

Presbytery of the James

SEXUAL MISCONDUCT AND HARASSMENT POLICY

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*All references to the Book of Order (BoO) are from the **2025–2027 edition** unless otherwise noted.*

I. INTRODUCTION

A. Policy Statement

It is the policy of the Presbytery of the James, Presbyterian Church (U.S.A.) (“Presbytery”) that all church members, officers, employees, and volunteers within its jurisdiction treat one another as members of the Body of Christ—equal in dignity and called to mutual respect. This oneness calls us to model all relationships in the Church after the self-giving love of Jesus Christ.

As Christians, caring for one another in the Spirit of our Lord precludes the objectification, victimization, or oppression of others—whether through sexual misconduct, harassment, abuse of power, or other degrading behavior. This includes conduct that is physical, verbal, emotional, or digital in nature.

The Presbytery affirms that healthy ministry requires clear boundaries, a commitment to safety, and the honoring of vulnerability and trust in every professional and ministerial relationship. Harassment and sexual misconduct are violations of Scripture, of Christian ethics, and of the sacred trust inherent in these relationships. They are never permissible.

B. Purpose

The purposes of this policy on sexual misconduct and harassment are:

1. To set and enforce standards of behavior consonant with Scripture and secular law;
2. To serve and advance the peace and purity of the Church;

3. To develop procedures for the enforcement of these standards, fully consistent with the Book of Order (“BoO”) and to ensure the confidentiality of issues and individuals as may be necessary;
4. To promote the understanding of what sexual misconduct and harassment are, and what the Presbytery expects of those covered by this policy;
5. To minimize occurrences of misconduct and harassment, and to ensure prompt and faithful responses to all allegations and reports; and
6. To demonstrate pastoral concern for alleged victims and their families, as well as for those accused of misconduct and harassment, and their families.

C. Scope of Policy

This policy applies when the Presbytery has jurisdiction over at least one of the individuals involved in allegations of misconduct. It addresses both sexual misconduct and harassment, including online and digital forms of communication.

Individuals Covered:

- Ministers of the Word and Sacrament actively serving in any form (G-2.0503)
- Retired ministers (G-2.0503)
- Inquirers and Candidates for Ordination (G-2.0603)
- Commissioned Ruling Elders and Pastors (G-2.1002)
- Candidates for Commissioned Ruling Elders and Pastors (G-2.1002)
- Certified Christian Educators (G-2.1103)
- Ruling Elders during elected Presbytery service (G-3.0301)
- Members serving on Presbytery committees, commissions, ministry teams, task forces, or other appointed entities
- Non-ordained Presbytery staff (under Personnel Policy)

Each church belonging to the Presbytery must adopt its own boundary training and sexual misconduct/harassment policy to protect the congregation, employees, volunteers, and visitors. If no such policy exists, this policy shall apply to the extent feasible. Persons with questions about this policy should contact the Stated Clerk of the Presbytery.

II. DEFINITIONS

Accused: The person against whom a claim of sexual misconduct or harassment is made.

Accuser: The person claiming knowledge of misconduct. covered by this policy. The accuser may be someone other than the alleged victim of alleged sexual misconduct.

Child/Vulnerable Adult Sexual Abuse: includes, but is not limited to, any unlawful contact or interaction between a child/vulnerable adult and an adult where the child/vulnerable adult is being used for sexual purposes or the sexual stimulation of the

adult or some third person. The prohibited behavior does not necessarily require touching. Sexual activity between a child/vulnerable adult and an adult shall always be considered as forced since the child/vulnerable adult is deemed not legally capable of consenting. The Presbytery intends to follow:

- Virginia Code §1-204 which defines a “child” as anyone under eighteen years of age and
- Virginia Code § 18.2-369 a “vulnerable adult” is any person aged 18 or older who is impaired by mental illness, intellectual or developmental disability, physical illness or disability, or other causes (including age), to the extent the person lacks sufficient decision-making capacity, or has significant limitations in self-care or safeguarding their person or property.

