

Redeemer Lutheran Church

Sexual Misconduct Policy

Policy:

It is the policy of Redeemer Lutheran Church to strictly prohibit sexual misconduct. The church will take action to prevent and address any allegations of such incidents. It is also the policy of the church to encourage reporting of such incidents to church leadership. Redeemer Lutheran Church supports timely investigations of such misconduct and shall cooperate with civil authorities in their investigations of child sexual abuse or other criminal misconduct. The church's own investigation shall be handled by someone in authority other than the pastor and shall not interfere with any criminal investigation by civil authorities. In some situations the church's proceedings may have to be suspended until secular investigations are completed.

Definitions:

Sexual Misconduct

Sexual misconduct is inappropriate behavior relating to or involving a sexual nature. For the purposes of this policy it is to be broadly defined to include sexual assault, sexual harassment, and child sexual abuse.

Sexual Harassment¹

Sexual harassment is often difficult to define. The following is for guidance and is not intended as the sole definition of the term. Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal, visual, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- The harassment has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Scope

This policy applies to all church employees, volunteers, members, guests, and visitors. It applies to activities both on and off the church campus when in the context of any church program or church activity.

Purpose

This policy exists for the protection and well-being of all members of the church community. It is also to protect the church from negative consequences of well-meaning people who might try to protect the church's reputation by covering up allegations rather than pursuing them. Additionally, it is necessary to protect people from prohibited forms of discrimination.²

Pastoral Care:

In the interest of providing pastoral care to all people impacted by the serious nature of any sexual misconduct allegations, pastoral care/counseling should be made available to both the victim and his/her family and to the accused and his/her family. For practical reasons, these people on opposite sides of the allegation should have different care providers offered to them or arranged by the church. The church may need to contact another congregation in the area to assist in providing the care required.

Prevention Measures

All potential employees and volunteers working with children are required to fill out appropriate background screening forms for background checks prior to employment or service.³ Further, additional periodic background checks may be required after employment or service as a volunteer. All church staff / employees and those in voluntary leadership positions shall be provided with a copy of this policy. In addition, either the Two Adult Rule or the Rule of Three will be followed in all programs involving children & youth.⁴

Investigation and avoidance of potential defamatory statements

In the event of a sexual misconduct allegation, it is recommended that the church council / elders shall contact an attorney for representation and guidance on the investigation and to avoid making any defamatory statements during the course of the investigation. Church employees and volunteer leaders are asked not to make comments to the press until this guidance is obtained.

Policy regarding sexual abuse of a minor

It is the policy of the church that allegations of sexual misconduct involving minors will always be reported to civil authorities, as required by applicable law, for their review and investigation.

Confidentiality is key to avoiding additional harm of the alleged victim of such actions. The church should limit access to reports containing the name of the alleged victim and of the alleged perpetrator to those with a legitimate need to know.

Request for no investigation

In the event the complaining party is an adult who makes a report to church officials but requests no investigation be completed, factors that would be considered include, but are not limited to, whether:

1. The allegation was made against a staff member;
2. The alleged offender is likely to commit acts of violence in the future;
3. A weapon or threat of physical violence was used during the act; and
4. The reported misconduct reveals a potential pattern committed by a group or at a particular location.

If the individual reporting the misconduct requests confidentiality and the church deems that for the safety of others in the community it is not possible to take no action, the individual reporting the activity will be notified and those providing information will limit it to the facts necessary to protect others in the community.

Reporting in cases involving alleged misconduct by an ordained or commissioned minister

For allegations of misconduct involving the pastor, reporting should be directly to a member of the Board of Elders. In addition to making proper notifications within the church, if allegations of sexual misconduct are made against the pastor or other rostered worker, the local church representative must immediately notify the President of the English District of the LCMS of the allegations for purposes of ecclesiastical supervision.

Sanctions for failure to comply with this policy

Violations of this policy may result in disciplinary action up to and including termination for employees. Violations of law will be handled by law enforcement authorities and may result in criminal penalties.

¹ This definition of sexual harassment is taken from the LCMS Employment Resource Manual, page 12, dated August 2012, which may be found online at lcms.org/resources/churchadministration.

² Title VII of the Civil Rights Act of 1964 prohibits sexual discrimination, which includes sexual harassment.

³ For additional detailed information on this topic, see LCMS guidance document titled "Important Steps to Help Prevent Child Sexual Abuse."

⁴ At least two unrelated adults, or at least three individuals, (one must be a screened adult and the other two no younger than five) must be present at every function and in each classroom, vehicle, or other enclosed area during activities involving children or youth, unless the children and adults are related or parents have placed the children in care of the adult that they are with.