

PRESBYTERY OF LONG ISLAND SEXUAL MISCONDUCT POLICY

I. PREAMBLE

It is the policy of the Presbytery of Long Island ["Presbytery"] that all church members, church officers, non-member employees, and volunteers are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct.

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

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

You know that we who teach shall be judged
with greater strictness.

I Peter 1:15; 5:2; James 3:1

We believe and proclaim that all people are created by God. God values all life—all human life, adults and children—and intends that in all relationships everyone has dignity and worth.

Further, we believe that God has shown love for all persons in Jesus Christ, and intends that all people should relate to one another with justice. We believe, therefore, that sexual misconduct is an offense against God.

Scripture asserts that religious leadership involves a covenant relationship that assumes trustworthy exercise of power on behalf of those in our care. Sexual misconduct becomes an abuse of that power and trust, and is, therefore, unjust.

Power in ministerial relationships is inevitably unbalanced because of the inherent authority associated with the office of ministry, both historically and culturally. In addition, those who are involved in this ministry (both clergy and lay persons) have actual power because the people to whom they relate trust in the office of ministry and may be made vulnerable by their own life situations. Abuse that betrays this trust is not only a traumatic experience for the victim(s), but it

also represents a tragic breakdown of the character and commitment of the abuser. This breakdown threatens not only those immediately affected, but also the well-being and credibility of the church itself.

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world." (*Book of Order*, G-2.0104a)

For too long, incidents of sexual misconduct have been glossed over, rationalized, or covered up for "the good of the church." But the "good of the church" can never be served by overlooking an abuse of power and betrayal of trust. Sexual misconduct is always wrong. Charges of misconduct must be dealt with swiftly, fairly, and with compassion for all parties involved. The Presbytery of Long Island hereby proclaims that:

1. Sexual misconduct is a violation of the role of pastors, employees, officers, and volunteers of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of congregation members, co-workers, and children & youth.
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 in an abusive, exploitative, and unjust manner. Responsibility for maintaining appropriate sexual boundaries belongs to the pastor, commissioned pastor, staff member/supervisor, officer, or other leader, regardless of who initiates or invites sexual content.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

II. WHO IS COVERED

This policy covers the Presbytery of Long Island, meaning all those persons who by position and ministry are responsible to it: the staff of the presbytery and its entities; members of the presbytery; and elders, deacons, volunteers, and employees as they serve the ministry, mission, and business of the presbytery.

All churches within the bounds of the presbytery shall be aware of this policy. All sessions of churches within the bounds of the presbytery are required to adopt and implement their own sexual misconduct policy. (*Book of Order* G-3.0106)

III. DEFINITIONS

Sexual Misconduct is the comprehensive term used to include:

1. *Child sexual abuse*: includes, but is not limited to, any contact or interaction between an adult and a child wherein the child is being used for the sexual stimulation of the adult or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced. In the Presbytery of Long Island, the sexual abuse definition of a child is anyone under age eighteen. *Book of Order* G-4.0302 addresses mandatory reporting requirements related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor.
2. *Sexual abuse*: any offense involving sexual misconduct in relation to any person under the age of eighteen years or anyone without the capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position. Sexual abuse is contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A), and is therefore always an offense for the purpose of discipline. (*Book of Order* D-7.0901)
3. *Sexual harassment*: unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes conduct directed by a person at another person of the same or opposite gender. Unwelcome verbal or physical conduct of a sexual nature includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.
4. *Rape* or sexual contact by force, threat, or intimidation.
5. *Sexual malfeasance or impropriety*: defined by the broken trust resulting from sexual activities or advances within a professional ministerial relationship, or with those for whose spiritual welfare one is responsible by one's position in the church, that results in misuse of office or position. Such behavior can be verbal or physical conduct of an inappropriately sexual nature (e.g., risque jokes, innuendoes, insults, ingratiating and over solicitous behavior, including sexually inappropriate visits and phone calls, seductions, and fondling). Mutual seduction resulting in mutual victimization is also considered misconduct.
6. *Misuse of technology*: use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church/presbytery property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

Accused: the term used to represent the person against whom a claim of sexual misconduct is made.

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

Advocate: a person chosen by the accused, the accuser, or the alleged victim to accompany them at any or all stages of the process. In this policy, “advocate” does not necessarily denote legal representation. An advocate must be a member of the PC(USA).

Employee: the comprehensive term used to cover individuals who are hired or called to work for the presbytery for salary or wages.

