

Genesee Valley Toolbox for Session Sexual Misconduct Policies

Presbytery of Genesee Valley

#2 in a series (2016, June)

Overcoming Resistance: The Multiple Whys a Sexual Misconduct Policy is Necessary and Important

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from the Resource Center

This edition of *Genesee Valley Toolbox* continues our series of providing resources to support sessions in the Presbytery of Genesee Valley as they develop, adopt, implement, and update their sexual misconduct policies. The series offers practical information, recommends best practices, and identifies reliable sources on a variety of topics. The intent is to deepen knowledge, encourage behaviors, and achieve important outcomes.

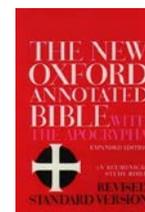
The second edition begins by addressing an especially vexing attitude we encounter in many of our congregations: **"It doesn't... It can't... It won't... ...happen here."** This is expressed sometimes with genuine pride and conviction about the character of the congregation and integrity of the ministry and mission. Other times, this expresses underlying resentment at having to comply with a rule perceived as unnecessary. What are the results of this position? Some PGV sessions have no policy. Some simply copied others'. Some policies are dated. Some contain errors and flawed information. Some were never reviewed by people beyond the congregation.

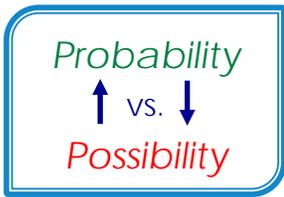
We respond to this attitude by identifying how our risk assessment proceeds, which contrasts with that those who take the **"It can't"** position. We then examine the data of incidents from the lives of our churches and our Presbytery. This evidence-based approach draws on material presented in the February, 2016 training event for persons new to the Presbytery. We then explore a host of reasons why a sexual misconduct policy is not only a necessity for a session, but is also important for mission and ministry. This includes material used in a class in PGV's *Church Leadership Development Day* last January.

...to equip the saints for the work of ministry,
for building up the body of Christ...

Ephesians 4:12

As disciples of Jesus Christ, we care about congregations. This means that when we think about Sessions adopting and implementing their sexual misconduct policies, we are thinking about more than documents, procedures, and forms. We are thinking of people. Our sisters and brothers in Jesus Christ.





“It doesn’t...
 “It can’t... ...happen in our congregation.”
 “It won’t...”

Risk assessment #1

When a session or congregation thinks about the occurrence of sexual boundary violations in their midst, most people talk about **probability**. Their risk assessment is quick and simple. The reasoning proceeds logically to its conclusion.

Probability of Adverse Incident

low medium high

Frequency of Adverse Incident

low medium high

*The probability of something bad happening here is low.
 That means our frequency will be low, maybe none.
 That means this isn’t a problem for us. We don’t need to deal with this.*

Risk assessment #2

When we think about the occurrence of sexual boundary violations, we most talk about **possibility** and **outcome**. We have seen the reality of how bad the outcomes can be. When one has been burned by fire, one knows the possibilities of fire’s destructiveness.

Possibility of Adverse Outcome

low medium high

Degree of Adverse Outcome

low medium high

*There is a possibility of an adverse outcome. Even if low, it exists.
 There is a possibility that the degree of adverse outcome could be high.
 This means this is a problem for us. We need to deal with this.*



At left is the First Presbyterian Church, Pittsford, New York. The view is from the balcony of the 143-year-old sanctuary, a registered historic site, looking down to the chancel where a wedding is underway. It’s Saturday, May 15, 2004.

At right is the view from the chancel, looking to the balcony and roof, on the morning of May 21, 2004. The night before, an electrical storm passed through the village. Lightning struck the Church roof. Fire collapsed the roof into the sanctuary, destroying the organ and stained glass windows.



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“So if you think you are standing, watch out that you do not fall.”
 Paul, to the believers at Corinth. 1 Corinthians 10:12



Why is a Sexual Misconduct Policy Necessary? Measuring the PGV Incidence Data



PGV Disciplinary Cases: Sexual Misconduct

Since 1989, there have been five formal disciplinary cases conducted by this Presbytery in which a minister was accused of a type of sexual misconduct.

