

The Gateway Church

Sexual Misconduct Policy

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I. Statement of Policy

The mission of The Gateway Church is to join God in the renewal of all things. We want to exhibit, proclaim and live out the gospel in the world and through our love and service to work for the common good. With this mission in mind we strive to create a community in which participants are treated with love and respect at all times. This policy seeks to create guidelines intended to reduce the risk of mistreatment and to provide a plan for dealing with allegations of misconduct if they arise.

The Gateway Church, its elders, staff, Board of Stewardship members, and all who serve as leaders or volunteers on its various committees, programs, and projects:

1. Shall exercise responsible sexual behavior and maintain the integrity of employment and professional relationships at all times
2. Shall not engage in sexual misconduct which includes
 - A. *Child sexual abuse*: Any sexual act between an adult and child (any person under age 18).
 - B. *Sexual harassment*: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Conduct constitutes sexual harassment when it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.
 - C. *Sexual malfeasance*: Any impropriety or wrongdoing resulting from sexual conduct within a ministerial or professional relationship. Examples of such conduct include adultery, indecent exposure, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not intended to cover relationships between spouses, nor is it meant to restrict church professionals from having healthy mutual, social, or marital relationships.
3. Shall deal with allegations of sexual misconduct with seriousness
4. Shall report accusations or instances of sexual misconduct to the appropriate officers of the church, ordinarily the lead pastor
5. Shall maintain confidentiality in recognition of the effects of reported sexual misconduct on the reputation and effectiveness of all involved
6. Shall comply with all applicable local, state, and federal laws.

II. Prevention and Implementation

1. General Policy: The Gateway Church will take appropriate steps to inform all those covered by this policy of the standards of conduct set forth in this policy and the procedures to be followed for effective response when receiving a report of sexual misconduct. The following persons are required to sign a written acknowledgement that they have received and read a copy of the sexual misconduct policy and that they agree to conduct themselves in accordance with this policy:

- A. Elders
- B. Staff
- C. Board of Stewardship members
- D. Small group leaders
- E. Missional community leaders
- F. Volunteers who work with children or youth

2. Training and Education: Training will be provided for volunteers who work with children or youth. Training will also be presented to all staff and church leaders as part of new staff or new leader orientation. This training is designed to explain the need for this policy, to acquaint persons with its contents, and to guard against sexual misconduct.

3. Distribution of Policy: A copy of this church's policy shall be distributed to all who are covered by it, as mentioned above, and to any member of the congregation who requests a copy of it. It shall also be made available to anyone who makes an accusation of misconduct, as well as to anyone being accused.

4. Prevention Policies Specific to Children Under 18:

A. Screening: All volunteers and paid staff must be screened using the criteria appropriate for the activity's level of risk as described on page 10. Persons whose screening discloses a previous conviction for either child sexual or physical abuse will not be allowed to participate in any church-sponsored activity for children or youth. Adults who are found to have prior convictions will be referred to the pastor for counseling.

B. Three-Month Rule: Volunteers must be involved with The Gateway Church for at least three months before working with children or youth. The exception to this policy is newly hired paid staff, which will be allowed to work with children after completing the level 1 background check. Level 3 volunteers who are known to staff will also be exempt from this rule.

C. Two Adult Rule: Whenever possible, two adults must be present with the child or children when they are not with a parent or guardian. If an adult must

be alone with a child, an open door, glass door, or window should allow others to see the interaction. This rule is exempt in four situations:

1. One-on-one counseling relationships with staff who have received a level 1 background check
2. Restroom visits. One adult may take 2 or more children to the restroom. One adult is never to be alone with one child in this scenario. If the children visiting the restroom are elementary school age or older, the volunteer must stand outside the bathroom door in the lobby and wait for the children. If the kids are kindergarten age or younger, the volunteer may enter the bathroom and only enters a restroom stall if absolutely necessary to assist a child.
3. Drivers transporting two or more children during church activities
4. Diaper changing. This should take place in the designated changing area in the presence of other adults.

D. Chaperone Rule: In a situation where children or youth of both genders are participating in an overnight event, there must be chaperones of both genders as well.

III. Response Procedures

1. Claims of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the reporter of the victim, the alleged offender, and the church. Claims shall be dealt with as matters of highest confidentiality both before and after they have been submitted to appropriate authorities as outlined below.
2. Reports of sexual misconduct may occur in a variety of ways. Because the church cannot control to whom the reporter will first speak, it is important that all officers, employees, and persons highly visible to church attendees understand how reports of alleged sexual misconduct incidents are to be directed to the proper persons.
3. The first persons to learn of an incident of sexual misconduct should not undertake an inquiry alone or question the reporter or the alleged offender. If the reporter is hesitant to talk to anyone "officially," the person receiving the initial report has a special responsibility to encourage willingness to report the incident.
4. When a person believes that he/she has been the victim of sexual misconduct perpetrated by a person covered by this policy, or when a non-victim reporter

believes a person covered by this policy has committed an act of sexual misconduct, he or she should report the incident, preferably in writing, to the lead pastor. If the report is not received in writing and the victim or reporter declines to put it in writing, the receiver of the report shall summarize in writing all of the information orally conveyed to him or her, and mail a copy of the same to the victim or reporter with a request that he or she contact the receiver of the report if there are any errors in the account.

