

**Abiding Presence Lutheran Church**  
**7300 Sunset Lake Rd.**  
**Fuquay-Varina, NC 27526**

**POLICY II - 9.0:**

SEXUAL HARASSMENT AND MISCONDUCT

**GENERAL OVERVIEW:**

The purpose of this policy is to:

1. Ensure that the organization safeguards all constituents of APLC from inappropriate behavior.
2. Any reported behavior is handled appropriately.

**STATEMENT OF POLICY:**

It is the policy of Abiding Presence Lutheran Church that sexual harassment and misconduct will not be tolerated. Any complaint of sexual harassment and misconduct will be dealt with promptly and confidentially. Our Policy applies to clergy, lay employees, volunteers, and congregation members or visitors during official church functions. The intent of this Policy statement is to make certain that responses to any allegation of sexual harassment and misconduct be equitable and compassionate for all involved, and that all parties have an opportunity to participate in the process. Like other entities, churches may not be able to avoid occasional incidents of sexual harassment. By being prepared to deal with complaints of sexual harassment, however, we expect to be better able to avert costly litigation and defend ourselves more successfully against harassment and litigation.

**DEFINITION OF SEXUAL HARASSMENT AND MISCONDUCT:**

Sexual harassment and misconduct refer to behavior which is not welcome to the recipient and that is personally offensive. There are many forms of offensive behavior including, but not limited to:

- Unwelcome sexual advances, leering, whistling, or sexual gestures
- Deliberate assaults or molestation
- Questions or comments about sexual behavior
- Gender based harassment
- Undesired physical contact
- Inappropriate comments about clothing or physical appearance
- Persistent sexually oriented humor or language
- Continued or repeated jokes, language, epithets or remarks of a sexual nature
- Causing another person to engage in a sexual act by threatening that other person, placing that other person in fear or asserting undue influence over that other person

- Providing or displaying pornographic media.
- Any attempt to engage in or perform any of the above
- Any additional activity that is covered by either Federal or State laws

### **REPORTING:**

The Congregation Council will designate one female and one male member (possibly) of council as sexual harassment reporting officers who will be responsible for handling harassment and discrimination complaints and investigations.

Any person who believes that they have experienced or witnessed sexual harassment or misconduct, or have had a sexual harassment or misconduct issue reported to them should report it, as follows:

- Allegations involving lay employees, volunteers, and congregation members or visitors shall be reported to a sexual harassment reporting officer of the congregation.
- Allegations involving any person rostered in the Evangelical Lutheran Church in America shall be reported to the synod.
- Allegations involving the supervising pastor or intern shall be reported to the Director of Internship at the seminary.

If required by law, ordinance or similar regulation a sexual harassment reporting officer shall immediately report this incident to the proper authorities.

### **INVESTIGATION:**

- Each incident that is reported will be promptly investigated with confidentiality, care and concern for all involved by the sexual harassment reporting officers.
- If a report involves any person rostered in the Evangelical Lutheran Church in America, investigation will be conducted by persons designated by the synod.
- Investigation will include interviews with all involved parties.
- Investigation will include review of all relevant documentation.
- The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- The sexual harassment reporting officers will be sensitive to the needs of all involved parties and shall recommend that council provide any support necessary including counseling during the investigation and response

### **RESPONSE:**

- The Congregation Council will review all information obtained during the investigation, and when deemed necessary consult with the Synod and seek legal counsel to assist in the investigation and resolution.

- The Congregation Council, upon reaching a course of action, will meet separately with the reporting party and then with the responding party to communicate the results and resolution.
- If a complaint is not substantiated, all parties will be informed.
- Abiding Presence Lutheran Church will not engage in or tolerate retaliation against any clergy person, lay employee, volunteer or congregational member for making a good faith claim of misconduct or harassment or providing information relating to such complaints during an investigation.
- All information gathered throughout the investigation and response will be kept confidential and records will only be accessible by the Congregation Council President and sexual harassment reporting officers
- Should an individual's words or conduct be determined to constitute misconduct or harassment, recommendation for action will be developed and appropriate action will be taken. The action taken will depend on the severity of the situation.
- The Congregation Council may recommend a course of action that may include counseling, education, or disciplinary action.

**COMMUNICATION OF POLICY:**

This policy shall be given to and reviewed with the congregation's clergy and employees to ensure their understanding and support of this policy. This review shall take place on an annual basis. Their signature below indicates that the individual employee has reviewed, understands, and supports this policy.

In addition, the APLC shall periodically publicize this policy to all its members and volunteers through church bulletins and other appropriate forms of communication.

**SUGGESTED PROCEDURES FOR RESPONDING TO SEXUAL HARASSMENT COMPLAINTS:**

1. Reporting Party files a complaint with information about the incident such as, but not limited to:
  - What happened?
  - When did it happen?
  - Where did it happen?
  - Were there any witnesses to the incident?
  - How did you respond?
  - Has the person ever engaged in this behavior towards you before or done something else which you considered sexual harassment?
  - Did you tell anyone else about this incident?
  - Do you know of anyone else this person may have treated similarly?
2. Each reporting party who files a complaint shall be informed that an investigation will be made promptly and every effort will be made to treat the situation confidentially.

3. Every step of the investigation shall be documented in writing, including meetings with the all involved parties. Witnesses may be interviewed without telling them specifics of the case.
4. After interviewing the reporting party, those conducting the interview shall meet with the responding party and with any other witnesses to gather information. Information will be shared with the reporting and responding parties.
5. If the responding party denies engaging in sexual harassment, and if there is no further evidence to support the complaint, the Congregation Council may need to seek legal advice.
6. The responding party will be warned against any retaliation against the reporting party. Retaliation will be treated as seriously as accusations of harassment.
7. A determination of responsibility should be made by a preponderance of the evidence, that it is more likely than not that the behavior took place. This decision and subsequent outcomes will be delivered to both the responding and reporting parties.
8. The Congregation Council or designated committee should periodically conduct a follow-up of the case.

### **Outcomes**

The congregation council will decide the outcome based upon the severity of the offense. A member on behalf of the Congregation Council shall deliver this outcome in writing. In most cases, the responding party should sign a statement indicating that they understand that any future incidents could lead to exclusion from the church. The range of possible outcomes includes, but is not limited to, a simple warning to removal from the congregation or termination of employment.

This policy applies to all ministries and entities of Abiding Presence Lutheran Church, including but not limited to A.P.P.L.E. Seeds Preschool. Provided further that if a ministry or entity has developed its own policy, approved by the Congregation Council, then the new policy applies to that specific group and does not replace the authority of the policy for all other entities.

### **APPROVAL:**

The Congregation Council of Abiding Presence Lutheran Church has approved this policy as of the 16th day of January 2023.

Revision Number: 1

Date Modified: 1/16/23