

PRESBYTERY OF FLORIDA

SEXUAL ABUSE GUIDELINES

Adopted October 22, 1996/Amended February 14, 1998

ARTICLE I. INTRODUCTION

The Presbytery of Florida, Inc. [hereafter, the Presbytery] recognizes and affirms that all church members, officers, nonmember employees, and volunteers of governing bodies and entities of the Presbyterian Church (USA) [hereafter, PC(USA)] are to maintain the Church's integrity at all times. Sexual abuse is not only a violation of the principles set forth in Scripture, but also of the ministerial, pastoral, employment, and professional relationship with the Church. It is never condoned. The Presbytery adopts the following guidelines for defining sexual abuse and establishing orderly procedures for dealing with allegations and accusations of sexual abuse by those persons who are subject to its jurisdiction. Also, the Presbytery adopts these guidelines in the hope that Sessions of the Presbytery will use them as a model or standard for developing their own particular definitions and procedures for dealing with allegations and accusations of sexual abuse by those persons who are subject to the local Session's jurisdiction.

ARTICLE II. PURPOSES AND STANDARDS

Section A. Purposes of Guidelines:

1. To set and enforce standards of ethical behavior consistent with Reformed tradition and secular law.
2. To recommend procedures for inquiry, effective response to allegations of sexual abuse and protection of persons in the Church.
3. To assure that the emotional, spiritual, pastoral, and legal needs of all affected parties are addressed in cases of alleged, admitted, or proven sexual abuse in the Church.
4. To assure that all necessary steps are taken to conform to the requirements and protection guaranteed under the Form of Government and the Rules of Discipline.
5. To further the peace, unity, and purity of the Church through justice and compassion.

Section B. Standards of Conduct:

1. Sexual Abuse is the comprehensive term used in these guidelines to include:
 - a. Child sexual abuse, as defined in the appendix.
 - b. Sexual harassment, as defined in the appendix.
 - c. Sexual malfeasance, as defined in the appendix.
 - d. Rape or sexual contact by force, threat, or intimidation.
 - e. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another.

2. Sexual abuse violates the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship.
3. Sexual abuse constitutes a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the responsibility of the pastor, counselor, officer, or supervisor to maintain the appropriate role and prohibit a sexual relationship.
4. Sexual abuse takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

ARTICLE III. RESPONSES TO ALLEGATIONS OF SEXUAL ABUSE

Section A. Principles:

1. In responding to allegations of sexual abuse, the Church should seek healing and should assure the protection of all persons. To the maximum extent possible, the privacy of persons should be respected and confidentiality of communications guaranteed. The PC(USA) assures all persons of fair procedures in the disciplinary process, by the provisions of the Book of Order. These procedures should be available throughout the handling of the allegations even before the initiation of formal proceedings. Certain kinds of cases may require special handling.
2. When sexual abuse of a child is alleged, Florida Statutes, Section 415.504 requires immediate reporting of a reasonable suspicion of child sexual abuse to the Department of Children and Family Services by use of the telephone abuse registry systems. The toll-free telephone number is 1-800-962-2873. In addition, any allegation of child sexual abuse puts a special burden on pastors, supervisors or employers to assure that the possibility of additional abuse is foreclosed. While Florida Statute 90.505 provides a general privilege with respect to confidential communications made to a member of the clergy, this privilege extends only to giving evidence as part of a court proceeding. It does not, according to Florida Statute 415.512, relieve the minister of the obligation to report an instance of sexual abuse of a child, no matter how the clergy person may come to such knowledge or suspicion. Ministers have the same responsibility as any other citizen for reporting child sexual abuse, and are subject to the same penalties as any citizen for failure to report. Any clergy person of the Presbytery of Florida who feels constrained by either circumstance or conscience not to report an instance of child abuse should seek immediate legal counsel with regard to his or her legal obligations and liabilities, so that any decision will be made with full understanding of its consequences.
3. Additional Florida Statutes relating to sexual abuse or other sexual offenses shall be followed (e.g. Section 794.027 which requires witnesses to report a crime of sexual battery and Section 794.03 which makes it unlawful to print, publish, or broadcast the name of a victim of a sexual offense). Special problems may arise when allegations are brought regarding old cases of abuse. (There are no time limits on the bringing of a charge of sexual abuse in the church on incidents alleged to have occurred after June 10, 1989. Cf. D-10.0401.)
4. The Presbytery will treat any written statement alleging sexual abuse as initiating a