1. *PGV vs. Rev. James R. Hughes* (resolved by trial and appeal, 1991).
2. *PGV vs. Rev. George F. Aberle* (resolved by trial, 1996).
3. *PGV vs. Rev. Jeffrey A Qamoos* (resolved by accused's renunciation of jurisdiction, 1998).
4. *PGV vs. Robert Booher* (resolved by trial, 2001).
5. *PGV vs. Rev. Paul Letiecq* (resolved by accused's renunciation of jurisdiction, 2007).

Not a single person was found innocent; no false accusations were established. In 2 cases, all the known victims were males. In the other 3 cases, all the known victims were females, including 1 minor. The conservative cost of the cases to the Presbytery was over \$1000,000, adjusted for inflation based on the 2015 Consumer Price Index. What are not quantifiable are the adverse consequences for those persons who were victimized, and the adverse impact on the congregations where these minister had ties.

Disciplinary Case Involving a PGV Congregation

Some will say, "Those five cases are problems that would never happen in our congregation. Our pastor isn't like that. We don't have to worry about this." Even if that is your true for your congregation, the incidence data tells us you still have to be concerned. Consider this case from a Monroe County suburban church and another presbytery:

On a youth group's annual work camp during spring break 2011, the group and chaperones traveled to Pennsylvania to take part in a Habitat for Humanity-type building project. On the work site, female minors in the group were sexually harassed by the host, a Presbyterian minister. An allegation was filed against the minister with his presbytery; formal disciplinary proceedings were opened. A number of youth and adults came forward with credible witness statements. When the Investigating Committee refused to file charges, it left feelings of frustration and disappointment.

Criminal Incidents and PGV Congregations

Incidents of sexual misconduct in PGV congregations do not always involve disciplinary proceedings or ministers as perpetrators. Sometimes, the cases result in criminal proceedings. Consider these:

- Per the New York State Sex Offender Registry, Richard Skellen was convicted in 1997 of committing "Rape, 2nd Degree" of a minor who was 12-years-old. At the time of his arrest and conviction, Mr. Skellen was an ordained deacon and active in New Life Presbyterian Church, Rochester. His victim was connected to the church. On 02/06/16, the Registry listed Mr. Skellen as Risk Level 3 – "high risk of repeat offense and a threat to public safety exists," the Registry's highest risk level.
- Per the New York State Sex Offender Registry, Robert Gomperts was convicted in 2001 of "Sodomy, 2nd Degree" of a minor who was 14-years-old. At the time of his arrest and conviction, Mr. Gomperts was a deacon, church youth group leader, and Boy Scout troop leader at Penfield Presbyterian Church, Penfield. His victim was connected to the church. On 02/016/16, the Registry listed Mr. Gomperts as Risk Level 3 – "high risk of repeat offense and a threat to public safety exists."
- In 2006, during Lent, the New York State Police arrested a man who was a ruling elder in a Livingston County church. He was arrested for possession of images on his home computer of a sexual performance of a child. Media reports noted that he was a part-time teacher in the local public school district. After his arrest, the district suspended him. He was functioning as his church's janitor and delivered the children's sermon in worship services. While claiming his innocence, he pleaded guilty to a lesser charge, was sentenced to jail, and assigned a Risk Level 1 designation – "low risk of repeat offense." Prior to completing his sentence, he was released on probation, and returned to his church. When he violated terms of probation by possessing prohibited media images, he was re-incarcerated. Upon release, he returned again to church. As of July, 2015, he continues to maintain his innocence.

The data establish the reality that people in our congregations are exposed to a variety of types of sexual boundary violations.



