

**Farragut Presbyterian Church**  
**Policy and Procedures on Sexual Misconduct**  
**Approved by the Session on March 31, 2008**

**A. Policy Statement**

Members and employees of Farragut Presbyterian Church and volunteers under its supervision, and non-members, including those who serve on committees, boards, and in groups related to the ministry of Farragut Presbyterian Church, shall not engage in sexual misconduct as defined in this policy.

All procedures and activities under this policy shall deal seriously with every allegation of sexual misconduct. In recognition of the fact that reports of sexual misconduct can impact the reputation and effectiveness of the Accuser, the Accused, the Victim and the Church, all persons involved in this process are directed to hold information received in strict confidence.

All persons are encouraged to report all accusations of sexual misconduct and/or abuse involving members, employees and volunteers of Farragut Presbyterian Church to the appropriate church official identified below and/or to civil authorities. In those instances where secular civil and/or criminal investigations of the same accusations are conducted, the church shall proceed carefully and with appropriate legal advice to avoid interference with the secular proceedings.

**B. Sexual Misconduct Definitions**

1. ACCUSED: The person against whom an allegation of sexual misconduct is made.
2. ACCUSER: The person reporting alleged sexual misconduct by a member, employee or volunteer of Farragut Presbyterian Church.
3. MEMBER: A person who of their own choice affiliates with Farragut Presbyterian Church by appropriate action of the Session.
4. EMPLOYEE: The comprehensive term used to cover individuals who are hired or called to work for the church for salary or wages.
5. VOLUNTEER: The term used for those who provide services for groups, and/or entities of the church and receives no benefits or remuneration. For purposes of this policy, volunteers are treated the same as employees. Liabilities of the congregation or entity are the same for volunteers as for employees.
6. NON-MEMBER: A person who of their own choice engages in the ministries of Farragut Presbyterian Church but is not a member. For purposes of this policy, non-members are treated the same as members.
7. ADVOCATE: A person chosen by the accused, the accuser or the victim to accompany him/her at any/all stages of this process.
8. CHURCH: The body of believers who make up the membership of the congregation worshipping at 209 Jamestowne Blvd., Knoxville, Tennessee as a part of the Presbyterian Church (U.S.A.) as defined in the *Book of Order*. (a) The Session of a church has original jurisdiction in disciplinary cases involving members and employees of that congregation. (b) The Presbytery has original jurisdiction in disciplinary cases involving minister members of the Presbytery.

9. **INQUIRY:** The term used in the “Rules of Discipline” to determine whether or not charges should be filed based on allegations of an offense received as stipulated in the *Book of Order*.
10. **PERSONS COVERED:** Members, non-members, volunteers, and employees of Farragut Presbyterian Church, Knoxville, Tennessee.
11. **SEXUAL MISCONDUCT:** May (1) occur in connection with a church-sponsored program or activity, or (2) occur in a non-church-related setting giving rise to questions of character and effectiveness of members or employees of Farragut Presbyterian Church. This is a comprehensive term that includes:
  - a. **Child Sexual abuse:** Any conduct or interactions between a person of any age and a minor where the minor or the conduct with the minor is used for the sexual stimulation or gratification of the adult or of a third person. The behavior may or may not include gratification of the adult or of a third person. The behavior may or may not include touching. No defense of consent by the minor shall be recognized. **Child abuse must be reported to the civil authorities in accordance with state law. In the case of Children’s Enrichment Program, a report will also be made to Department of Children’s Services.**
  - b. Rape or sexual contact by force, threat or intimidation.
  - c. **Sexual harassment:** Continued unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature or harassment of an individual because of the individual’s gender constitute sexual harassment when submission to such conduct is made, either implicitly or explicitly, a condition of the individuals’ employment, or is used as the basis for employment decisions affecting the individual, or creates an intimidating, hostile or offensive working environment.
  - d. **Sexual impropriety:** Inappropriate verbal or physical sexual conduct, other than that defined above, toward those under one’s supervision or for whose spiritual and physical welfare one is responsible by reason of one’s position in the church. This term includes, but is not limited to, abuse of a position of trust and exploitation or manipulation of persons who are emotionally, psychologically, physically or spiritually vulnerable.
12. **MEDIATION:** An action by an intermediary agency or person to achieve a reconciliation.
13. **REASONABLE SUSPICION:** A subjective criterion that refers to a belief or opinion based on facts or circumstances that are sufficient for a prudent person to want to inquire further, to take protective action, or report to authorities. State child abuse reporting laws may include wording that indicates what degree of suspicion or knowledge gives rise to the duty to report.
14. **RESPONSE TEAM:** The group of people who act under the authority of the Session to respond to allegations of sexual misconduct or abuse by a person covered by this policy.
15. **RESPONSE:** The action taken by the governing body or entity 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 victims and their families and others; and (4) pastoral care and rehabilitation for the perpetrators and care for their families.
16. **VICTIM:** The person allegedly injured by sexual misconduct or against whom the sexual misconduct was directed.
17. **SESSION:** The group of Elders elected by the congregation of the church to serve as the governing body of the church. The Moderator of the Session is the installed pastor of the