- disciplinary case and respond according to the Rules of Discipline, D-3.000, D-10.0000 ff.
5. It is the policy of the Presbytery to respond to all allegations of sexual abuse in a timely manner and to respond with due regard for the privacy and the rights of all persons involved. However, where the allegation suggests the possibility of imminent harm, Presbytery's primary concern will be for protecting persons, and a leave of absence may be considered.
 6. The Presbytery regards any allegation of sexual abuse as a grave matter. All persons involved are to be treated with respect. Such respect means that confidentiality shall be extended to all concerned. The only persons or bodies informed of the existence of the allegations and of the investigation will be those identified in D-10.0202a, D-10.0202g, and D-10.0301. In the course of an investigation, if it is necessary to inquire of witnesses (D-10.0202d), only the minimal information necessary will be conveyed to those interviewed, and they shall be informed of the rights of the accused to a presumption of innocence and to protection from rumor, innuendo, and speculation. In the event that an Investigating Committee (hereafter IC; cf. D-10.0201) deems that there is not sufficient evidence to file formal charges, the IC will inform only those persons identified in D-10.0301 and D-10.0303 except when given written permission by the accused. (Note the provision for vindication in D-9.0000). In the event that the IC decides to file no charges, after notifying the affected parties as specified in D-10.0303, all records of the IC's work will be filed with the Stated Clerk, who will file them in a secure place. At the end of thirty days, if no appeal has been filed, the record will be sealed by the Stated Clerk and kept in a secure place in the Presbytery Office. The privilege of revealing the existence of the sealed file and of opening the sealed file will reside with the accused or with the Presbytery in its own defense.
 7. The Presbytery recognizes that in all instances of allegation of sexual abuse appropriate response from the Church involves both disciplinary procedures and pastoral responses. Thus, the Presbytery shall establish a Pastoral Response Team (hereafter PRT) in response to allegations of sexual abuse for the sole purpose of assessing the need for pastoral care and support for all involved and for overseeing, or providing itself, appropriate pastoral care for all involved. It is a matter of policy that all contacts between the PRT, or its designated representatives, and those affected are confidential and may not, under any circumstances, be used in any disciplinary proceeding.

Section B. Pastoral Response Team:

A Presbytery Pastoral Response Team (PRT) shall be established to assure that a caring response is made to all allegations of sexual abuse in the Presbytery. The team shall be responsible to all persons who are affected by an alleged incident of abuse. Its responsibilities include needs assessment and the identification and coordination of resources.

1. **Composition of the Pastoral Response Team:** The PRT shall consist of three to five persons, diverse as to gender and reflective, at least to some extent, of the ethnic background of both the accuser/victim and the offender. The membership shall wherever possible reflect professional expertise and/or extensive experience in the following areas:

- a. Psychological counseling, with particular experience in the area of sexual abuse and its aftermath, as well as pastoral care.
- b. Child advocacy.
- c. Conflict management and resolution, particularly in the religious community setting.

All members of the PRT shall be members of The Presbyterian Church (U.S.A.) and familiar with its policies and procedures, particularly in the area of sexual abuse. Members of a specific team shall not be members of the congregation in which an allegation arises. Presbytery executive staff members shall be prohibited from membership on the PRT.

2. **Sources of members for the Pastoral Response Team:** The Committee on Ministry (COM) shall maintain a list of persons who meet the above qualifications and who are willing to serve as needed. Members shall serve no less than three years in staggered terms and will be oriented to these guidelines by the COM.

