

POLICY FOR DEALING WITH SEXUAL ABUSE AND SEXUAL HARASSMENT

(A&P 2017, p. 409–10, 21)

PROPOSED REVISION TO THE POLICY

Based on this analysis, a special treatment of the case is warranted when a minister complains of sexual abuse or sexual harassment by a lay person in the same congregation. It is proposed that the minister submit the complaint directly to the presbytery. If the presbytery upholds the complaint and assigns discipline, the presbytery would inform the session, perhaps also providing instructions for disciplinary actions the session needs to take. If the presbytery does not uphold the complaint, there would be no need for the session to be informed. This approach holds the greatest potential for leaving undisturbed the pastoral relationships between the minister and ruling elders, and more broadly, within the congregation.

In the proposed policy, the pertinent section would read as follows. New text appears with underlining.

SECTION III: IMPLEMENTING THE POLICY

A. Who is Subject to this Policy?

The policy applies to all the individuals and ministries accountable to The Presbyterian Church in Canada: to all church leaders, staff and volunteers; to all sessions, presbyteries and synods; to all congregations; to all agencies and committees of the church; and to all non-church groups using church facilities.

Complaints of sexual abuse or sexual harassment are dealt with by the church court to which the person complained against is accountable. The sole exception is found in complaints of sexual abuse or sexual harassment made by a minister serving in a congregation against a lay member, adherent or salaried staff person of the same congregation. Such complaints are to be taken directly to the presbytery.

Accountable to Presbytery

Presbyteries deal with complaints against individuals who are subject to their discipline. This includes ministers of Word and Sacraments and diaconal ministers whose names appear on the roll or appendix to the roll of the presbytery; presbytery appointed lay missionaries; and certified candidates for ordination and certified candidates for ministry under the care of the presbytery.

Accountable to Synod

Synods deal with complaints against individuals who are subject to their discipline. This includes lay employees of the synod who are not accountable to a presbytery. Lay regional staff and lay camp directors are two examples.

Accountable to Session

Sessions deal with complaints against individuals who are subject to their discipline. This includes members and adherents of the congregation, provided they are not accountable to the presbytery or synod. This is true whether the individuals serve as volunteers, including ruling elders, or as salaried employees of the congregation. Non-church groups using the congregation's facilities are also accountable to the session.

Special Note on Ruling Elders

Ruling elders are subject to the discipline of the session, and hence complaints against them are dealt with by the session. However, only presbyteries can depose a ruling elder for cause. Therefore, sessions must be prepared to make a full report of their findings to the presbytery if their response to a complaint under the policy is to recommend that a ruling elder be deposed.

CONCLUSION

The church's procedures assign responsibility for dealing with a complaint of sexual abuse or sexual harassment to the church court to which the person complained against is accountable. While this principle has been affirmed, the case has been made for departing from this principle for complaints of sexual abuse or sexual harassment made by a minister serving in a congregation against a lay member, adherent or salaried staff person of the same congregation. Revisions to the policy are proposed that assign such cases to the presbytery. For this reason, the following recommendations are proposed.

Recommendation No. 12 (adopted, p. 21)

That the revisions to the Policy for Dealing with Sexual Abuse and Sexual Harassment outlined above be approved.

Recommendation No. 13 (adopted, p. 21)

That the prayer of Overture No. 6, 2016 re revising the Policy for Dealing with Sexual Abuse and Sexual Harassment when the complainant is a minister in a congregation be answered in terms of the preceding report.