Church: when spelled with the initial letter capitalized (“*Church*”) refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial letter in lowercase (“*church*”) refers to a local congregation. The word “congregation” shall include both members and participants in a church.

Complaint: A written statement outlining alleged misconduct and requesting a remedy.

Council: is a representative body in the Church composed of ruling and teaching elders; these are sessions, presbyteries, synods, and the General Assembly. A Council may establish entities such as day-care centers, conference centers, camps, or homes for the aged. A Council may have both church members and non-members as employees.

Employee: is the comprehensive term used to cover all individuals hired or called to work for the Church, a Council, a local member church, or any other institution or entity formally related to the Church or one of its constituent bodies, who are paid a salary or wages for their services.

Entity: Entity/General Assembly Entity An entity is a body created by and accountable to the General Assembly of the Presbyterian Church (U.S.A.), including but not limited to the standing committees of the General Assembly, the agencies of the General Assembly, and Presbyterian Church (U.S.A.), A Corporation. (see *Manual of the General Assembly 2024-2026*, Standing Rule Part 5.A).

Harassment: Harassment is unwelcome conduct — whether verbal, physical, written, or visual — that is based on an individual’s race, color, national origin, sex, gender identity, sexual orientation, age, disability, religion, or any other legally protected status, and that:

- Has the purpose or effect of unreasonably interfering with an individual’s work or participation in ministry, or
- Creates an intimidating, hostile, or offensive environment, or
- Is intended to demean, threaten, or harm another person’s dignity or wellbeing.

- Harassment may be a single serious incident or a pattern of behavior, and it can occur between peers, across power dynamics, or by third parties. Examples include but are not limited to:
 - Verbal abuse or epithets
 - Derogatory jokes, slurs, or name-calling
 - Physical intimidation or interference
 - Unwelcome comments about someone’s body, identity, or background
 - Display of offensive materials (e.g., posters, emails, memes)
- All forms of harassment are prohibited in the Presbytery’s work and ministry environments.

High Risk Occupation: Any role that works with vulnerable populations, such as children, the elderly, the incapacitated, or those receiving counseling. (Pastoral care of four sessions or fewer is not considered counseling.)

Inquiry: is the term used in Church Discipline in the *BoO* for the process to be followed by an investigating committee to determine whether charges should be filed based upon allegations received by a Council that an offense has occurred (see *BoO* D-7.0501).

Investigation: The process by which a Council investigates allegations.

Mandated Reporter: A mandated reporter is a person required by civil law to report all suspected incidents of child abuse, including child sexual abuse, as well as abuse of vulnerable adults (including adults lacking mental capacity). As of July 1, 2019, Virginia law designates clergy as mandated reporters of suspected child abuse or neglect (Code of Virginia §63.2-1509). This includes ministers, priests, rabbis, imams, and other duly accredited practitioners of any religious organization or denomination. The law removed prior exemptions that had shielded clergy from mandatory reporting requirements. One exception remains: when the information is received in a confidential communication and disclosure is prohibited by the tenets or practices of the clergy’s religious tradition (e.g., sacramental confession or pastoral privilege). Outside of such protected communications, clergy are legally obligated to report suspected abuse or neglect to the appropriate civil authorities. In implementing this policy, the Presbytery shall adhere to the requirements of the Code of Virginia and the *BoO* G-4.03, as amended at the time of the alleged incident. The relevant sections of the *BoO* state:

“Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.”(G-4.0302)

And further:

“In the exercise of pastoral care, ministers of the Word and Sacrament and ruling elders who have been commissioned by a presbytery to limited pastoral service (G-2.10) work to create communities of trust, accountability, and confidentiality while protecting the vulnerable. Confidentiality creates safe and sacred space for individuals to share concerns, questions, and/or burdens and seek spiritual guidance. Confidentiality should not be an excuse to hold secret the knowledge or risk of harm especially when related to the physical abuse, neglect, sexual abuse of a minor or an adult who lacks mental capacity. Ministers of the Word and Sacrament and commissioned ruling elders shall hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care except:

