

**HODGES BOULEVARD
PRESBYTERIAN CHURCH
4140 HODGES BOULEVARD,
JACKSONVILLE, FL**



**HUMAN RESOURCES
Handbook on
Sexual Misconduct
Policies and Procedures**

February 8, 2021

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SEXUAL MISCONDUCT POLICIES

NOTE: This document pertains to, and is effective for all staff members and volunteers

NOTE: This policy and these procedures were previously adopted by the HBPC Session. This version supersedes all previously printed documents.

OUR VISION:

Connecting people for whole-hearted discipleship in Jesus Christ

NOTE: Each volunteer will receive a copy of this Handbook as part of orientation. Within one week of receipt of this Handbook, the volunteer must provide the signed acknowledgement that he/she has read and understands this policy document and agrees to abide by its terms. The signed acknowledgement will be kept in the Church's file for Volunteers throughout the duration of the time the individual is volunteering (The signature page is at the end of this document.)

I. Sexual Misconduct Policy and Procedures

- A.** It is the policy of the Hodges Boulevard Presbyterian Church (hereafter called the 'Church') that all of its pastors, educators, church officers, church members, church employees and volunteers are to maintain the integrity of ministerial, employment and professional relationships at all times. Sexual misconduct is not only a violation of the principles set forth in Scripture, but also of ministerial, pastoral, employment, and professional relationships.
- B.** The basic principles guiding this policy are as follows:
1. Sexual misconduct is a violation of the role of all members, employees and volunteers of Hodges Boulevard Presbyterian Church. Both those ordained and non-ordained are called upon to exercise integrity, sensitivity and caring in a trust relationship. Sexual misconduct breaks the trust relationship because it constitutes a failure to act in the best interests of parishioners, clients, co-workers, campers, students and others.
 2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative and unjust manner. If a volunteer or youth initiates or invites sexual conduct in the relationship; it is the leader's responsibility to maintain the appropriate role and prohibit a sexual relationship.
 3. Sexual misconduct takes advantage of the vulnerability of children and persons who are less powerful to act for their own welfare. It is antithetical to the Gospel call to work as God's servant in the struggle to bring wholeness to a broken world. Sexual misconduct violates the mandate to protect the vulnerable from harm.
- C.** This policy is intended to apply to victims of sexual misconduct who may be: (i) individual members of the congregation; (ii) individuals who relate to a minister, educator or leader as "pastor" in non-member counseling or a conference setting. Those covered by this policy include ministers, educators, church officers, church members, church employees and volunteers under the supervision of Hodges Boulevard Presbyterian Church.

I. Definition of Sexual Misconduct

For the purposes of this policy, "Sexual Misconduct" is intended to include the following three categories of sexual conduct:

A. Sexual abuse: which shall mean any of the following:

1. Rape, sexual battery, or other sexual contact by force, threat, or intimidation with a person of any age; or
2. Child sexual abuse, which is any contact, interaction, or other behavior between a child (under 18 years of age) and an adult under circumstances in which the child is used for sexual stimulation of the adult or a third person. The behavior may or may not involve touching. Sexual conduct or other behavior between or involving a child and an adult is always considered to be forced, regardless of whether there is consent or purported consent by the child.

B. Sexual harassment: which shall mean unwelcome sexual advances, requests for sexual favors, and other verbal (whether in person or via technological and/or other written communication tools), or physical conduct of a sexual nature under circumstances in which:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of a person's employment or continued employment, a person's pastoral care or counseling, or a person's continued membership status or participation in the church; or
 - Such conduct has the purpose or effect of interfering with a person's work performance or continued participation as a volunteer with the church, or of creating an intimidating, hostile, or offensive working or volunteer service environment; or
 - Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting such person.
2. Examples of conduct toward an individual of the same or opposite sex that may constitute sexual harassment include, but are not limited to:
 - a. Demands for sexual favors
 - b. Sex-oriented verbal kidding, teasing or jokes
 - c. Repeated sexual flirtations, advances or propositions
 - d. Continued or repeated verbal abuse of a sexual nature
 - e. Graphic or degrading comments about an individual or his or her appearance
 - f. Displaying sexual suggestive objects or pictures
 - g. Subtle pressure for sexual activity or offensive or abusive physical contact including touching, hugging, kissing, blocking a path, grabbing, patting, pinching, fondling or brushing up against another individual's body
 - h. Foul or obscene language
 - i. Shaming of another person in any manner
 - j. Retaliation or threats of retaliation for making allegations of sexual harassment.
3. Display of and violent, aggressive or threatening behavior (verbal or physical) that may result in physical or emotional injury is strictly prohibited and may be ground for immediate termination of employment

C. Sexual Malfeasance: sexual conduct within a ministerial, teaching, or professional relationship. Sexual malfeasance is intended to include sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature which occurs in a ministerial, teaching or professional relationship.

D. OTHER DEFINITIONS

Accusation is a statement or claim that an offense may have occurred. It must be put in writing by the alleged victim or accuser for it to be acted on.

Accused is the term used to represent the person against whom an accusation of sexual misconduct is made.

Accuser is the term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not be the alleged victim. A person such as a family member, friend, or colleague of the victim may be the accuser whose information initiates a response.

Advocate is a designated person who may be assigned to the accused, accuser, and/or alleged victim, who is to help the person to whom he/she is assigned understand and follow the process set out in this policy.

Alleged Victim is the term used to identify the person who may have been subjected to sexual misconduct.

