographic or sexually explicit images, posters, calendars or objects.

6. Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
7. A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or creates an intimidating, hostile or offensive environment.
8. Direct or implied threats that submission to sexual advances is a condition of employment or affiliation with the church.

Reporting Procedure

Anyone may report allegations of sexual abuse to any pastor, elder or member of the diaconate. Reports of child sexual abuse may also be made to the Director of Children's Ministries or the Youth Pastor, who will in turn report it to an elder. Allegations of sexual abuse against pastoral staff should be reported to a church elder and to the Stated Clerk of the Presbytery, who will in turn refer the allegation to the appropriate committee. It is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed. Emmanuel will take every reasonable measure to ensure that those named in complaint of abuse, or are closely associated with those involved in the complaint or whose involvement would otherwise create a perceived conflict of interest, will not be part of the investigative team.

Investigation and Follow-up

The person responding ("Response Person") to the allegation will seek to provide support for the Accuser/Victim as he or she works to resolve the situation, as well as to exhibit appropriate and professional concern for the protection of the rights of the alleged Accused. The Response Person will provide an initial response to the Accuser/Victim within 24-48 hours that keeps the Accuser/Victim apprised of next steps. It is not intended that the Response Person will offer medical, psychological or legal advice as to either secular or church law, and the pastor or elder is in no way to serve as, or as a substitute for, legal counsel for any person.

Emmanuel will take all allegations of sexual abuse seriously and will promptly, thoroughly and equitably investigate whether sexual abuse has taken place. The church may utilize an outside third-party to conduct an investigation of abuse. Emmanuel will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies. Emmanuel will make every reasonable effort to keep the matters involved in the allegation confidential while still allowing for a prompt and thorough investigation.

Where an Accuser/Victim requests to remain anonymous or that no formal action be taken against the Accused, Emmanuel must balance this request with its obligations to protect the health and safety of the flock and provide restoration to sinners. In addition, Emmanuel may be obligated to notify state authorities. In the event that the circumstances of the complaint dictate a full investigation, Emmanuel will take all actions necessary to conduct the investigation while balancing the wishes of the Accuser.

Emmanuel will maintain detailed written records of all reports of actual or suspected child abuse (whether self-reported or reported by the victim or a third party). Such records will be maintained indefinitely. Such records will remain confidential and will not be disclosed except to persons on a need-to-know-basis (e.g., church supervisors, a child's parent or guardian) or to a state authority, as determined by the Session.

Needs of Those Involved

Victims and Families:

The Response Person shall endeavor to assure that adequate treatment and care are available to the Victims of alleged sexual abuse, and their families. If the Victim or family at first refuses help, the Response Person should remain available to offer help. The church shall not act in a self-protective manner by ignoring Victims and their families. The following may be some of the needs of an Accuser/Victim:

1. To be heard and taken seriously.
2. To receive protection and care if the Victim is unable to care for him/herself.
3. To be assured that justice within the church judicial process will be pursued.
4. To be informed about church judicial process and progress with regard to the accusation.
5. To have a support person present in all meetings if so desired (including for the Accuser/Victim to have a person of the same sex in all meetings if so desired).
6. To receive pastoral care, healing and reconciliation.
7. To be informed of the right to consult legal counsel.
8. To be informed of the right to report to law enforcement authorities.

The Accused:

The Response Person shall be mindful that any Accused is to be presumed innocent until an investigation shows otherwise. Appropriate consideration should be shown to the Accused as well as to alleged Victims and their families. If the Accused is a pastor or teaching elder, the Response Person should assume the responsibility of informing the Presbytery's Response Team about the allegation. The Accused will be informed by the Response Person of the outcome of any investigation.

The Congregation:

Above all, the congregation needs to have confidence in the integrity of their church leaders and their commitment to this Sexual Abuse and Restoration Policy. In particular, members need to know that all allegations will be dealt with promptly, thoroughly, and justly. Justice means that leaders understand they are not entitled to protect one another, will not show favoritism to their friends, and will not put the reputation of the church above that of the Victim or the Accused. Justice also means the Session is committed to the protection of the flock and the restoration of sinners. In short, the congregation needs to know they can trust their leaders.

Due to the need for confidentiality for both the Accuser and the Accused, allegations will not be made public unless required by the *Book of Church Order*. Should members of the congregation become aware of an allegation, they must refrain from gossip, which almost certainly will be incomplete, unnecessary, and harmful to the Session's response.

Anti-retaliation and False Allegations

Emmanuel prohibits retaliation made against any member, officer, employee, volunteer, or other person who lodges a good faith complaint of sexual abuse or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse can have serious consequences for those who are wrongly accused. Emmanuel prohibits making false or malicious sexual abuse allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is

subject to disciplinary action, up to and including termination of employment or membership, and may be referred to law enforcement authorities.

Reporting to Law Enforcement or Appropriate Child or Adult Protective Services

Emmanuel is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse to appropriate law enforcement and child or adult protective services organizations.