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Incidence: Our Regional Context

“What do we know about acts against children within the geographic context of the Presbytery? What is the picture beyond our congregations?” Here is one picture of our region:

NY State Child Protective Services Cases of child abuse or maltreatment reported by counties (2009)

Genesee	730
Livingston	707
Monroe	6,053
Ontario	1,386
Orleans	515
Wyoming	376
<u>Total</u>	<u>9,867</u>
New York	164,831

- 2009 is the last year for which statistics are available. “child abuse” includes physical and sexual abuse, as defined by New York law. Source accessed 02/09/16: <http://ocfs.ny.gov/main/prevention/statistics.asp>

Here is another picture of our region:

Clients served by RESTORE (formerly Rape Crisis Service) for sexual assault (2012)

Counties served:	Genesee, Livingston, Monroe, Orleans, Wyoming
Types of people served:	Children, women, men
Services provided:	Intervention & counseling
# of clients:	1,376
Clients who knew assailant:	84%

- 2012 is the last year for which statistics are available. Source accessed 02/09/16: <http://plannedparenthood.org/planned-parenthood-central-western-new-york/restore/statistics>

Per the national organization, RAINN (Rape, Abuse, and Incest National Network), 68% of sexual assaults are not reported to law enforcement. [Source accessed 02/09/16: <https://www.rainn.org/statistics>] Using this rate, 2,924 were not. That would total **4,300** cases of sexual assault in this region.

Incidence: National Context

“What do we know about the national situation regarding sexual abuse?” Prevalence rates - the proportion of people in a population who experience a phenomenon, e.g., a disease - are hard to quantify for sexual abuse. Police, prosecutors, physicians, and therapists consistently say that sexual abuse and sexual assaults are underreported. Also, each state has its own legal definitions for child sexual abuse and rape. With those caveats, here are national pictures from authoritative sources.

Findings in this national clinical study are oft-quoted:

Prevalence of individual adverse childhood experiences: Abuse (Adverse Childhood Experiences Study, 1995-97)

	Women	Men	Total
Sexual abuse	24.7%	16.0%	20.7%

- Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. Source accessed 02/09/16: <http://www.cdc.gov/violenceprevention/acestudy/prevalence.html>

Here are findings from a more recent study:

Of Victims of All Types of Child Maltreatment: Cases of Confirmed Sexual Abuse

	2009	2010	2011	2012	2013
	9.5%	9.2%	9.1%	9.3%	9.0%

- Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. Source accessed 02/09/16, p. 57: <http://www.acf.hhs.gov/sites/default/files/cb/cm2013.pdf>

Using the 2013 figure of 9.0%, go through your church directory and circle every 11th name. This is what a 9% rate looks like. (Remember: All sources consistently report that the proportion of females who are sexually abused is greater than males.) Regardless of the prevalence rate, 1 case is too many.

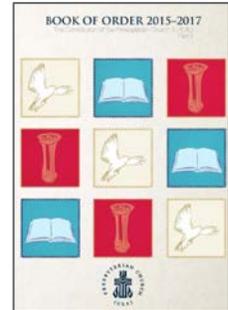
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What about False Accusations?

PGV, to our knowledge, has had no cases involving a false accusation of sexual abuse, i.e., intentionally false and malicious. While some disclosures could not be substantiated, e.g., due to a lack of evidence, no intent of harm was present. Regarding children, research consistently concludes that children’s false allegations of sexual abuse are rare, and often a result of adult manipulation in custody battles. Research also shows children tend to understate, rather than overstate, the extent of sexual abuse. [The Leadership Council on Child Abuse & Interpersonal Violence. Source accessed 02/09/16: <http://www.leadershipcouncil.org/1/res/csa-acc.html>]



Why is a Sexual Misconduct Policy Necessary? Requirements of the PC(U.S.A.) *Book of Order, 2015-2017*



Policy Mandate

The mandate that each session must have a sexual misconduct policy is found in the *Book of Order*.

“All councils shall adopt and implement a sexual misconduct policy and a child protection policy...”

Form of Government, G-3.0106
Book of Order, 2015-2017

The word *shall* is a requirement. It is neither discretionary nor optional. It applies equally to all our congregations and every session, regardless.