Sexual Misconduct Response Team (SMRT): comprised of three people nominated by the Nominating Committee and appointed by the presbytery. The SMRT should include at least one trained professional in a trauma-informed field. At least two members of the SMRT should be members of the PC(USA), but one may be a professional from outside of the denomination. The responsibilities of the SMRT includes conducting an annual review of the presbytery’s sexual misconduct policy, with a report to the presbytery at the second meeting of each year; establishing a training program for members of the SMRT, Permanent Judicial Commission, Investigating Committees, and any other individuals or bodies involved in an inquiry alleging sexual misconduct; and when there is an allegation of sexual misconduct, being available for spiritual support requested by either party or, where appropriate, the pastors of either party.

Victim: the person alleged to have been injured by sexual misconduct.

IV. PRINCIPLES

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained. Concern for privacy, however, does not justify denying or “hushing up” appropriate information and responses. The presbytery’s response will be made with concern for both privacy and truthfulness. Information and responses may be shared, as appropriate, with the involved parties, with the presbytery and its committees, with sessions, and with civil authorities.

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

As stated in the preamble, the “good of the church” can never be served by overlooking an abuse of power and betrayal of trust; sexual misconduct is always wrong; and charges of misconduct must be dealt with swiftly, fairly, and with compassion for all parties involved. In addition to church discipline, the presbytery’s response may include pastoral care for victims

and their families or others; pastoral care and rehabilitation, if needed, for those accused and care for their families; and pastoral care for congregations and the presbytery.

The PC(USA) has jurisdiction over its members, officers, and employees such that if a member, officer, or employee is alleged to have committed an offense against Scripture or the PC(USA) Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the *Book of Order*.

In the case of an active non-member who is employed or volunteers with the presbytery, the individual will be covered by the written policies and procedures of the presbytery.

If the person accused of sexual misconduct is no longer a member, officer, or employee of the PC(USA), but the conduct occurred while the person was acting on behalf of the PC(USA), the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The presbytery may appoint an administrative commission or commission to hear the allegations of sexual misconduct. The presbytery may also take measures to prevent future occurrences of harm through education and policy.

All the parties directly involved in the allegation—the accuser/victim and the accused—may at any and all points have an advocate with them. An investigating committee or any other team shall have at least two members present when meeting with the accuser/victim or with the accused. Such consultations shall always include one committee or team member who is of the same sex as the person being interviewed.

Records and documents related to allegations of sexual misconduct, whether digital or hard copy, should be kept secure.

V. REPORTING

Reports of sexual misconduct will occur in a variety of ways. Because the presbytery and its churches cannot control to whom someone making an accusation of sexual misconduct will first speak, it is important that all members, officers, leaders, and employees understand to whom reports of incidents are to be channeled. It is the duty of those persons to see that any allegation of sexual misconduct is reported appropriately, keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports in any way involving persons covered by this policy should be made to the Stated Clerk of the presbytery. If the report of allegations is placed in writing, the Stated Clerk shall then follow those procedures outlined in the Church Discipline section of the *Book of Order*. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee

of the presbytery, the presbytery will respond by using procedures set forth by policy or bylaws of the presbytery. If the report involves the Stated Clerk, the report shall be made to the chair of the Personnel Committee of the presbytery.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care or counseling. The person receiving the initial report of allegations of sexual misconduct shall ensure that the allegations of offense are filed with the Stated Clerk of the presbytery. If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place those allegations in writing. A report of allegations of sexual misconduct in writing from a member of the PC(USA) alleging another member or officer of the PC(USA) committed an offense must be acted on according to Church Discipline of the *Book of Order*. If the Stated Clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging a member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to Church Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will invoke Church Discipline of the *Book of Order*.

Particular attention shall be given to compliance with both ecclesiastical and civil mandatory reporting requirements in the case of knowledge of harm, or the risk of harm, related to child abuse. (See *Book of Order* G-4.0302) All persons must comply with state and local laws regarding incidents of actual or suspected child sexual abuse.

The importance of properly reporting an allegation of sexual misconduct cannot be over-emphasized. Attempts to resolve accusations informally at the lowest organizational level, while understandable, can often result in nothing more than covering up the problem or trying to make it “go away.”

VI. RESPONDING

The presbytery’s response will vary according to the relationship of the PC(USA) with the person who is accused of sexual misconduct. Church members and officers are subject to inquiry and discipline under the *Book of Order*. Non-church member employees and volunteers are subject to oversight and correction by the presbytery that employs them.