Charge is the specific accusation made to the proper governing body.

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

Degree of Emphasis on actions described

- may—action left to the discretion of the individual or Session
- must—a mandatory action
- shall—a mandatory action
- should—a recommended action

Discipline is the exercise of the pastoral and moral rule of a Session. The purpose of discipline is not punitive but redemptive and reconciliatory with the goal of restoration. Restoration does not automatically imply reinstatement to a previously held office or position. Restoration primarily refers to the full membership and fellowship in the body of Christ, the church.

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

Minister or Pastor refers to one who is called/installed to specific pastoral ministry within the church.

Parishioner is an individual who is a member of the congregation or someone who is relating to the minister as “pastor” as in a non-member counseling or conference setting.

Professional Staff describes those staff members who lead specific programmatic ministries for the congregation but are not ordained as Teaching Elders/Ministers of the Word and Sacraments. Such workers could include church musicians, directors of Christian education, youth directors, etc.

Response Coordination Team (RCT) is a team of at least three members appointed by the Session to respond to accusations of sexual misconduct.

Victim is the term used to designate someone who has been found, after due process, to have been subjected to sexual misconduct.

Volunteer is the term used for one who provides services to the church and receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on committees or other groups.

III. REPORTING REQUIREMENTS

Accusations of sexual misconduct may occur in a variety of ways. This may include a report by an alleged victim, by an accuser other than the alleged victim, or by a non-accusing third party. Because the Session cannot control to whom the accuser/alleged victim will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand to whom such reports should be referred.

- A. The Duty to Report:** Accusations of sexual misconduct shall never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the accuser/alleged victim, the accused, and the church. Reports should be dealt with confidentially, both before and after they have been submitted to the appropriate authorities as outlined below.

The person receiving the initial accusation of sexual misconduct from the accuser/alleged victim shall immediately inform:

1. The Staff person in charge of the event or onsite; unless the staff person is the one accused.
2. The Staff person in charge or onsite will notify the Pastor and the Chairperson of the HR Committee.
3. If the person accused is a Staff member, the volunteer will report to the Pastor
4. If the person accused is the Pastor, the volunteer will report to a Staff member who will report the matter to an official of the Presbytery.

The incident will be reported to civil or criminal authorities when required by local or state law.

No one, except The Response Coordination Team (RCT) properly constituted by the Session, is authorized to conduct an inquiry into an accusation of sexual misconduct.

Persons to whom the initial allegation or report of possible sexual misconduct is made should refrain from independently undertaking any investigation into such report. This includes questioning the accuser/alleged victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or therapy session.

If the accuser/alleged victim is reluctant to report to civil authorities or participate in judicial process (including the disciplinary process available under the Rules of Discipline of the Book of Order) the person who receives the initial report has a special responsibility to encourage the accuser/alleged victim to cooperate with civil and church authorities.

B. In Cases of Youth or Child Sexual Abuse:

1. Within the church, all persons covered by this policy have a duty and the legal responsibility to report suspected child sexual abuse in compliance with Florida Statutes.
2. All persons covered by this policy should be informed of, and must comply with state and local laws that mandate all incidents of actual and suspected child sexual abuse must be reported to civil authorities. Florida law defines "child" as under age 18.
3. Reports to Higher Governing Bodies: If the accused is in a high-level position, such as Pastor (Head of Staff), the subsequent accusation should be given to an official of the Presbytery of St. Augustine.

**UPDATE: ADOPTED BY HODGES BOULEVARD PRESBYTERIAN CHURCH SESSION
OCTOBER 25, 2012**

POLICY RECOMMENDATION FROM HR MISSION TEAM

TO SESSION OF HODGES BOULEVARD PRESBYTERIAN CHURCH

OCTOBER 9, 2012

The HR Mission Team recommends Session adopt the following policy:

In order to ensure individuals who work with our children and youth have appropriate, current information in relation to "Good Touch / Bad Touch", the following policy is adopted:

1. Any individual (staff or volunteer) who works with either children (including the nursery) and youth will participate in a "Good Touch / Bad Touch" orientation prior to the time they volunteer. The orientation includes the individual signing documentation authorizing Hodges to conduct a background check.
 - a. Documents are maintained by the office staff.
 - b. Attendance will be taken and maintained by the office staff.
2. Volunteers must participate in the orientation presentation every 5 years.
3. Any individual volunteer who work with either children (including the nursery) must be a regular, active participant in activities at Hodges for a period of 6 months before being approved as a volunteer.
4. The orientation will be conducted at least annually.
 - A. All volunteers must complete the current curriculum on Safeguarding Our Children/Youth I training conducted by the Director of Faith Formation or other qualified staff member.
 - B. Refresher training will be offered annually

AMENDED FEBRUARY 18, 2021

The HR Mission Team recommends Session amend the policy in this manner:

In order to ensure individuals who work with our children and youth have appropriate, current information in relation to Safeguarding our Children & Youth or other HBPC Sexual Misconduct/Awareness Training or workshop, the following policy is adopted:

1. Any individual (staff or volunteer) who works with either children (including the nursery) or youth will participate in a "Safeguarding our Children & Youth or other HBPC Sexual Misconduct/Awareness Training or workshop, prior to the time they volunteer. The orientation includes the individual signing documentation authorizing Hodges to conduct a background check.
2. Refresher training will be offered annually.
3. All volunteers are required to complete the training every 5 years.