In our Presbytery, a handful of sessions still persist in taking the Presbytery’s sexual misconduct policy, adopting it as their own, and think they are in compliance. They are not. Consider the following:

- PGV policy is silent on background checks for Sunday School teachers and youth group leaders - neither circumstance applies to a presbytery.
- PGV policy is silent on a response to people who are convicted, registered sex offenders and seek to attend our meetings - because they don’t; they seek participation in a congregation.
- PGV policy is dated. It does not address social media, electronic communications, e.g., cell

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The congregation recovered. The sanctuary was rebuilt. Thanks to the Church’s insurance policy, the insurance carrier covered this loss. First Presbyterian, Pittsford, did not prepare for the **probability** of a disastrous loss. They were prepared for the **possibility** of a disastrous outcome, however unlikely.

Our risk assessment honors the **possibility** of a disastrous event and outcome related to sexual boundary violations. The real issue is whether we have prepared in advance.



- phones or smart phones, or digital media, e.g., World Wide Web.

A session honors its faith community by developing a session policy unique to its people, context, and call from God.

Risk Management

The mandate that each session must take certain risk management steps is found in the *Book of Order*.

“Each council shall obtain property and liability insurance coverage to protect its facilities, programs, staff, and elected and appointed officers.”

Form of Government, G-3.0112
Book of Order, 2015-2017

The word *shall* is a requirement. It is neither discretionary nor optional. It applies equally to all our congregations and every session, regardless.

Local Church as a Corporation

The mandate that a local church shall form a corporation is found in the *Book of Order*.

“Where permitted by civil law, each congregation shall cause a corporation to be formed and maintained... The ruling elders on the session of a congregation, who are eligible under the civil law, shall be the trustees of the corporation, unless the corporation shall determine another method for electing its trustees.”

Form of Government, G-4.0101 & 4.0102
Book of Order, 2015-2017

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Theme Analysis of PGV Consultations

The following reports an analysis of themes in 21 case consultations in a 13-year period regarding whether to disclose incidents of sexual boundary violations. Consultations were sought by pastors, ruling elders, sessions, Presbytery Leaders, and Committee on Ministry (COM) members. The consultant was Rev. James S. Evinger, functioning in a COM-designated role. Some churches had more than 1 case. Some cases, especially those involved Minors, had more than 1 theme.



Themes in 21 case consultations: 15 PGV churches in 5 counties re disclosure of sexual boundary violations (1999-2011)

1. Minor(s) as victim (confirmed, reported, or identified as potential), either from church or community, or Minor in church as offender (confirmed, reported, or suspected)	18
2. Suspected or admitted illicit (statutory, illegal) relationship by Adult with Minor	15
3. Secular authority action: investigation or adjudication by law enforcement, court system, probation or parole, and/or NYS licensing board	14 [13 ¹]
4. Registered sex offender, or person arrested for sex crime involving a Minor, who attends or seeks to attend worship and/or be part of the mission/ministry	05
5. Religious authority action: proceedings per Rules of Discipline, Book of Order	03
6. Acts by pastor against staff person may have violated Book of Order or civil law (sexual harassment)	01

113 of the 14 involved Minors 51 of 56

Of the total of 56 themes, 51 involved Minors. That's over 91% of all themes. 91%.

Long-term Trend in PGV

Since the 1990s when the national Church and PGV began adopting and implementing sexual misconduct policies, reported incidents in which clergy were offenders has declined significantly. At the same time, reported incidents in which children and youth were victimized sexually have increased significantly. If your session policy does not adequately address the safety and well-being of children and youth, your policy is out of date.



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The following flows directly from the *Book of Order* requirements regarding a congregation as a corporation. It is the primary way our congregations chose to fulfill these mandates. It also complies with New York State law for religious corporations.



