**Sexual Misconduct Policy**

**South Zumbro Lutheran Church**

**Approved by the Church Council -- March 2020**

**Effective ministry in Christ requires that we maintain an environment in which all persons are respected and safe. South Zumbro Lutheran Church (“South Zumbro”) is committed to preventing sexual misconduct but also addressing it when it occurs. South Zumbro will respond to allegations of misconduct with justice and compassion. To that end, this policy has been adopted.**

**It is South Zumbro’s policy that all church members, church officers, pastors, teachers, employees and volunteers working in, with and for South Zumbro, are to maintain the integrity of ministerial, employment, and professional relationships at all times. South Zumbro prohibits sexual misconduct of any kind and will take appropriate and immediate action in response to knowledge or complaints of violations of this policy.**

**Theological Foundation: We believe and affirm every person is created in the image of God. By recognizing that all human beings have sacred worth and are created in the image of God, we convey the good news of the gospel and provide an understanding of God. We further believe and affirm that sexual misconduct within the church is incompatible with biblical teachings and ethical standards. Sexual misconduct is an abuse of power and authority. It alienates people from the ministry of the church. It tarnishes the church’s ministry and mission. Those guilty of sexual misconduct bring real harm to persons, congregations and the church as a whole.**

**Forgiveness is a sacred teaching of the church, but this teaching in no way protects a person guilty of sexual misconduct from the discipline of the church. Representing the church is a privilege requiring the highest standards of conduct. Forgiveness by God or by a person harmed by sexual misconduct does not automatically restore the privilege of serving the church. It is not appropriate for church authorities to pressure persons harmed by sexual misconduct to forgive the offender as a way to restore to the offender the privilege of serving in the church. *Central to the task of church authorities is to protect the vulnerable and to eradicate sexual misconduct from the church*.**

**DEFINITIONS**

1. **Sexual Misconduct. Sexual misconduct is an abuse of power and authority, and is not only an act against one person, but an act against fellow ministry professionals; members in the local congregation; the church at large; and God.**

**Sexual misconduct by an employee, volunteer or member includes, but is not limited to, sexual harassment, sexual abuse, the use or possession of pornography, and any form of criminal sexual conduct and may lead to termination of employment if an employee. Sexual misconduct in any form is unacceptable in church and ministry settings whether it is clergy-to-lay, lay-to-clergy, clergy-to-clergy, lay-to-lay, staff-to- staff, staff-to-volunteer, volunteer-to-volunteer, or volunteer-to-staff.**

1. **Sexual Harassment is a form of sexual misconduct that is defined as, “*any unwanted sexual comment, advance, or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating or coercive. Sexual harassment must be understood as an exploitation of a power relationship rather than an exclusively sexual issue. Sexual harassment includes, but is not limited to, the creation of a hostile or abusive environment resulting from discrimination on the basis of gender*.” To clarify further, it is unwanted sexual or gender-directed behavior that is so severe or pervasive that it alters the conditions of employment or volunteer work or unreasonably interferes with the complainant’s performance or worship experience by creating a hostile environment that can include unwanted sexual jokes, repeated advances, touching, displays, or comments that insult, degrade, or sexually exploit women, men, elders, children or youth.**

**Courteous, mutually respectful, pleasant, non-coercive interactions between staff, both volunteer and paid, and members, including men and women, that are appropriate in the congregation and acceptable to and welcomed by both parties are not considered to be harassment.**

**GENERAL POLICIES AND GUIDELINES:**

1. **All volunteers and paid staff of South Zumbro working with children, youth, and adults will complete a background screening under the direction of the Vice President and a Sunday School Superintendent. This background check will include, but is not limited to criminal records, sex offender registry, and child abuse registry.**
	1. **For confidentiality purposes, the background check applications and information will be kept in a secure/locked cabinet in the church building.**
	2. **A satisfactory completion of the background screening is: no known history or criminal record of, or relating to, child abuse or molestation or other findings of a criminal record involving injury to another.**
	3. **Those convicted of sexual or physical abuse will not be accepted for volunteer or paid service at South Zumbro sponsored activities or programs for children, youth or adults.**
	4. **Persons who do not satisfactorily pass screening may be offered opportunities to volunteer their services or work as paid staff in other areas of the organization. Pastoral guidance and counseling should be offered to these individuals to assist them in understanding South Zumbro’s obligation to provide the highest level of protection to its children, youth, vulnerable adults, and its members.**
	5. **A satisfactory completion of the background screening authorizes individuals to work with children, youth, and adults in activities such as, but not limited to, Sunday School, Vacation Bible School, Choir, Junior League activities, Luther League activities, Confirmation, and Mountain Movers.**
2. **Under the direction of the Vice President and a Sunday School Superintendent, all volunteers and paid staff of South Zumbro working with children, youth, and adults will participate in a mandatory annual training . This training will focus on the South Zumbro Policies and Practices on working with children, youth and adults.**