church designated as the Moderator in accordance with the Form of Government, Book of Order.

## **C. Procedures for Response**

### **1. Reporting Accusations**

- a. Any person with reasonable suspicion of sexual misconduct by any member, employee, or volunteer of Farragut Presbyterian Church shall immediately inform the Clerk of Session or the Moderator/Pastor if the Clerk is unavailable. The accuser will prepare a written statement. The accuser shall be told what the next steps are in the procedure.
- b. Original jurisdiction shall be determined and the relevant procedures followed. (*See D.10.0100 of The Book of Order*)
- c. If the Clerk of Session is the accused, the report shall be made to the Moderator of the Session who shall inform the Chairs of the Administration Committee. The moderator of the session shall choose three persons to serve as the Response Team.
- d. The Clerk of Session shall inform the Moderator of Session of the alleged sexual misconduct (unless he/she is the accused). (If a Pastor is the accused, see below page 5, #3)
- e. The Clerk of Session and Moderator of Session shall see that appropriate insurance carriers are notified of any accusations.

### **2. Response Team**

- a. Anyone receiving information concerning sexual misconduct shall immediately inform the Clerk of Session. The Clerk of Session and the Moderator of Session shall inform the Chair(s) of the Administration Committee (unless any of these are the accused) and together with the Clerk of Session and the Moderator shall appoint two elders actively serving on Session who with the Clerk shall comprise the Response Team. The Clerk of Session (unless he/she is the accused) shall transmit the accusation to the Response Team in writing within five days (see attached form).
- b. When a Response Team is assigned to deal with a particular accusation of alleged sexual misconduct, it shall be comprised of the Clerk of Session and two active elders with both genders represented.
- c. The Response Team's purpose is to listen to the accuser and advise that person on the range of alternatives available from which the accused may choose for redressing the injuries caused by the alleged misconduct cited in the accusation and identify the accused expected outcome.
- d. Response Team members shall do the following upon receiving a written notice of sexual misconduct: immediately confer to coordinate the initial inquiry process.
  1. Immediately notify the accused in writing of the accusations and instruct the accused to have no further contact of any sort with the accuser, the victim or the victim's family.
  2. Immediately notify the accuser/victim that the team has received the report, that the accused has been notified to have no further contact with the accuser/victim, and what steps the Response Team will be taking to investigate the report.