[For more information, see *Board of Trustees Handbook*, Section II: New York State Religious Corporations Law, pp. 14-20. Source accessed 02/11/16: <http://worshiptimesmedia.s3.amazonaws.com/gvalley/files/2013/01/Part-II-NY-State-Religious-Corporations-Law.pdf>]

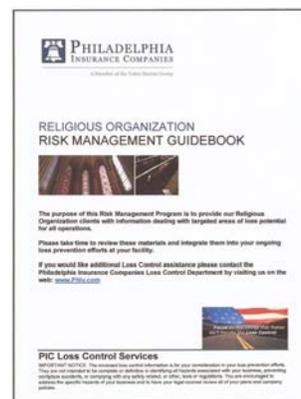
From the perspective of the trustees of your congregation's corporation, who, by New York law, have a fiduciary responsibility to the corporation, this is wise risk management.



Presbytery of Genesee Valley Master Insurance Program

The PGV Board of Trustees of Trustees oversee the Master Insurance Program in which 59 of our churches participate.¹ It offers a comprehensive policy that includes property, general liability, crime, and management liability exposures.² The carrier for the Master Insurance Program is the Philadelphia Insurance Companies. In its *Religious Organization Risk Management Guidebook*, the first topics addressed are:

- counseling safety, which includes sexual battery and inappropriate physical contact;
- volunteer risk management, which includes harm caused by a volunteer;
- sexual abuse and molestation of children and youth.³



¹ Christopher T. Williams, Licensed Insurance Broker, Christopher Williams Agency, Pittsford, NY. Email communication, 06/26/15.

² Ibid.

³ Ibid. Copy received in PDF format.





Reasons Based on National Data as to Why a Sexual Misconduct Policy is Necessary and Important



Fiduciary Responsibility on Behalf of the Congregation as a Corporation

What kinds of risks are affecting faith communities nationally? What are the trends? Here are the results of research by Richard R. Hammar, an attorney and CPA who is the editor of *Church Law & Tax Report*, a national publication.

Most frequent reason that churches went to court					
	2010	2011	2012	2013	2014
Reason # 1					
	Sexual abuse of a minor				
Reason # 2					
	Personal injury	Property dispute	Personal injury	Insurance dispute	Personal injury

Hammar, Richard R. (2015). Top 5 reasons churches end up in court. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 29(4, July/August):20.

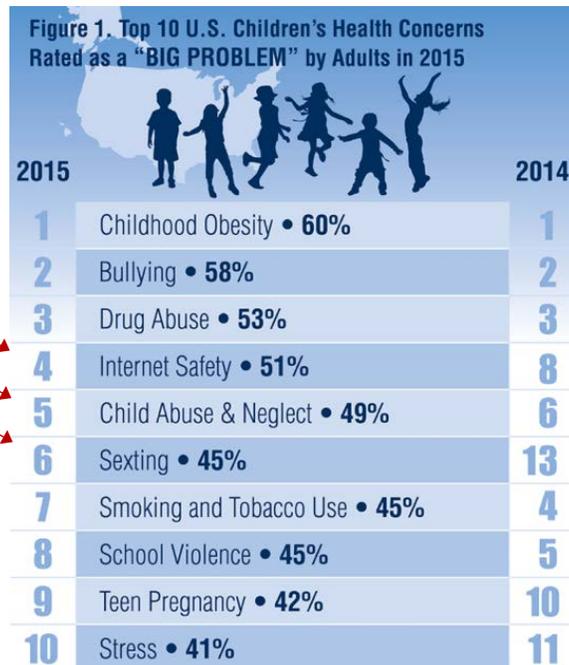
This article follows Hammar's finding in 2013 that the number one reason for 6 of 7 years (2005-2011) why religious organizations went to court was "sexual molestation of minors." He commented:

"Victims generally allege a church holds responsibility for their injuries on the basis of negligent selection, retention, or supervision of the perpetrator. Churches have lost many of these cases due to their failure to implement appropriate safeguards in the selection and supervision of employees and volunteers who work with minors..."

Hammar, Richard R. (2013). The top five reasons churches end up in court: Analysis of 12,000 cases reveals the leading legal risk for ministries. *Church Law & Tax Report: A Review of Legal and Tax Developments Affecting Ministers and Churches*, 27(3, May/June):19-21.

When a session adopts and implements its sexual misconduct policy, it acts in the best interests of the church as a corporation - a fiduciary responsibility.