When the person whose confidences are at issue gives express consent to reveal confidential information, then a minister of the Word and Sacrament or a commissioned ruling elder may, but cannot be compelled to, reveal confidential information, or when a minister of the Word and Sacrament or commissioned ruling elder reasonably believes that there is risk of imminent bodily harm to any person.” (G-4.0301)

All others who are aware of or suspect an incident of abuse of a minor or a vulnerable adult must report their suspicion to the appropriate civil authorities and to the Stated Clerk of the Presbytery.

Under the BoO D-7.0201a:

“No written allegation shall be filed later than five years from the time the alleged offense was discovered except in cases of sexual abuse of another person as defined in D-7.0901, in which case the five-year time limit shall not apply. There is also no time limit to file an allegation that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-7.0901 failed to take reasonable steps to minimize the risk.”

Persons Covered: Includes church leaders, staff, and volunteers in any Presbytery-related role.

Reasonable Suspicion: A belief based on credible facts that warrants further investigation.

Response: The actions taken by a Council or entity when allegations arise. It may include:

- Inquiry into facts and circumstances;
- Disciplinary action (administrative, judicial, or both);
- Pastoral care for involved parties;
- Exoneration and pastoral care for those falsely accused;
- Pastoral care and rehabilitation for the perpetrators and care for their families; 6. Administrative leave (with or without pay) for the accused during the investigation.
- If the body receiving the report considers the alleged act to be criminal in nature, it shall refer the report to the appropriate authorities.

Response Panel: Trained members of the Presbytery prepared to serve on Response Teams.

Response Team: is a group of four or more persons from the Response Panel appointed by the co-moderators of the Commission on Ministry (“COM”) to provide assistance and pastoral care to the appropriate parties after an allegation is presented to the presbytery.

Secular Authorities: are the governmental bodies—whether city, town, county, state, or federal—responsible for investigating, criminally prosecuting, and/or bringing charges against individuals accused of sexual crimes or sexual misconduct offenses against other adults or children.

Secular Law: Applicable federal, state, and local laws.

Sexual Abuse: Any sexual conduct with a minor or non-consenting adult.

Sexual Harassment: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, pastoral relationship, or participation in Presbytery-sponsored programs or activities.
- Submission to or rejection of such conduct is used as the basis for employment, pastoral, or programmatic decisions affecting the individual.
- Such conduct unreasonably interferes with an individual’s work, volunteer service, or pastoral experience, or creates an intimidating, hostile, or offensive environment.
- Sexual harassment may occur through **physical, verbal, written, visual, or digital means**, and may involve persons of the same or different genders.

Examples include, but are not limited to:

- Unwanted physical contact (touching, patting, blocking movement)
- Sexually suggestive comments, jokes, or gestures
- Requests for sexual favors linked to work or ministry roles
- Display or distribution of sexually explicit materials, images, or media
- Persistent unwanted invitations, texts, social media messages, or emails with sexual content
- Sexually charged humor, stories, or remarks in ministry or workplace settings

Sexual harassment can be particularly harmful in the context of ministry, where there may be a power imbalance between clergy, educators, ruling elders, or leaders and congregants, students, staff, or volunteers. It undermines Christian community and violates the sacred trust of ministerial and professional relationships.

Sexual Misconduct: A broad term including sexual abuse, sexual harassment, and other related offenses.

Sexual Malfeasance: Sexual conduct within a ministerial or professional relationship that crosses ethical boundaries.

Victim: The person subjected to alleged misconduct.

Volunteer: is anyone who provides services for Councils and entities of the Church and who receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees. Responsibilities of the Council or entity are the same for volunteers as for employees.