1. Accused covered by the *Book of Order*

When an allegation of offense of sexual misconduct has been received in writing by the Stated Clerk of the presbytery, the Stated Clerk will report to the presbytery that an offense has been alleged and that the presbytery will proceed according to the procedures set forth in the Church Discipline section of the *Book of Order*. The presbytery shall appoint an investigating committee, consistent with the requirements of Church Discipline, to inquire into the allegations. The members of the investigating committee will be appointed by the Stated Clerk and the Moderator of the Shepherding Council. If the allegation involves either the Stated Clerk or the Moderator of the Shepherding Council, the second person responsible for appointing members of the investigating committee will be the Moderator of the presbytery. The members of the investigating committee shall be balanced between elders and ministers and balanced in gender.

The Stated Clerk shall determine any notification required to be made to the presbytery's insurance carrier.

The investigating committee must promptly begin its inquiry into the allegations. Delay may cause further harm to the victim and/or the accused.

The presbytery must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church discipline proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

The investigating committee shall be trained at the start of any inquiry by a qualified professional who can address: (a) understanding the needs of victims of sexual misconduct, and how to address those needs with care, compassion, and sensitivity; (b) understanding the challenges in telling one's own story of experiencing sexual misconduct; (c) guidance in crafting and asking interview questions; (d) establishing clear boundaries; and (e) understanding the legal implications. Any disposition of an allegation of sexual misconduct be reported to the whole Committee on Ministry at a regular stated meeting, as well as reported to the presbytery consistent with the *Book of Order*.

After receiving the written allegation, the appointed investigating committee should promptly contact the accuser/victim and the accused with the written allegation, their right to choose an advocate to be with them throughout the process, and the principles outlined in this policy. The investigating committee will inform the accuser/victim and the accused that information gathered in the investigation may become evidence in Church Discipline or civil proceedings. The investigating committee will outline next steps and inform the accuser/victim and the accused of a contact person for the investigating committee.

The investigating committee will proceed with its work as outlined by the *Book of Order*. Any interviews conducted by the investigating committee must involve at least two members of the investigating committee, and at least one of those members must be the same gender as the person being interviewed.

The Sexual Misconduct Response Team will be notified in order to provide pastoral care and support to the accused and the accuser/victim, as appropriate. The Committee on Ministry may also be contacted if congregational care is needed.

The presbytery has original jurisdiction in disciplinary cases involving teaching elders. Determinations regarding the continuation of the pastoral relationship or administrative leave shall be made in accordance with the *Book of Order*.

When a member renounces jurisdiction, the Stated Clerk shall report the renunciation at the next meeting of the presbytery and shall record the renunciation in the minutes of the presbytery. The status of any pending changes may be shared with the presbytery at that time.

2. Accused not covered by the Book of Order

When the presbytery receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the presbytery will be guided by the written policies of the presbytery and led by the Personnel Committee of the presbytery. The Personnel Committee, or committee designated by the Personnel Committee to review the allegation, will do the following in response to the allegation:

- a. determine whether or not the allegation gives rise to the reasonable suspicion of sexual misconduct by the accused;
- b. if so, gather additional information necessary to make a decision about correcting the behavior;
- c. determine any remedies, including limiting ministry, suspension, or termination, necessary and advisable under the circumstances. If the accused is a member of another denomination, that denomination will be notified of the allegations and the response;
- d. inform the victim and the accused of the remedy;
- e. prepare a written report, which shall be included in the accused's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

VII. RECORD KEEPING

The presbytery should keep detailed and secure records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. The Stated Clerk will maintain the records while the inquiry is in process.

VIII. PREVENTION, RISK MANAGEMENT, AND EMPLOYMENT PRACTICES

1. Insurance

The presbytery shall carry an adequate liability insurance policy that includes coverage for sexual misconduct.

2. Personnel Files

The presbytery should maintain a personnel file on all minister members and employees.

3. Reference and Background Checks

All persons seeking positions as minister members of the presbytery and/or presbytery staff shall complete a certification and release form and acknowledgment of receipt of this policy (Appendix). A criminal background check shall be completed by the presbytery for all new minister members of the presbytery, staff for the presbytery, commissioned pastors, anyone serving in a pastoral role in a congregation, and anyone seeking to be on the presbytery's pulpit supply list. For churches seeking a minister, contacting references is the responsibility of the Pastor Nominating Committee. The Executive Presbyter will conduct an EP check on any ministers seeking employment at a congregation within the presbytery.