Adults' Concern Regarding Children's Health
C.S. Mott Children's Hospital (University of Michigan) conducts a national poll annually on children's health. Note the 4th, 5th, and 6th highest ranked concerns of adults in 2015. Compare them to their 2014



standing.

Adopting and implementing a sexual misconduct

"Every [one] has a right to [one's] own opinion, but no [one] has a right to be wrong in [one's] facts."

Bernard Baruch (1870-1965)

Served in the administrations of Presidents Wilson, Harding, Hoover, and Roosevelt. Quoted in Deming (New Mexico) Headlight, 01/06/1950.

Long-Term Consequences of Childhood Sexual Abuse

What is known about the harmful effects of childhood abuse on those who were victimized? Research by clinicians, law enforcement personnel, and public policy experts since the early 1980s has proliferated on the forms of abuse and neglect collectively referred to as *child maltreatment*, which includes physical abuse, sexual abuse, emotional abuse, and neglect. We know a lot more than we previously did.

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More recently, as *child sexual exploitation* has emerged as a term referring to child sexual abuse, child pornography, and sex trafficking of children, multi-disciplinary research has followed, expanding the breadth and depth of our base of knowledge.

Trauma-Informed Care

An important insight from the research is the nature of child sexual abuse as a *trauma* - an event or experience that is threatening or harmful, and has lasting adverse effects on a person's functioning and well-being - physically, socially, emotionally, or spiritually. Another important insight is that the intensity and duration of trauma's effects vary among those victimized. One variable is how people respond when abuse is discovered. (Think of the implications of this for faith communities as a source that promotes resilience in the survivor or as a source that intensifies the feelings of shame and stigmatization.)

To gain a broad perspective, consult the best-practices guide written by mental health professionals with the U.S. Department of Health and Human Services, and their panel of national experts, *Trauma-Informed Care in Behavioral Health Services* (2014). It provides evidence-based guidelines for the prevention and treatment of substance use and mental disorders related to acute and chronic traumas. It also integrates "a strengths-based perspective that acknowledges the resilience within individual clients, providers, and communities."

Substance Abuse and Mental Health Services Administration. (2014). *Trauma-Informed Care in Behavioral Health Services*. Rockville, MD: U.S. Department of Health and Human Services, Publication No. (SMA) 14-4816. Accessed 02/22/16: <http://store.samhsa.gov/shin/content//SMA14-4816/SMA14-4816.pdf>

Where is **trauma-informed** care practiced in our region? Examples abound:

- The Mental Health Association in Genesee County, Batavia, sponsored a 1-day training event in 2012 on trauma-informed care.
- Veteran's Outreach Center, Rochester, was awarded \$25,000 in 2014 by the Greater Rochester Health Foundation to provide 2 years of intensive training and organizational development in trauma-informed care.
- At the 2015 annual New York State Child Abuse Prevention Conference, Stefanie Szwejbka, Prevention Education and Outreach Specialist with Bivona Child Advocacy Center, Rochester, co-presented a workshop on trauma-informed responses for professionals mandated to report suspicions of child abuse.
- Villa of Hope, Rochester, offers residential and educational programs for at-risk youth, including trauma-informed care.

- The Child and Adolescent Partial Hospitalization Service, Department of Psychiatry, University of Rochester Medical Center, Rochester, includes trauma-informed therapy among its primary models of treatment.
- The Pathways to Wellness program is a 3-year project of the Center for Refugee Health, Rochester, which examines causes of stress and anxiety in refugees, creates pathways to healing, and includes education on cultural competency and trauma-informed care.

Child Sexual Abuse: Long-Term Consequences

Clinical research on the long-term health, behavioral, and social consequences of child sexual abuse (CSA) has found increased risk for outcomes that are public health priorities, including HIV risk behaviors, psychiatric disorders, substance abuse, and suicidality. Turning again to the Adverse Childhood Experiences Study (see p. 4, right column), researchers used data to examine the relationship between CSA and the likelihood of behavioral health outcomes (self-reported alcohol problems, illicit drug use, suicide attempts, and current depression), as well as social outcomes (current relationship problems).