When a PRT is needed, it shall be appointed from the list by the chairperson of the COM within five days. The members of each specific PRT shall elect their own chairperson. Administrative costs for the PRT shall be borne by the Presbytery.

3. **Task of the Pastoral Response Team:** The task of the PRT is to insure, insofar as it possible, that competent pastoral care is offered to all persons involved when there is an allegation of sexual abuse. Normally, that would involve oversight and referral by the team.
4. **Provision of Intensive Pastoral Care:** It is the general policy of the Presbytery that provision of intensive pastoral care in these situations is best rendered by someone relatively distant from the situation and by someone who, by reason of training and experience, is competent to deal with the complexities of such situations. If persons involved in an instance of alleged sexual abuse are insistent that the local pastor is the one to offer intensive pastoral care, or if the local pastor is insistent that the provision of such pastoral care is his/her prerogative, then the PRT would take care to monitor the situation. In such cases, the local pastor should have ongoing and regular supervision of his/her work by a professional recognized by the Board of Pensions as competent to offer psychotherapy to members of the Benefits Plan (i.e. psychiatrist, clinical psychologist, clinical social worker, or Fellow in the American Association of Pastoral Counselors).
5. **Tenure of the Pastoral Response Team:** A PRT will disband on its own initiative when, in its judgment, the need for its care is ended and will so inform the Committee on Ministry. If in the judgment of the PRT its continued existence is necessary beyond six (6) months, the PRT will petition the Committee on Ministry for a six (6) months extension of its mandate.
6. **Media Contact with the Pastoral Response Team:** Questions from the media shall not be addressed by any member of the PRT. Any inquiries from the media regarding an incident of sexual abuse are to be directed to a designated official of the Presbytery.

APPENDIX

GLOSSARY

Accused is the term used to represent the person against whom a claim of sexual misconduct is made.

Accuser/Victim is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by these guidelines or a person claiming to have been abused by a person covered under this policy. A person such as a family member, friend, or colleague may be the accuser.

Child Sexual Abuse 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 under the age of 18 and an adult is always considered forced whether or not consented to by the child.

Church when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial in lowercase refers to a local church. The word congregation is used loosely for members and participants.

Employee is the comprehensive term used to cover individuals who are hired or called to work for the Church for salary or wages.

Entity is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by the Presbytery.

Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a governing body (Cf. D-10.0201).

Mandated Reporter is described by Florida law (Chapter 415 of the Florida Statutes) as anyone with a knowledge of sexual abuse. A mandated reporter is required to report any and all suspected incidents of child sexual abuse.

Pastoral Response Team is a body constituted by the Presbytery to facilitate the process of providing a pastoral response to allegations of sexual abuse by persons covered under these guidelines. The structure and function of the PRT are detailed in Section IV.B. of this report.

Persons Covered by this policy include church members, church officers, ministers, and nonmembers who are employees or volunteers under the supervision of the Presbytery or its entities, including those who are accused of sexual abuse under circumstances in which (1) access to the accuser/victim is related to some form of service to or appointment by the Presbytery or its entities or (2) sexual abuse in a non-church-related setting which raises questions of character for the Church.

Reasonable Suspicion is a subjective criterion that refers to a belief or opinion based on facts or circumstances of sexual abuse that are sufficient enough for a prudent person to want to inquire further, to take protective action, or report to authorities.

Response is the action taken by the Presbytery or entities when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for accuser/victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

Sexual Harassment as defined in these guidelines are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature shall constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment or their continued status in an institution;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
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.

Sexual Malfeasance is defined as sexual conduct within a ministerial (e.g., clergy with a member of the congregation) or professional relationship (e.g., counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a lay person, a minister, or an elder). Sexual abuse includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, mutual, social, intimate, or marital relationships.

Volunteer is the term used for those who provide services for the Presbytery and entities of the Church and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of these guidelines, volunteers are treated the same as employees. Liabilities of the Presbytery or its entities may be the same for volunteers as for employees.