The Executive Presbyter and/or Stated Clerk, or any other person authorized to give a reference on behalf of the presbytery, is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

If false or misleading information is given by the applicant, or relevant information is withheld, the applicant should be eliminated from consideration.

Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

4. Volunteers

Volunteers must comply with all policies of the presbytery. Volunteers who engage in any programs with children or youth must complete a criminal history background check and training. Their work should be closely supervised by the responsible entity within the presbytery.

5. Training

New York State requires all employees, including staff of the presbytery to complete Sexual Harassment Prevention Training annually. Minister members of the presbytery and commissioned ruling elders who are actively serving, including on the pulpit supply list, must report their annual compliance with this training. Additionally, minister members, commissioned ruling elders, inquirers/candidates, certified Christian educators, and presbytery staff must complete all trainings required by the Book of Order (G-2.0603, 2.1002, 2.11, 3.0106), including boundary training which includes the topic of sexual misconduct every thirty-six months, and child sexual abuse prevention training every thirty-six months. Those who do not comply will not have their terms of call approved by the Committee on Ministry until such training is completed for each calendar year, and a list of ministers not in compliance will be compiled by the Stated

Clerk and shared annually at the January Presbytery meeting. Other consequences for noncompliance may be determined by the Stated Clerk and the Committee on Ministry.

This policy shall be reviewed annually by the Shepherding Council and reported to the presbytery at the second meeting of the presbytery each year. The Shepherding Council may make any necessary updates to the policy, with those changes to take effect upon report to the presbytery at a stated meeting.

Approved by the Presbytery of Long Island
May 3, 2025



Presbytery of Long Island

109 Udall Road, West Islip, NY 11795
presbyteryofli.com

BACKGROUND INVESTIGATION CONSENT

Presbytery of Long Island

I, _____(complete name), hereby authorize the Presbytery of Long Island and/or its agents to make an independent investigation of my background, references, character, past employment, education, criminal, or police records, including those maintained by both public and private organizations and all public records for the purpose of confirming the information contained on my application for volunteer service or Personal Discernment Profile (PDP) or resume and/or obtaining other information, which may be material to my qualifications as a volunteer and or employee now, and if applicable, during the tenure of my volunteering/employment within the Presbytery of Long Island of the Presbyterian Church (U.S.A.).

I release the Presbytery of Long Island and/or its agents and any person or entity which provides information pursuant to this authorization from any and all liabilities, claims, or lawsuits in regards to the information obtained from any and all of the above-referenced sources used.

The following is my true and complete legal name; all information is true and correct to the best of my knowledge.

First Name	Middle Name	Last Name	Suffix
AKA 1 First Name	AKA 1 Middle Name	AKA 1 Last Name	
SSN _____		Email _____	
DOB _____		Phone # _____	
Street Address _____		Gender F M (circle one)	
Zip _____		Driver License # _____	
State _____		Driver License State _____	
Signature _____		Date _____	
Office use			
Church _____		Start Date _____	

Presbytery of Long Island

I certify that, (a) no civil or criminal or ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct on my part; and (c) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part.

Signature

Date

Note: If you do not want to make the above certification, you may attach this form to a description of the complaint, termination, or course of treatment in which you have been involved, preferably given the names, telephone numbers, and address of employers, physicians and therapist, the outcome of the situation and any explanatory comments you can add. This information is for the consideration of the Committee on Ministry and the Pastoral Nominating Committee and will be kept confidential.



Presbytery of Long Island

109 Udall Road, West Islip, NY 11795
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Name _____

Church _____

Start Date _____

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I received on _____ (date) copies of the following Presbytery of Long Island policies: (1) Sexual Misconduct Policy and Its Procedures, (2) Child / Youth / Vulnerable Adult Protection Policy and Its Procedures, (3) Harassment Policy, and (4) Anti-Racism Policy, and that I have read these policies, understand their meaning, and agree to conduct myself in accordance with these policies.

Signature _____

Date _____

ACKNOWLEDGMENT OF REQUIRED TRAINING

In accordance with the Book of Order of the Presbyterian Church (U.S.A.), New York State, and the Presbytery of Long Island, I hereby acknowledge that I have / I will (circle one) completed all required trainings within the first three months of my call _____ (start date). I also will continue to comply with all training requirements while I am a member of this presbytery.

Signature _____

Date _____

Office use

COM date _____

Received _____

Training completed _____