The presence of the adverse outcome was compared between those who had experienced CSA and those who had not. The results include the findings below. (E.g., Men who experienced CSA had 1.3 times more alcohol problems than men who had not experienced CSA. Women who experienced CSA had 1.6 times more alcohol problems than women who had not experienced CSA.)

Odds Ratio for Relationship Between Childhood Sexual Abuse and Adverse Adult Outcomes (Adverse Childhood Experiences Study)

	Men Odds Ratio	Women Odds Ratio
Alcohol problem Sexually abused vs. No sexual abuse	1.3 >	1.6 >
Use of illicit drugs Sexually abused vs. No sexual abuse	1.5 >	1.7 >
Suicide attempts Sexually abused vs. No sexual abuse	2.1 >	2.2 >
Current depression Sexually abused vs. No sexual abuse	1.2 >	1.4 >
Married to an alcoholic Sexually abused vs. No sexual abuse	1.4 >	1.4 >
Current marriage problems Sexually abused vs. No sexual abuse	1.5 >	1.4 >
Current family problems Sexually abused vs. No sexual abuse	1.7 >	1.4 >

Dube, S. R., Anda, R. F., Whitfield, C. L., et al. (2005). Long-term consequences of childhood sexual abuse by gender of victim. *American Journal of Preventive Medicine*, 28(5):430-438.

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14 Reasons for a Session to Adopt & Implement a Sexual Boundary Violations Policy

Adapted from presentations by James S. Evinger¹ & Mel Oliver²

¹Presbytery of Genesee Valley member ²Presbytery of Genesee Valley attorney

01. A policy sets a moral example and functions as a witness of faith.

People expect the church of Jesus Christ to be qualitatively different from society. It is God who inspires and guides us to live as disciples in faith. When a Session adopts a sexual boundary violations policy, it encourages individuals and groups to aspire to a higher calling.

02. It is a message to parents of children and youth: "We care that our church is safe."

Given society's heightened awareness about the sexual abuse of children and youth, a church that adopts and implements a safety policy is one to which parents will be more inclined to entrust their children for Sunday School, youth groups, children's choirs, daycare, or mission trips.

03. It is wise stewardship: it protects a church's legal and insurance liabilities.

Adopting and implementing a policy demonstrates that the church takes concrete steps to practice risk management and reduce liability. Constructive measures like background checks and mandatory training protect a church's exposure. Prevention is always more cost-effective. Churches are non-profit corporations under New York State law, and the trustees (typically the Session) have a fiduciary responsibilities. A policy adopted and implemented helps fulfill that responsibility. Such a policy can serve concurrently with, or as an extension of, the church's personnel policies.



04. A policy creates a tool to be utilized by one who has been victimized.

An effective sexual boundary violations policy serves the needs of one who has been harmed. A reporting procedure, both symbolically and practically, helps a victim/survivor. It supports telling the truth, holding the perpetrator accountable, and seeking redress. Our faith and the scriptures lead us to act out of compassion and pursue justice, especially for those who are vulnerable. A policy also protects the rights of one falsely accused.

05. A policy helps a church when previously unknown incidents unexpectedly surface.

If reports or allegations of past misconduct emerge, a policy is a guide in place to help a Session respond.

06. It communicates the church's character and works to attract or retain a quality pastor and staff.

A policy communicates that the Session values clergy, staff, and volunteers who are competent, mature, responsible, and accountable. Such persons will support policies serving spiritual and practical interests, and will value churches intentional about the quality of ministry and mission.

07. A policy of the Session is a healthy expression of our polity and governance.

A church without a sexual boundary violations policy adopted by its Session is a church in which the Session as the designated governing body has abdicated its responsibility. When discovery of an incident occurs, the Session will not be ready to assume its role. Delegating everything to the pastor denies the truth of I Corinthians 12 that God gives the gift of the Spirit to all believers for the common good.

