



Alpharetta Presbyterian Church Adult Sexual Misconduct Policies and Procedures

This manual is the property of
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I. Policy

Among “the great ends of the church” are these: “the shelter, nurture and spiritual fellowship of the children of God” and “the promotion of social righteousness.” God created all persons— men, women and children—and endowed all with dignity and worth. God intends all people to relate to one another with love, compassion and justice. Therefore, sexual misconduct is an offense against God and hurtful to the members, life and mission of the church.

Since its beginning, the church has grappled with the tension between judgment and grace. Though grace predominates, justice and discipline are required when someone's behavior hurts other people and the church as a whole. To trivialize, conceal, or dismiss sexual misconduct compounds the misconduct. Maintaining silence is unacceptable as ignoring abuses of power and trust can never serve the church.

At the same time, God has shown his love for all persons in Jesus Christ, and as members of Christ's body, we are called to work toward healing and forgiveness. Alpharetta Presbyterian Church (APC) has zero tolerance for sexual misconduct; it shall handle any sexual misconduct swiftly, fairly and compassionately, providing both support and confidential care to the individuals involved and the congregation. APC's session will annually review this policy.

II. What is Sexual Misconduct

The comprehensive term, "sexual misconduct," used in this policy applies to adults and covers the following: inappropriate sexual conduct, sexual malfeasance, and sexual harassment. The definitions of these terms are included below. This policy applies to use of the telephone, internet, or any other means of communication as well as to in-person communication. Policies relating to children and youth are addressed in the Child and Youth Safety Policy and Procedures.

III. Definitions

1. Sexual Misconduct Definitions

A. Inappropriate Sexual Conduct is language, visual contact, touching or other behavior judged by a person to be injurious to his or her physical or emotional health. It involves crossing a boundary the allegedly injured person was attempting to set.

B. Sexual Malfeasance is sexual conduct within a ministerial or professional relationship (e.g., minister with a parishioner, counselor with a client, church employee with a church member, and church leader with a volunteer). It includes sexual advances, requests for sexual favors, behavior of a sexual nature, and romantic relationships whether or not there is consent.

C. Sexual Harassment is an unwelcome sexual advance, request for sexual favors, or other verbal, visual or physical conduct of a sexual nature. This includes unwelcome sexual jokes, innuendo, unwelcome or inappropriate touching or display of sexual images that insult, degrade or sexually exploit others.

D. Presumed Consent is the assertion that a particular act is between consenting adults. Presumed Consent does not apply in relationships where there is a disparity of power, such as those between a minister and a parishioner or an adult with a minor child.

2. Presbytery Entities Involved In Sexual Misconduct Cases

The following are terms used by the Presbytery of Greater Atlanta (www.atlpcusa.org) in its *Sexual Misconduct Policy and Procedures*:

A. The stated clerk, in cases of alleged sexual misconduct against minister members of the Presbytery, receives the written allegation of sexual misconduct. The stated clerk is also the resource person on the *Book of Order* and on the judicial process and is available to consult with sessions.

B. The *Book of Order* is the constitution of the Presbyterian Church (USA). "**The Rules of Discipline**," contained in the *Book of Order*, outline the principles and procedures for the judicial process.

C. The executive presbyter is the person who, in cases of alleged sexual misconduct, serves as a resource to the churches of the Presbytery of Greater Atlanta.

IV. **Scope of the Policy**

This policy binds all clergy, church officers, church staff, Sunday school teachers, youth leaders, and other volunteers, both members and non-members, who are engaged in any activity organized, sponsored, or conducted by this church (Hereafter, "covered persons"). Responsibility for maintaining an appropriate sexual boundary belongs to these covered persons even if the subordinate party (e.g., parishioner, student, client or employee) initiates or invites sexual activity as "presumed consent" is impossible among participants of unequal authority, power and responsibility. This policy shall be interpreted and applied consistently with the *Book of Order* of the Presbyterian Church (PCUSA), with all applicable policies of this church's session and of the Presbytery of Greater Atlanta, and with state, federal, and local law.