III. GUIDING PRINCIPLES

Members of the Presbytery and its congregations are entrusted with the care, nurture and well-being of others. This is a sacred trust and is based implicitly and explicitly on Scripture, the Confessions of the Church, the ordination vows for the Church officers (*BoO W-4.0404*), and the traditions of the Church. In trying to follow the model of our Lord Jesus Christ, we are directed to remember:

*As God who called you is holy,
be holy yourselves in all your conduct.*

*Tend the flock of God that is your charge,
not under compulsion but willingly, not for sordid gain but eagerly,
do not lord it over those in your charge but be examples to the flock.*

You know that we who teach shall be judged with greater strictness.
1 Peter 1:15; 5:2; James 3:1, NRSV

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church. Through these representatives an understanding of God and the Gospel's good news is conveyed. Their manner of life should demonstrate the Gospel in the Church and the world (*BoO G-2.0104a*). Thus, the Presbyterian Church (U.S.A.) and the Presbytery, to uphold the honor of the Church and the Christ it is pledged to serve, has every biblical, ecclesiastical, and pragmatic right to expect of its servants a life and general behavior consonant with the above principles.

Sexual misconduct and harassment violate trust, misuse power, and cause real harm. These behaviors are antithetical to the Gospel.

IV. RESPONSE TEAM

Purpose:

The purpose of the Response Team is to provide assistance and pastoral care to anyone making an allegation of sexual misconduct, or any alleged victim(s) of sexual misconduct by anyone covered by this policy, and to anyone who is so accused. The

Team is not to investigate any allegation, nor is it to take any part in the disciplinary process of the Church, save for assisting the accuser, or the alleged victim(s) address the disciplinary process through the filing of an allegation (D-7.02). The Team shall meet within seven (7) days of being appointed.

1. Response Panel

The Response Panel is a group of individuals trained by the Presbytery to serve on Response Teams in cases involving harassment or misconduct.

- Training Requirements: All panelists must be trained in this policy and the guidance found in the *Book of Order*, particularly D-7: *Disciplinary Process*.

2. Response Team Composition and Appointment

A Response Team is assembled from the trained Response Panel to provide support and guidance when an allegation is reported.

2.1. Team Size and Makeup

- Each Response Team must include at least four (4) members, with representation from both men and women.
- The Co-Moderator of the COM appoints the members of each team and designates a Team Moderator.

2.2. Roles and Assignments

- Two members of the Team will be assigned to provide support to the accuser and/or alleged victim(s).
 - At least one must be the same gender as the accuser.
- Two members will be assigned to provide support for the accused.
 - At least one must be the same gender as the accused.
- Confidentiality Requirement:
 - Team members supporting the accuser must not discuss the case with those supporting the accused.

2.3. Avoiding Conflicts of Interest

- The Co-Moderators of COM must avoid appointing individuals with a potential conflict of interest. (See Appendix A for conflict-of-interest guidelines.)
- If the Co-Moderators are unable to serve, or are personally involved or implicated in the case, the Stated Clerk shall appoint a member of the Response Panel to assist with team formation.

2.4. Duties and Limitations (Appendix B)

V. GUIDELINES FOR REPORTING A COMPLAINT

All reports of suspected abuse or misconduct shall follow the procedures outlined in the *Book of Order*, specifically **G-4.03** and **D-7**.

- Mandated reporting requirements for those in ordered ministry and certified Christian educators are described in Section III: Definitions under *Mandated Reporter*.
- Allegations involving sexual abuse are not subject to any statute of limitations (*BoO* D-7.0201a).
- Complaints should be made in writing and submitted promptly to both:
 - the appropriate civil authorities (e.g., Child Protective Services or local law enforcement), and

- the Stated Clerk of the Presbytery (via email or sealed written statement).
- In any instance of criminal behavior, civil authorities must be notified immediately.
- The Presbytery shall follow the procedures for reporting and response outlined in *Church Discipline (BoO D-7)*.
- In accordance with BoO G-4.0301, ministers and commissioned ruling elders must maintain trust and confidentiality in pastoral care. However, when a person gives express consent, or when there is reasonable belief of imminent bodily harm, confidentiality may be broken in the interest of safety and legal obligation.