Leadership, Employee and Volunteer Screening and Selection

As part of its sexual abuse prevention program, Emmanuel is committed to maintaining a diligent screening program for prospective and existing employees, officers, volunteers and others that may have interaction with those employed by, associating with or serviced by Emmanuel. The church may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

Supervision of Children

The screening procedures for paid caregivers and volunteers for Sunday school and nurseries are set forth in Emmanuel's Child Abuse Prevention Policy. The screening procedures for volunteers for youth activities and events are set forth in Emmanuel's Youth Abuse Prevention Policy. As required by the Child Abuse Prevention Policy, all paid caregivers and volunteers are required to sign (i) the Child Protection Pledge, and (ii) Child Abuse Prevention Policy Agreement.

Supervision of Youth

All members are required to observe Emmanuel's Child Abuse and Protection Policy.

To provide a safe environment for minors, Emmanuel strives that a minimum of two adult workers supervise or be in attendance with minors during church-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by others. If individual meetings with a minor must be held in an office, the door must be kept open. Closed-door meetings should only be conducted when another adult is notified of the meeting and the door remains unlocked.

Safeguards Related To Registered Sex Offenders

Principles

1. Emmanuel believes every person is made in the image of God, with inherent dignity and worth. At the same time, we recognize the brokenness of every human heart, extending to every aspect of our being. And so we celebrate our hope and confidence in the only solution to our brokenness: the gospel of grace found in the life, death and resurrection of Jesus Christ.
2. The offer of the gospel extends to all, including those whose sexual brokenness has resulted in a criminal offense. Thus, registered sex offenders who have a credible interest in or profession of faith may benefit from the ministry and means of grace offered at Emmanuel Presbyterian Church, at the discretion of the elders. In so doing, the elders have a first obligation to protect the flock and create safeguards where broken people can experience the grace of Jesus.
3. Emmanuel recognizes that brokenness is inherently complicated, where people and stories do not fall into clear categories. The spectrum of registered sex offenders ranges from a teenager who once had sex with his 17 year-old girlfriend to a middle-aged adult who regularly preys on children. Further, in an age where the overwhelming majority of such cases are decided by plea bargains, it is often difficult to discern the degree to which the legal record corresponds to actual events. Thus, the elders will treat every person, situation, and decision as unique.

Policies

1. It is the responsibility of every pastor, officer, church member and staff member to notify the Senior Pastor upon learning that such a registered offender attends or desires to attend Emmanuel. In turn, the Senior Pastor shall notify the Session.
2. In order to participate in worship at Emmanuel, every registered offender must (i) contact the Senior Pastor prior to attending services to make his/her status, history, and the terms of probation or parole known to the Senior Pastor and the Session; (ii) be approved by the Session; (iii) sign a contract describing requirements for attendance ("Agreement"); (iv) complete a criminal history background check; and (v) be authorized by his or her probation or parole officer, as applicable, to attend church.
3. The Agreement governs the registered offender's involvement in church life and will include requirements in order to attend worship and appropriate restrictions on ministry participation. The Agreement shall specify, at a minimum, that the registered offender will be continuously accompanied by at least one Session-approved chaperone when attending Emmanuel functions that include children and will not participate in activities or ministries involving children or youth. Depending on the circumstances of the offense, the Session may require the registered offender to disclose the fact and nature of the offense to specific members of Emmanuel he/she interacts with. The Agreement will be reviewed and revised as needed.
4. A registered offender who desires to enter into an Agreement with Emmanuel will authorize Emmanuel pastors and elders to contact his or her probation or parole officer, as well as any counselors, to obtain information and run a criminal history background check.
5. If the registered offender is on probation or parole, the Session will confirm the registered offender is allowed to attend church and obtain any recommendations the probation or parole officer may have regarding conditions for the registered offender to attend church.
6. Chaperones must not be family members of the registered offender, must be made aware of the crime and nature of the sexual offense, and must provide accountability reports to the Senior Pastor.
7. Chaperones must understand their role and obligation to help protect the flock. While they may develop a genuine friendship and/or spiritual relationship with the registered offender, that relationship must not interfere with the chaperone's reporting obligations nor the need to ensure a safe context for all to flourish.
8. The Session will be informed of treatment programs required by state or local authorities. The registered offender must be actively involved in treatment with a qualified professional until such time that the psychologist or psychiatrist states in writing to the Session that the individual no longer benefits from treatment.
9. The Senior Pastor will immediately notify the Youth Pastor and Director of Children's Ministries to confirm these guidelines are followed.
10. Should the Session have cause to exclude the registered offender from the Emmanuel community, if the registered offender is still under probation or parole, his/her parole officer will be notified.

Implementation and Supervision of This Policy

1. The Senior Pastor is responsible for the implementation and ongoing application of this policy.
2. This policy will be reviewed annually and revised as needed.