V. **Session Oversight**

It is the responsibility of session to review this policy annually and approve any necessary revisions and conduct an annual audit to ensure compliance. Additionally, session will communicate the details of this policy to the congregation.

VI. **Receiving the Initial Report**

APC shall never discount or disregard sexual misconduct claims. It shall handle all such claims with the highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below.

Sexual misconduct may be reported in a variety of ways. Because a governing body cannot control to whom the reporter will first speak, it is imperative that all officers, employees, and other church leadership understand how incident reports are to be directed to the proper persons. The first persons to learn of sexual misconduct should not undertake an inquiry alone or question the reporter, the alleged offender, or the alleged victim. If the reporter is

hesitant to talk "officially," the recipient of the initial report shall encourage the reporter to come forward, lest the church be unable to respond because no one can give first hand information.

When a person believes that he or she has been the victim of sexual misconduct by a covered person, or when a non-victim reporter believes a covered person has committed sexual misconduct, he or she should report the incident, preferably in writing, to the clerk of session. If a written report is not received, and the complaining victim or reporter declines to provide one, then the clerk shall summarize in writing all information told to him or her and mail a copy to the complaining victim or reporter with a request that he or she contact the clerk if there are any errors in the account.

The clerk will then notify the session moderator so that an Investigative Committee of Session (IC) may be elected. Either the clerk or the moderator may notify the stated clerk or congregational consultant of the presbytery to seek guidance.

If the alleged offender is the clerk, the moderator or a minister member, the report shall be made to the stated clerk of the presbytery (www.atlpcusa.org; 404-898-0711.) The jurisdiction of this policy ends when the alleged offender renounces the jurisdiction of the church.

VII. Documentation

All allegations and responses to allegations should be written, signed, and dated. They should be detailed and specific. Any report made to the clerk of session or stated clerk of the presbytery should be written. Any subsequent recommendation of the Investigative Committee to Session should be written.

If a reporter is unable or chooses not to submit a written allegation to the Investigative Committee, the Committee shall continue the investigation if there is sufficient additional evidence of the alleged sexual misconduct.

Below are the different circumstances in which the clerk of session may receive information about a covered person allegedly engaging in sexual misconduct:

- 1. Rumors:** If the IC receives any rumors, it must acquire some actual evidence or a first-hand report to determine if sexual misconduct has occurred. It goes against this policy to act on rumored information only.
- 2. First-hand information from a third party:** Someone may present information based on his or her witnessing a covered person violating this policy. He or she may be willing to file a report, but the recipient of the alleged sexual misconduct may not.
- 3. A confession by a covered person without a victim's report:** In this case, there is good cause to proceed.

VIII. Investigative Committee of Session

With primary considerations of impartiality and fair gender representation, the Session shall elect as needed the Investigative Committee of Session (IC), a council of at least three (3) ruling elders. The Session shall not appoint members of the Session as members of the IC. The IC shall ensure an objective, effective, expeditious and caring response to alleged sexual misconduct.

The IC, with possible assistance from the stated clerk or congregational consultant of the presbytery, shall consult with the clerk of session. The IC may seek additional expertise in the following areas:

1. Psychological counseling, with particular experience in sexual abuse
2. Pastoral care
3. Child advocacy
4. Law, with particular experience in sexual harassment or abuse, domestic relations, civil tort proceedings, and criminal proceedings involving matters of due process
5. Conflict management and resolution
6. Insurance and risk management
7. Personnel management and training

When an IC receives a report of alleged sexual misconduct, the IC shall be available to the initial reporter, the alleged victim (if different from the reporter), the alleged offender, their families, if involved, and any congregants who may be connected to this situation.