VI. IMPLEMENTATION

The Presbytery shall implement this policy in alignment with the Book of Order (BoO) and in cooperation with secular authorities. Key responsibilities include:

- **Cooperation with Civil Authorities:** The Presbytery must act in coordination with secular legal systems, particularly in cases of child sexual abuse or criminal behavior. Reporting obligations outlined in Section II Mandated Reporting apply.
- **Prompt and Respectful Action:** Allegations of sexual misconduct must be addressed promptly, respectfully, and in accordance with legal and ecclesiastical standards.
- **Use of Investigating Committees:** When disciplinary procedures are required, the Presbytery will form Investigating Committees under the Rules of Discipline (BoO D-7.0501). These committees shall conduct inquiries and reach one of three conclusions per BoO D-7.13.
 - “D-7.13 Investigating Committee Conclusion
 - The investigating committee may determine:
 - a. Not to file charges (D-7.14),
 - b. To file charges and proceed to trial (D-7.15), or
 - c. To file charges together with an alternative resolution (D-7.16).”
- **Disciplinary Action:** If charges are filed and taken to trial, and a church member or minister is found to have committed sexual misconduct, the consequences may include temporary or permanent removal from membership or office. (BoO D-9.0101)
- **Pastoral Care Coordination:** Appropriate pastoral care for individuals and congregations impacted by misconduct shall be provided or coordinated by Presbytery leadership.

VII. COMPLIANCE

A. Employment Practices

The Presbytery shall uphold stringent and thoughtful hiring practices. If an applicant is unknown to the employer, photographic identification (e.g., driver’s license or passport) shall be required to confirm identity. Pre-employment screening shall include specific inquiries related to prior complaints or accusations of harassment and/or sexual misconduct. Employment decisions must reflect a commitment to safeguarding all persons involved in the ministry of the church.

B. Public Access

The Presbytery shall maintain public access to this Sexual Misconduct Policy by providing a downloadable copy on its website. Each year, all Presbytery employees, congregations, ministers, certified Christian educators, and commissioned ruling elders will be reminded of their responsibility to review this policy and certify, in writing, that they have done so. Certifications shall be submitted to the Stated Clerk.

C. Training and Education

In accordance with the Presbytery of the James Boundaries Training Mandate Policy (adopted February 17, 2024), the following training guidelines apply:

1. **Applicability:**
Boundary training is mandatory for the following individuals:
 - Ministers (active and retired)
 - Commissioned Ruling Elders
 - Certified Christian Educators
 - Inquirers and Candidates for Ordination
 - Ruling Elders serving on Presbytery entities
 - Members of Presbytery committees, commissions, ministry teams, and task forces
 - Presbytery staff (per Personnel Policies)
2. **Frequency and Deadlines:**
 - Boundary training must be completed every 36 months (BoO G-3.0106).
 - Individuals will receive an initial 60-day window to complete the training once notified.
 - A deadline of May 1, 2024 was set for compliance with the current mandate.
3. **Curriculum and Format:**
 - Training shall include education on maintaining healthy boundaries, recognizing power dynamics, abuse prevention, and ethical ministry practices.
 - Approved curricula include:
 - *Clergy Ethics and Congregational Boundaries* by CONGREGATIONU (7 modules, ~2 hours, \$29, self-paid)
 - In-person sessions offered by COM
 - All training includes case studies, role-playing, and discussion.
4. **Certification and Records:**
 - A certificate of completion must be submitted within 14 days to: certificate@presbyteryofthejames.org
 - The Presbytery Office will maintain a central database tracking completion dates and compliance.
5. **Exemptions:**
 - Honorably retired ministers, certified Christian educators, and commissioned ruling elders who are not currently serving in an official capacity may request exemption by applying to the COM).
6. **Noncompliance:**

- Failure to complete boundary training is considered a chargeable offense under Church Discipline (BoO D-2.0302) and will be addressed by the Stated Clerk.

