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Definitions

Some of the following definitions come from the Presbyterian *Book of Order* and the publication *Striking Terror No More: The Church Responds to Domestic Violence*, Beth Basham and Sara Lisherness, editors. Used by permission of Congregational Ministries Publishing, Presbyterian Church (U.S.A.), 100 Witherspoon Street, Louisville, KY 40202.

Others were taken from the publication “Sexual Misconduct Policy and Its Procedures” (adopted by the 205th General Assembly, 1993).

Accused — the person against whom a claim of sexual misconduct is made.

Accuser — the person claiming knowledge of sexual misconduct by a person covered by the policy. The accuser may or may not be the victim of alleged sexual misconduct. A person such as a family member, friend or colleague of the alleged victim may be the accuser whose information initiates the inquiry.

Child abuse (from *Striking Terror No More: The Church Responds to Domestic Violence*)

Physical abuse involves a person deliberately and intentionally causing bodily harm to a child.

Neglect is the failure of parents or other caregivers to provide for the basic needs of a child such as food, clothing appropriate to the weather and shelter. Neglect includes educational neglect, medical neglect, physical neglect and emotional neglect.

Emotional abuse is a pattern of behavior that results in emotional disturbances in a child.

Child sexual abuse includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person 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 whether or not consented to by the child. In the Presbyterian Church (U.S.A.) the sexual abuse definition of a child is anyone under the age of 18.

Church — spelled with the first letter capitalized, refers to the Presbyterian Church (U.S.A.); when spelled with the first letter lowercase, refers to local churches. The word *congregation* is used loosely for members and participants.

Employee — comprehensive term used to cover individuals who are hired or called to work for the Church, a governing body, a local member church, or other institutions or entities formally related to the Church or one of its constituent bodies, for salary or other material compensation.

Entity — term used to refer to any congregation, program, or office managed by a board, committee, council or other body whose membership is elected by a governing body. (See *Manual of the General Assembly*, Standing Rule E, I, c.)

Fiduciary relationship — derives from the Latin, *fiducia*, trust. Describes a relationship founded on trust or confidence in which one partner holds something in trust for the other, e.g. a trustee who is designated by role to act and function in the best interests of another, including not committing harm against the one who intrusts herself/himself and interests to the fiduciary. The fiduciary accepts an affirmative obligation on behalf of the other. In the Church, all ministry is a gift from Jesus Christ and is given to all who belong, whether as ordained or commissioned or lay members. In the context of a ministerial relationship, the fiduciary is one, who by reason of her/his position or responsibilities, is acting in a capacity of authority, trust or power. A fiduciary in the Church is expected to act with right motives and with personal attributes of character and integrity consistent with the position, office or role. Because a fiduciary relationship is based on authority, trust and power, it renders sexual misconduct inappropriate and wrong. (Policy on Sexual Misconduct, Presbytery of Genesee Valley)

Governing body — a representative body composed of elders and ministers of the Word and Sacrament; these are sessions, presbyteries, synods and the General Assembly. A governing body may establish entities such as day care centers, conference centers, camps, homes for the aged or other mission entities. A governing body may have both church members and nonmembers as employees.

High-risk occupation — an occupation that calls for a person to work in close contact with those who are vulnerable and less capable of protecting themselves, with children, elderly persons or those who are wholly or partially incapacitated or counseling clients having emotional or personal problems.

Inquiry — term used in the Rules of Discipline (*Book of Order*) to determine whether charges should be filed based upon allegations of an offense received by a governing body (see *Book of Order*, D-10.0101, D-10.0102 and D-10.0103).

Investigation — a term generally used by police, secular prosecutors and child protective services when responding to allegations of an offense, and persons that are to be investigated will be so advised.

Mandated reporter — a person required by state law to report any and all suspected incidents of child abuse, including child sexual abuse, that come to his or her attention.

Minister or pastor — one who is ordained to specific pastoral ministry within a congregation or to specialized ministry. This also refers to lay pastors.

Ministerial relationship — the relationship between one who carries out the ministry of the church and the one being served by that ministry.

Professional staff — staff members who lead programmatic ministries for congregations or presbyteries but are not ordained pastors. Such people include church musicians, DCEs, youth directors, staff at presbytery, etc.

Reasonable suspicion or reasonable cause to suspect — a belief or opinion based on fact or circumstances that are sufficient for a prudent person to want to inquire further or to take protective action or to report a suspicion to authorities.

Response — action taken by the governing body or entity when a report of sexual misconduct is received.

There are two types of groups called upon to respond when any report of sexual misconduct is received and both types are used in every case. Those two types of groups are:

1. *A Response Team* — a body constituted by a governing body or entity to facilitate the process of responding to allegations of sexual misconduct. The duties of the response team may include:
 - a. Pastoral care for alleged victims and their families and others

b. Pastoral care and rehabilitation for the alleged perpetrators and care for their families

c. Education/training of congregations, minister members

The duties do not include inquiry into allegations.

2. *An Investigating Committee* — Response by an investigating committee is required by the Rules of Discipline (in the case of a minister member of presbytery). See D-10.01 03-1 05, D-10.0201, and D-10.0202, which give specific direction regarding the investigating committee's work and report. This committee determines whether charges should be filed. The IC is appointed by rule of presbytery as soon as notified by the stated clerk that an allegation has been received. The IC shall conduct its investigation in accordance with the Rules of Discipline in the *Book of Order*. At the beginning of each and every conference with the accused the IC shall inform the person of his/her rights as stated in D-10.0203. The IC's conclusions will be communicated to all as provided by D-10.0300-10.0303. If charges are filed, the provisions of D-10.0400 shall be followed, and trial shall proceed in accordance with D-11.

a. *Personnel Committee* — Disciplinary action will be taken in accord with the personnel policies of the presbytery (in the case of an employee).

Secular authorities — the governmental bodies, whether city, county, state or federal, that are given the responsibility to investigate and/or bring civil or criminal charges against individuals accused of sexual crimes or offenses against adults and children.

Secular law — the body of municipal, state and federal laws, often referred to collectively as civil and criminal law. Prohibited behavior may result in criminal and/or civil charges filed under secular law.

Sexual exploitation — sexual activity or contact (not limited to sexual intercourse) in which a person engaged in the ministry of the church takes advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the person.

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or continued status in an institution.

2. Submission to or rejection of such conduct is used as the basis for employment decisions

affecting an individual.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment.

4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching or display of sexual visuals that insult, degrade and/or sexually exploit men, women or children.

Sexual misconduct — a comprehensive term that includes:

1. Child sexual abuse

2. Sexual harassment

3. Rape or sexual contact by force, threat or intimidation

4. Sexual conduct (such as offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another

5. Sexual malfeasance as defined by the broken trust resulting from sexual activities within a ministerial relationship or other professional relationship

6. Sexual abuse of another person involving sexual conduct in relation to any person under the age of 18 years, anyone over the age of 18 without the mental capacity to consent or any person when the conduct includes force, threat, coercion, intimidation or misuse of office or position (*Book of Order*, D-10.1401 b)

Volunteer — the term used for one who provides services for governing bodies and entities of the Church and receives no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees or other groups. For purposes of this policy, volunteers are treated the same as employees. Expectations of the governing body or entity are the same for volunteers as for employees.

These definitions will be updated as needed.

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