IX. Functions of the Investigative Committee

The IC shall perform the following functions:

1. Receive the written claim of sexual misconduct from the clerk of session.
2. Within 15 days of the initial report, meet in person with the reporter to informally review the report, and if at all possible, meet in person with the alleged victim to hear the accusation first hand. The alleged victim may be accompanied by one or two persons for support. The primary goal of this step is to confirm that the sexual misconduct or harassment did have a negative impact on the alleged victim.
3. Inform the alleged victim of the different actions he or she may pursue, the responses that the alleged offender may offer, and the likely requirements of each party. These include filing formal written allegations to initiate inquiry under the *Book of Order* "Rules of Discipline" or seeking, perhaps through negotiation or mediation, an informal and confidential resolution with the alleged offender.
4. Advise in writing, within seven days after convening, the alleged offender (A) of the allegation, and advise him or her to cease all contact with the reporter, the alleged

victim, or the alleged victim's family, (B) that he or she may want to obtain legal counsel or other advocate since the accusation could result in church disciplinary procedures or civil or criminal court action, and (C) that a written response to the accusations is requested.

5. Within 15 days of the initial report, meet in person with the alleged offender to review the allegations and to hear the alleged offender's recounting of the facts first hand. The primary goal of this step is to ascertain the alleged offender's intent.
6. Within 15 days of the initial report, gather information regarding the allegations from the reporter, if not the alleged victim, and other bystanders who may have witnessed the alleged offense.
7. Provide a written copy of this policy to the alleged victim or third party reporter and the alleged offender, and seek adherence to this policy by all parties involved.
8. Prepare a written report for session review.

During or as a result of its review of information, the IC:

1. Will consider the negative impact on the person who felt offended or insulted by another person's words or actions.
2. May recommend that all parties seek professional psychological or certified pastoral counseling.
3. May recommend immediate pastoral care for the reporter, the alleged victim, the alleged offender, their families, congregations and governing bodies.
4. Shall recommend remedial actions within the Session, congregation and/or activity area directly affected.
5. Shall treat the alleged offender with Christian kindness and respect.
6. Shall tell the alleged victim if the alleged offender has admitted the misconduct
7. Shall advise the reporter or the alleged victim that he or she may file a written statement of the alleged offense with the clerk of session (pursuant to the "Rules of Discipline") if there has been no admission of misconduct, and the allegation is to be pursued.

The IC shall not:

1. Advocate for any party
2. Act as legal counsel for any party
3. Act as counselors to any party
4. Replace the authority of the Session
5. Enforce a specific remedy or disciplinary action
6. Breach confidentiality

X. Final Report of the IC

Within 60 days from the date the IC first receives the written report of alleged sexual misconduct, the IC shall submit a written final report to the clerk of session. The final report shall include:

1. Names and addresses of all parties
2. A summary of the allegations
3. A summary of the facts as stated by all parties
4. A summary of the IC's investigative actions
5. The remedy, if any, sought by the reporter and/or alleged victim
6. The IC's findings and whether the alleged sexual misconduct is substantiated
7. The IC's recommendations
8. A list and signatures of the IC members and the date of the report

The report should be written in ink or typed to prevent tampering. The report must be signed, dated, witnessed, and kept in a locked file.

XI. Responses when Allegation is Unsubstantiated

In unsubstantiated cases, the IC shall make every appropriate effort to exonerate the alleged offender. It shall provide a record of the process and its conclusion to the alleged offender. If the vindicated person chooses, the clerk of session shall distribute a written statement of exoneration to the entire congregation. The clerk, in consultation with the IC, shall respond to the vindicated person with Christian care and concern. This may include church remuneration for counseling.

Even if unsubstantiated, most allegations require follow up. Therefore, the moderator, in consultation with the IC, will respond with Christian care and concern to the reporter and/or alleged victim, the vindicated person's family, and the congregation.

Appendix – Suspected Sexual Misconduct Report



ALPHARETTA PRESBYTERIAN CHURCH SUSPECTED SEXUAL MISCONDUCT REPORT

Reported by:

Date of Report: _____

Name: _____

Title: _____

Mailing Address: _____

Telephone: _____

Person Suspected of Misconduct:

Name: _____

Title: _____

Mailing Address: _____

Telephone: _____

Other person(s) involved (witness or victims):

Name: _____

Title: _____

Age: _____ Sex: _____

Mailing Address: _____

Telephone: _____

Describe incident(s) of suspected sexual misconduct, including date(s), time(s), and location(s):

Identify eyewitnesses to the incident, including names, addresses and telephone numbers:

