

SEXUAL MISCONDUCT PREVENTION POLICY

Sexual misconduct is a violation of an individual's bodily integrity and is never permissible in any form. Sexual misconduct is incompatible with biblical teachings of hospitality, justice and healing. Such behavior is sinful and violates the teachings of the Church, as well as the covenantal relationship by which we are called to live with God and with one another.

It is the policy of Grace Lutheran Church that sexual misconduct will not be tolerated. Any complaint of sexual misconduct will be dealt with quickly and confidentially. This policy applies to pastors, lay employees, volunteers and congregation members. The intent of this policy is to make certain that responses to any allegation of sexual misconduct be appropriate and compassionate for all involved, and that all parties be heard. In accordance with federal and state laws and legal definitions, all staff and volunteers are mandated to report suspected sexual abuse of children and vulnerable adults to the proper authorities. We will comply with any and all legal mandates. Furthermore, Grace Lutheran Church bears affirmative responsibility to create an environment of hospitality for all people which is free of these sins and encourages respect, equality and kinship in Christ.

A - DEFINITIONS:

Sexual Misconduct is a comprehensive term used in this policy to include:

1. Sexual Abuse as defined below.
2. Sexual Harassment as defined below.
3. Rape or sexual contact by force, threat, or intimidation.
4. Sexual Malfeasance as defined below.
5. Production, distribution or viewing of pornography on church property and/or with church equipment.

Sexual Abuse is defined as sexual involvement or contact by a person in a position of trust with any person under the age of eighteen years or any person over the age of eighteen years who lacks the mental capacity to consent. Sexual abuse of a minor is further defined in Minnesota Statute 626.556, Subdivision 2 (d). Abuse, including sexual abuse, of vulnerable adults is further defined in Minnesota Statute 626.5572, Subdivision 2.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by pastors, lay employees, volunteers and congregation members when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status with the congregation, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or their continued status within the congregation, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ability to worship by creating an intimidating, hostile, or offensive working/worshiping environment based on the declared judgment of the affected individual, or
4. An individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, sexual propositions, or other conduct of a sexual nature, or display of sexual materials that insult, degrade, and/or sexually exploit men, women, youth or children.

Sexual Malfeasance is any impropriety or wrongdoing from sexual conduct within a ministerial or professional relationship. Examples of such conduct include adultery, indecent exposure, unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature and may include force, threats, coercion and intimidation. This definition is not intended to cover relationships between spouses, nor is it meant to restrict church professionals from having normal mutual, social, intimate or marital relationships.

B - REPORTING SEXUAL MISCONDUCT:

Any person who believes they have experienced or witnessed sexual misconduct, or has had a sexual misconduct issue reported to him/her, should report it immediately to the president of the congregation or a pastor. If the person is not comfortable reporting the incident to any of the above individuals, they may report allegations of sexual misconduct to any person or group in a position of responsibility in the congregation or synod. If the person finds it difficult to report allegations of sexual misconduct to anyone in a position of authority, they may confide in a friend, spouse, parent, or other trusted person. By allowing allegations of sexual misconduct to be made by either the victim or any confidant of the victim, Grace encourages victims to begin their personal healing process and help prevent further victimization of others as well.

The following items should be taken into consideration when reporting or receiving a report of sexual misconduct.

1. Allegations of sexual misconduct against pastoral staff or associates in ministry will be reported to the Synod bishop.
2. Allegations of sexual exploitation against pastoral staff will be reported in compliance with synod procedures under Minnesota Statutes Chapter 148A. Minnesota Statutes Chapter 148A includes pastoral staff in the definition of therapist and declares that sexual contact as described under the statute is illegal. The Saint Paul Area Synod offers assistance to congregations by conducting

background checks on clergy and professional staff. Congregation presidents are required to provide information to the call process about any allegations of sexual misconduct which have involved pastors being considered for a call.

Congregations should maintain addresses for congregation presidents who have served in the past five years.

3. Allegations of sexual misconduct against lay staff, volunteers and congregation members will be reported to the pastor or congregation president. Unless special circumstances prevent it, allegations will be reported to the pastor who will then work with congregation officers and the bishop's office to both support the alleged victim and address the allegation.
4. State law requires that all allegations of sexual abuse with minor children and vulnerable adults be reported to legal authorities immediately. Failure to do so carries penalty to the person(s) aware of the sexual abuse.
5. Pastors hearing confessions about sexual misconduct involving legal adults will maintain confidentiality. Information gained in a Service of Confession and Forgiveness is protected by the Seal of Confession and will remain confidential except when minor children and vulnerable adults are victims of sexual abuse.
6. Whenever there are allegations founded or unfounded, of sexual misconduct, conflict exists between the rights of the alleged victim and accused, to confidentiality and the need for others to know. Except when required by state law, the rights of the victim must take precedence. Grace Lutheran Church will make every reasonable effort to maintain confidentiality by disclosing information about the complaint only on a "need to know" basis and as necessary to promote God's call for justice, reconciliation and healing.
7. Allegations of sexual misconduct must be made in writing. Although the initial report often will be verbal, the allegations must be made in writing before formal action can be taken to investigate the allegation. The written allegations state the facts from the victim's perspective. The victim may write the allegation or may sign a documentation of the allegation.
8. Grace Lutheran Church will not retaliate against any person who brings forward a complaint. All staff, congregation leaders, and congregation members are expected to immediately report any knowledge of sexual misconduct to any one of the persons listed above. Prompt and appropriate investigation and corrective action will be taken, including discipline. Persons who make false accusations will be disciplined in accordance with the constitution.

