

Sexual Misconduct Policy
Grace Trinity Community Church
March 4, 1995

A. General

There has been increased attention in recent years to problems related to sexual abuse of children, sexual exploitation by professional counselors, and sexual harassment in the workplace. When these sorts of things occur in churches, it is an especially shocking violation of trust as well as an abuse of power and authority. Each employee, officer and volunteer will receive a copy of this Policy and will sign a form indicating receipt.

B. Sexual Abuse of Children

This is an area of special concern because of the power imbalance between adults and children. Children are by their very nature more vulnerable and less able to protect themselves. Employees, volunteers, members and nonmember participants should all conduct themselves with care around children. State law has reporting requirements for suspected abuse incidents in certain situations and all required reports will be made. Those working with children should also be alert to sexual abuse by one child against another child.

Child sexual abuse includes 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.

Sexual abuse is defined in Minnesota Statutes 626.556 (2) as:

(a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section..., or by a person in a position of authority, as defined in section..., to any act which constitutes a violation of section... Sexual abuse also includes any act which involves a minor which constitutes a violation of sections... Sexual abuse includes threatened sexual abuse.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit..., or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

A **mandated reporter** is a person who is required to report any suspected incidents of child abuse, including child sexual abuse, that come to their attention.

Under Minnesota Statutes 626.556 (3), a person mandated to report is defined as:

(a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in..., or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department, or the county sheriff if the person is: (1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or (2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section ...

C. Sexual Exploitation

Minnesota state law prohibits sexual exploitation of a client by a counseling professional. Consent by the client is not a defense. This includes pastoral counseling. Since we do not currently have a specialized counseling staff, as some churches do, the Pastor would be the only person covered by this requirement. State law has reporting requirements for suspected abuse incidents in certain situations and all required reports will be made.

D. Sexual Harassment

This is for the protection of our employees. The Minnesota Human Rights Act, M.S. 363.01, defines sexual harassment as follows:

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment...
- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment...; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment...or creating an intimidating, hostile, or offensive employment...environment; and...the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Sexual harassment may include verbal behaviors (sexual jokes or innuendoes), touching, ogling, repeated unwelcome sexual flirtations, sexually degrading words used to describe a person, or the display of sexually suggestive objects or pictures. At the extreme, these actions would amount to criminal sexual assault.

E. Screening Procedures

Screening will be conducted, depending on the circumstances, for those seeking paid employment in terms of application, interview questions and contact with references. A criminal record check will also be run on all those receiving an offer of employment to pick up convictions related to sexual assault or abuse of children.

F. Procedures for Reporting an Incident Sexual Abuse of Children -- Sexual Exploitation -- Sexual Harassment

If an incident occurs to you or you suspect a problem involving someone else and want to report your concern, you should contact either the Pastor, the Chair of the Personnel Committee or the Director of Christian Education. If an incident occurs to a child, it may be reported by the parent of the child or another advocate for the child. It is important that employees, officers of Grace-Trinity and members know who to call if an incident occurs.

The investigation of each incident will be done by a Committee consisting of the Pastor, the Chair of the Personnel Committee and the Director of Christian Education. If one of those three is the accused, then of course they would not participate in conducting the investigation. The committee will conclude their investigation as soon as possible and will have the authority to use others as resources, both inside and outside Grace-Trinity, to the extent needed. Confidentiality will be maintained as to the identity of the accused and the complainant to the extent this is possible. Written records of each incident and its resolution will be kept for a reasonable period of time.

If the complaint is found to have merit, the Committee will have flexibility in deciding what course of action to take or recommend to other bodies either inside or outside Grace-Trinity, depending on the severity of the situation. As stated above, any legally required reporting will be made.

G. Conclusion

Grace-Trinity has an obligation to maintain a pastoral relationship with all affected parties and not to take sides. On the other hand, we cannot ignore, dismiss or cover up allegations of misconduct. While the church is called to offer forgiveness to all persons, it is not called to overlook acts of misconduct by any person. Justice calls for corrective action.