D. Volunteers

While these guidelines primarily govern ordained leadership and employed personnel, volunteers must also be considered. Each local church is encouraged to establish screening and supervision procedures for volunteers in high-risk roles (e.g., youth advisors, children's ministry, camp leaders, lay counselors). Though the Presbytery does not mandate screening of all volunteers, it strongly recommends that every congregation adopt policies consistent with this document and ensure training is provided as appropriate.

VIII. POLICY REVIEW CYCLE

This policy shall be reviewed every three years by the Stated Clerk and COM and updated as needed to reflect best practices and current law.

Appendix A

Conflict of Interest Policy for Response Teams

To maintain the integrity and impartiality of the Response Team process, all individuals assigned to serve must be free of actual or perceived conflicts of interest.

Disclosure and Avoidance

The Co-Moderators of the COM shall take care to avoid appointing individuals with conflicts of interest. Anyone asked to serve should immediately disclose any potential conflict. If a conflict exists, they must decline the invitation to serve.

Conflict of Interest Criteria

A conflict of interest exists if any of the following conditions apply:

1. **Prior Knowledge:** The individual has, or may have, relevant information about the alleged misconduct and may be interviewed or called as a witness in a formal proceeding.
2. **Personal Relationships:** The individual is related by blood or marriage (current or former) to either the accuser or the accused.
3. **Close Associations:** The individual has or had a significant pastoral, social, professional, or financial relationship with the accuser or the accused that could reasonably call their impartiality into question. Simply serving on a committee with, or being casually acquainted with, a party does not necessarily constitute a conflict.

Reporting Concerns

If the accuser or the accused believes a Response Team member has a conflict of interest, they may raise the concern with the Co-Moderators of COM. Any questionable situations should be resolved in favor of avoiding the appearance of conflict.

Appendix B

Response Team Duties and Limitations

Upon receiving notice of a sexual misconduct allegation, the Stated Clerk shall direct the Co-Moderators of COM to form a Response Team within 72 hours. This team serves a pastoral and support role, not a judicial or investigative one.

Primary Responsibilities

The Response Team shall:

1. **Contact the Accused**

Notify the accused that an allegation has been received and that they are to refrain from contacting the accuser or alleged victim(s).

2. **Pastoral Support**

Provide emotional and spiritual care to:

- The accuser and/or alleged victim(s) and their families
- The accused and their family
- The affected congregation or ministry context

3. **Information & Resources**

Offer appropriate, non-confidential information about the process and connect individuals with counseling or other support services as needed.

4. **Referrals and Next Steps**

Explain available next steps to the accuser. If they wish to move forward formally, refer them to the Stated Clerk to initiate the process under the PC(USA) Rules of Discipline.

5. **Advocacy Support**

Encourage individuals involved to secure an advocate for emotional support. The Response Team may help identify potential advocates but does not serve in this capacity.

6. **Confidentiality**

Maintain strict confidentiality. Response Team members shall only discuss the case with authorized individuals as permitted by church process and law.

Limitations of the Response Team

The Response Team **shall not**:

- Advocate for or against any party involved
- Serve as legal counsel or give legal advice
- Intervene in or direct any Investigating Committee processes
- Determine the truth or falsehood of the allegations
- Impose or recommend specific disciplinary action

The Response Team shall continue to serve until formally released by the Commission on Ministry.

ACKNOWLEDGMENT FORM

Acknowledgment of the Sexual Misconduct, Harassment, and Boundary Training Policy: Presbytery of the James [Date]

As part of my certification to serve within the Presbytery of the James, I acknowledge that:

- I have received, read, and understand the Presbytery of the James' Sexual Misconduct and Harassment Policy
- I understand the boundary training requirements outlined in the policy
- I will complete all mandatory training and comply with all reporting and conduct expectations

Printed Name

Date

Signature