3. File a report with secular authorities if required by state or local law and none has been previously filed.
  4. A minimum of two representatives of the Response Team will meet with the accuser and/or victim to hear the accusation first hand.
  5. A minimum of two representatives of the Response Team will meet with the accused to receive a response to the allegations.
- e. The Response Team shall execute its responsibilities with sensitivity, confidentiality, and loving care.
1. The particular Response Team will serve the following primary functions:
    - a) Receive the written report of sexual misconduct from the Clerk of Session or alternate.
    - b) Begin inquiry of the allegations within five working days of receiving a report.
    - c) Confirm that civil authorities have been notified if applicable.
    - d) Gather regarding details of the allegations made by all parties involved.
    - e) Advise the victim or guardian of the options available in the *Rules of Discipline of the Book of Order of PCUSA* and of the necessity to file a written accusation to the Clerk of Session.
    - f) Assure adherence to the Sexual Misconduct Policy and Procedures of Farragut Presbyterian Church.
    - g) Work within the established procedures for discipline in the Church's *Book of Order*.
    - h) Prepare a written report of the case for submission to the Clerk of Session and the Session including:
      - 1) names of parties involved;
      - 2) relationship of the parties involved to Farragut Presbyterian Church;
      - 3) allegations made by the accuser;
      - 4) response made by the accused;
      - 5) findings and conclusions; and
      - 6) suggest further actions to be taken by the Session if deemed appropriate.
  2. In addition to its primary functions during or as a result of its initial investigation, the Response Team may advise all parties involved to: obtain legal counsel, to contact their insurance carriers, to seek professional psychological counseling, to have an advocate (if desired) accompany them throughout the inquiry process.
  3. The Response Team may recommend educational or employment practices to be implemented within the congregation to prevent additional instances of sexual misconduct.
    - a) Recommend actions to be taken to begin the healing process within the congregation, the organization or entity.
    - b) Recommend actions for the pastoral care of the accuser, the victim, the accused, and the families of all parties involved.

- f. Some possible alternatives for redress are:
1. Write a letter to the Clerk of Session, and Administration Committee, requesting that the difficulty be resolved, short of a formal disciplinary process, through mediation.
  2. Write a letter to the Clerk of Session containing “a statement of the alleged offense, together with supporting information.” This triggers the formal ecclesiastical disciplinary process (See *Book of Order, Chapter X, Rules of Discipline*).
  3. File civil or criminal charges.
  4. Other suggestions or variations on the above.  
Note: If the accuser claims child sexual abuse, the Response Team is advised not to interview the child (or children) due to the possible secondary trauma caused by the interview itself. Secular authorities shall be notified immediately by the Response Team, if a report has not been filed already. The Response Team shall be guided in its actions by the recommendations of the secular authorities. If the Response Team needs a consultant to advise it concerning the effects and complications involving a child victim, it shall contact an expert in child sexual abuse. The Response Team shall make the secular authorities aware that it wishes, insofar as the law allows, to be kept informed of the developments in the case to allow appropriate disciplinary measures within the Church to be taken against the accused.
- g. The Response Team shall NOT engage in any of the following:
1. Advocate for any party involved.
  2. Act as legal counsel for any party involved.
  3. Provide pastoral care or counseling to any party involved.
  4. Perform functions of the Personnel Committee or the Administration Committee or the Session.
  5. Determine the guilt or innocence of the accused. (reference C.2.f)
  6. Enforce a specific remedy or disciplinary action.

**3. Minister Member of Presbytery of East Tennessee**

If the accused is an installed Minister or Associate Minister of Farragut Presbyterian Church, that person is a member of Presbytery and the policy of the Presbytery of East Tennessee regarding sexual misconduct is applicable. Contact should be made with the Stated Clerk, Moderator, or Presbytery Executive concerning appropriate action. (See *D.10.0100 ff. of The Book of Order*)

## Report of Suspected Sexual Misconduct

Reported by:

\_\_\_\_\_  
Name Title  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State and Zip Code  
\_\_\_\_\_  
Telephone

Date of Report

\_\_\_\_\_

Person suspected  
Of misconduct:

\_\_\_\_\_  
Name Title  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State and Zip Code  
\_\_\_\_\_  
Telephone

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

\_\_\_\_\_  
Name Title  
\_\_\_\_\_  
Age Sex  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, and Zip Code  
\_\_\_\_\_  
Telephone

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Identify eyewitnesses to the incident(s), including names, addresses, and telephone numbers, where available:

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Other information that may be helpful to the investigation:

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