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08. It is an opportunity to affirm the congregation's faith, principles, values, and convictions.

Not to act in the face of a stark but unpleasant reality is to act -- it is to acquiesce. Not to decide is to decide -- it perpetuates the status quo. A policy is an affirmative statement of what your congregation is called to do and who it is called to be. It declares: this is who we are, what we believe, and why we believe it. A policy is a way to take a stand and affirm how the Spirit is leading us. A policy is an opportunity to educate. It creates an opportunity to invite all those affected, especially youth and their families, into the process of developing and/or updating a policy. A policy is about *people*, God's people.

09. It lessens the likelihood of sexual boundary violations occurring.

A policy helps decrease the possibility of future violations. The fact of a policy's existence helps, but more significant is the education that derives from writing and implementing. It builds awareness, an effective means of prevention. The act of adopting a policy, if treated as a *teachable moment*, is an opportunity to change the culture of a congregation for the better.

10. A policy engages and educates a church about difficult issues we prefer to avoid.

The act of formulating and adopting a sexual boundary violations policy is a wonderful opportunity for a church to explore the complex interaction of power, trust, vulnerability, sexuality, gender, relationships, boundaries, and the types of harm resulting from boundary violations. It is a chance to reflect on questions of accountability and standards. Engaging the congregation around this particular topic sends the message that it's safe in our congregation to talk about important and sensitive topics, that our faith in God's presence is stronger than our discomfort and fears. ["It is you who light my lamp; the LORD, my God, lights up my darkness." Psalm 18:28 NRSV]



11. It actively addresses a sad reality that occurred in the past and continues today.

The church has long ignored, minimized, or rationalized acts of sexual violations against members, children, and staff. A Session policy overtly recognizes a problem that affects people's lives and faith. A policy signals that leaders are prepared to face the reality and its consequences for God's people.

12. A policy is a very useful tool for leadership when a sexual boundary violation is discovered.

It cannot be overstated how difficult and painful it is for leaders to cope with the stress of discovering a sexual boundary violation occurred in the congregation. A policy that is current, comprehensive, and followed is a reference point for making decisions amidst conflicting needs and demands. A policy guides leaders to act in ways consistent with our faith. Conversely, deciding without a policy, or one outdated, intensifies the stress. (This is not simply opinion. It has been demonstrated in case and case.)

13. A policy is about possibilities, not probabilities.

Churches carry insurance coverage on their buildings in case of a potentially catastrophe incident occurs, like a fire. Statistically, the probability of such a catastrophic event is quite low. Despite the low probability, insurance is a responsible and necessary act in the face of the possibility. To act in a way that ignores the possibility of sexual abuse, because of its perceived improbability, is a willfully ignorant act. Having current policy and procedures related to sexual boundary violations is a responsible action that protects the church in the possibility of an incident occurring.

14. A policy is required by the Book of Order.

"All councils shall adopt and implement a sexual misconduct policy..." 2015-2017 *Book of Order*, G-3.0106, Administration of Mission, p. 44.



United Nations Convention on the Rights of the Child

Article 34

States Parties shall undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement of coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 39

States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Adopted November, 1989¹

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹ As of 04/18/16, 196 countries have adopted the Convention, which is a treaty; the U.S.A. is the only country in the world that has not adopted it. In 1995, the U.S.A. was a signatory, which is an endorsement of its principles; the treaty has never been ratified, which is a commitment to be legally bound by it. Accessed 04/18/16: <http://indicators.ohchr.org>

Genesee Valley Toolbox for Session Sexual Misconduct Policies

Forthcoming topics include:

- 🔗 The Big How: Best Ways to Develop an Initial Policy, or Update an Existing One
- 🔗 Resources, Resources, & More Resources
- 🔗 Selected Best Practices: What's Wise to Include in a Session Sexual Misconduct Policy

The entire series will be posted on the PGV website in the dedicated folder, "Sexual Misconduct Policies & Resources": <http://pbygenval.org/committees/committee-on-ministry/sexual-misconduct-policies-resources/>