**BEST PRACTICES**

1. **Children in classrooms shall be visible from outside the classroom. If the classroom door does not have a window, the door should be left open and gated if necessary. Doors should never be locked while persons are inside the room.**
2. **Volunteers and/or paid staff members shall not place himself or herself in a situation where he or she is alone with a child.**
3. **Volunteers and/or paid staff members shall not use profanity, vulgarities, or emotionally abusive language, illicit drugs or alcohol while supervising or working at a South Zumbro sponsored activity for children, youth or adults.**
4. **Volunteers and/or paid staff members shall not strike, hit, spank, or otherwise physically abuse a child, youth or adult.**
5. **Volunteers and/or paid staff members shall not inappropriately touch, fondle, or kiss a child, youth or adults or physically or verbally engage in any inappropriate or sexual manner.**

**INCIDENT REPORTING**

**South Zumbro will courteously treat any person who makes a complaint under this policy. South Zumbro will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the Complainant. Because of the damaging nature of sexual misconduct to the victims and to the entire Church, victims are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy. All allegations of incidents involving improper touching, physical abuse, or sexual abuse of a child, youth or adult during the course of any and all South Zumbro sponsored activites must be brought to the attention of one of the pastors or the Council President as soon as prudently possible.**

**Confidentiality: During the complaint process, the privacy of the information received, the privacy of the individuals involved and the wishes of the Complainant will be protected to as great a degree as is possible. The Complainant must, however, submit a written, signed and dated complaint. The expressed wishes of the Complainant for confidentiality will be considered in the context of the seriousness of the complaint, any legal obligation of South Zumbro to act on the charge, and the right of the Accused to obtain information. However, a certain degree of transparency is essential for the process of just resolution, real accountability, and healing for all parties. Utmost care will be given so that persons experiencing trauma be protected from further emotional harm. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.**

**RESPONSE TO ALLEGATIONS**

**South Zumbro will deal with all allegations of improper conduct involving children, youth and adults with dignity for all parties involved. South Zumbro will remain unbiased and supportive to all parties involved, recognizing that incidents of abuse allegations are devastating to both the Complainant and the Accused. Therefore, the above policies and incident reporting will be carried out tactfully, discreetly, and without bias on the part of the Pastors or Council President.**

**All reasonable attempts will be made to keep reports of allegations of misconduct confidential. The Pastors or Council President will be instructed to maintain the confidentiality of all parties, to the extent allowed by law.**

**As promptly as possible, but in no more than 7 days of receiving the complaint, the Pastor(s) or the Council President will notify the Accused, and the Council President if they have not already been involved, and shall initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.**

**The Pastor(s) and/or the Council President shall designate one or more persons, who together with the Pastor(s) and the Council President or the Council President’s designee, may form a “Discovery Team”, which shall interview the Complainant, the Accused and any witnesses to determine details of the alleged conduct.**

**When investigating allegations of sexual misconduct, a Pastor or Council President should first advise the Complainant that investigation will be conducted in a professional, thorough manner and as discreetly as possible. The Accused of the purpose of the investigation, the fact that no conclusion has been made regarding the investigation, and that the same rules of confidentiality which apply to the Complainant also apply to the Accused.**

**Any investigation shall be taken and concluded within a reasonable period of time, no more than 14 days from the receipt of the complaint. The scope and details of each investigation will depend on the nature of the report and the related circumstances.**

**In addition the Pastor or Council President, in consultation with the Church Council, may have legal counsel review the complaint.**

**The results of the investigation shall be communicated to the Complainant and the Accused, and appropriate corrective action taken. The type of corrective action taken will depend on the nature and severity of the allegation(s). In the case of an employee or volunteer, such action may include appropriate discipline, up to and including termination.**

 **ALTERNATIVE LEGAL REMEDIES.**

**Nothing in this policy may prevent the Church, the Complainant or the Accused from pursuing formal legal remedies, mediation, or resolution through local, state or federal agencies or the courts.**