C - INVESTIGATING SEXUAL MISCONDUCT:

Grace Lutheran Church commits itself to fair and expedient investigation of sexual misconduct within the church and to take action deemed appropriate.

Allegations of sexual misconduct against lay employees, volunteers and congregation members will be investigated and adjudicated by the Executive Committee. If a member of the Executive Committee is the accused or the victim, then they will not participate in conducting the investigation. The Committee will conclude their investigation as soon as reasonably possible and will have the authority to use others as resources, both inside and

outside the church, to the extent needed. If it is deemed necessary, the St. Paul Area Synod and/or legal counsel may be used to assist in the investigation. If the Executive Committee does not have the time or skills, then a special committee may be appointed to investigate the allegations in a timely and effective manner.

If a special committee is appointed, the special committee of women and men shall consist of the pastor, one council member and two members at large of the congregation. The accused or victim shall not be one of the special committee members. The special committee shall report its findings and recommendations to the Executive Committee. The Executive Committee may or may not report the allegations to the congregation council. If the allegations are credible and action is recommended, the congregation council will be informed.

Each incident that is reported will be promptly investigated with confidentiality, care and concern for all involved by the Executive or special committee. The investigation will include the following:

1. The investigation will include interviews with all concerned.
2. The investigation will include review of all relevant documentation.
3. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Should an individual's words or conduct be determined to constitute misconduct or harassment, recommendations for action will be developed and appropriate action will be taken. The action taken will depend on the severity of the situation.
4. The congregation council will be sensitive to the needs of all involved and shall provide any support necessary including counseling during the investigation and response.
5. In accordance with the ELCA records retention policy, a written record of each incident will be created and its resolution will be kept for a minimum of 25 years.

The following items should be taken into consideration when investigating a report of sexual misconduct.

1. Congregation officers, council members, pastoral and lay staff, volunteers and congregation members will cooperate with the Synod's investigation of allegations of sexual misconduct. The bishop has responsibility for addressing allegations of sexual misconduct against pastors and associates in ministry.
2. Victims of alleged sexual misconduct have the right to directly confront the accused, they may or may not choose to do so.
3. Victims, their families and friends should be informed of any known resources available to them through the church and community. Victims may choose the support of a trained advocate throughout the process.
4. Due process requires that the accused has the right to know the nature and substance of the allegations. The accused is considered innocent until proven guilty.

D - RESPONDING TO SEXUAL MISCONDUCT:

The Executive Committee, upon reaching a course of action, will meet separately with the person filing the complaint and then with the accused to communicate the results and resolution. The Executive Committee may consult the St. Paul Area Synod and/or legal counsel before recommending a course of action. The Executive Committee may recommend a course of action that includes counseling, education, and/or disciplinary action. If a complaint is not substantiated, all parties will be informed.

The following actions should be taken into consideration when responding to sexual misconduct.

1. Pastoral staff and associates in ministry found guilty of sexual misconduct will be dealt with in accordance with synod guidelines.
2. Lay staff and volunteers found guilty of sexual misconduct will be removed from their duties in the congregation. Congregation members will be disciplined in accordance with the constitution.
3. The congregation will extend Christian love and support to the victims and their families. Victims and their families pay a tremendous price for coming forward with their stories. Congregational members should not yield to temptation to blame the victim. This is especially difficult when the one accused of sexual misconduct is much loved within the congregation. Victims and their families should be supported and welcomed in the congregation.
4. The congregation will extend Christian love and support to those accused and /or found guilty of sexual misconduct. The Bible teaches that we all sin and are in need of God's healing grace. Even though there is forgiveness when there is repentance, there are still consequences. While the congregation is responsible for not tolerating sexual misconduct, they are also called by God to offer Christian love and support to those accused and/or found guilty of sexual misconduct and their families.

E - OVERSIGHT AND EDUCATION:

1. The congregation council will maintain liability insurance to cover potential liability for sexual misconduct.
2. The congregation council is responsible for the education of the staff, volunteers and congregation members about sexual misconduct and the existence of this policy. Education should address the nature of sexual misconduct, ways to prevent sexual misconduct and the existence of procedures for reporting and investigating allegations.
3. The congregation council shall review this policy annually with the pastor, congregation officers and council members, lay employees and volunteers. An annual review of this policy will help people new to their positions as well as those continuing to have a fresh understanding of Grace's policy against sexual misconduct and the procedures for dealing with allegations