5. The lead pastor will then convene an investigative committee. If the alleged offender is the lead pastor, the report should be made to the Board of Stewardship.

IV. Documentation

All allegations and responses to allegations should be written, signed, and dated. They should be detailed and specific. Any subsequent recommendation of the investigative committee must be written.

V. Unavailability of a Written Allegation from a Reporter

1. If a reporter is unable or chooses not to submit a written allegation to the investigative committee, the committee may continue the investigation if there appears to be sufficient additional evidence that the alleged sexual misconduct occurred.

2. In addition there are several different circumstances in which the lead pastor may receive information about a person covered by this policy allegedly engaging in sexual misconduct.

A. Rumors: If second-hand or third-hand rumors are received, it is important to try to acquire some actual evidence or a first-hand report in order to determine if misconduct of a sexual nature occurred. It is impossible to act on information that is presented only as rumor.

B. First-hand information from a third party: In this situation, someone may come forward with information based on their witnessing a person covered by this policy in violation of the policy. They may be willing to file a report but the recipient of the alleged sexual misconduct may have no interest in a report. This person may see her/himself as a consenting adult in a sexual relationship with a person covered by this policy and in no way a victim of sexual misconduct. In this case, there is cause to proceed.

C. A confession by a person covered by this policy without a victim's report: In this case, there is good cause to proceed.

VI. Investigative Committee

1. The investigative committee (IC) is responsible for handling the church's response to an allegation of sexual misconduct under this policy. The committee will consist of at least three, and no more than five persons. The IC is charged with the responsibility to assure that an objective, effective, expeditious, and caring response is made to reports of sexual misconduct.
2. Members of the IC shall be selected by the Board of Stewardship, with great consideration given to the need for caring and impartial members.
3. When an IC is convened to handle a report of alleged sexual misconduct, it will seek to hear from and be available to the initial reporter, the alleged victim (if different from the reporter), the alleged offender, families who are involved, and others from the congregation who may be connected to the situation.

VII. Functions of the Investigative Committee

1. The IC shall perform the following functions:
 - A. Receive the written claim of sexual misconduct from the lead pastor after the election of its members.
 - B. In cases involving child abuse, the IC shall first confirm that a report has been made to civil legal authorities and that the parents or guardians of the child have been notified. The IC may request the removal of the accused individual from contact with children until the accusation is either substantiated or shown to be unfounded. If the accused person is a paid staff person, the IC may request that the paid staff person be placed on paid leave.
 - C. Notify the insurance company and complete an incident report.
 - D. Meet with the reporter to review the report and if possible, the alleged victim to hear the accusation first hand. The alleged victim may be accompanied by persons (limited to two) whom he/she wishes to have present for support. All communications with the reporter and/or the alleged victim shall be confidential. The alleged victim shall be assured that the church will not retaliate against the victim for making an accusation.
 - E. In no more than seven days after the convening of the IC, the IC shall advise the alleged offender in writing of the following:

1. The allegation and advise the alleged offender to have no further contact with the reporter, the alleged victim, or the alleged victim's family;
2. That he or she may want to obtain legal counsel or advocate as the accusation could result in church disciplinary procedures or civil or criminal court action;
3. That a written response to the accusations is requested. While questioning the alleged offender, care should be taken not to suggest answers or disclose confidential information.

F. Gather information regarding the allegations from the reporter (if not the same as alleged victim) and others who may have knowledge or information relating to the allegation. While questioning these persons, care should be taken not to suggest answers or disclose confidential information.

G. The IC shall provide a written copy of this policy to the alleged victim or third party reporter and the alleged offender, and seek adherence to this policy by all parties involved

H. Prepare a written report of the case for submission to the Board of Stewardship and lead pastor

2. During or as a result of its review of information the IC:

A. May recommend that all parties involved seek professional psychological or certified pastoral counseling throughout the process

B. May recommend immediate actions for the pastoral care of the reporter, the alleged victim, the alleged offender, the families of all parties involved, congregation, and governing bodies

C. Shall recommend actions to be taken to begin the healing process within the congregation, and/or the activity area within the life of the congregation directly affected

D. Shall at all times treat the alleged offender and victim with Christian kindness and respect

E. Shall tell the alleged victim if the alleged offender has admitted to the misconduct

F. Shall cooperate with civil authorities in an investigation of child abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities.

3. The IC shall not:

- A. Advocate for any party involved
- B. Act as legal counsel for any party involved
- C. Act as counselors to any party involved
- D. Replace the authority of the Board of Stewardship
- E. Enforce a specific remedy or disciplinary action
- F. Breach the confidentiality of information received.

4. Final Report: Within 45 days from the date the IC first receives the written report of alleged sexual misconduct, the IC shall submit a written report to the lead pastor and Board of Stewardship. The report shall include:

- A. Name and address of parties involved
- B. A summary of the allegations
- C. A summary of the facts as stated by the parties involved
- D. A summary of the IC's actions to date
- E. The remedy, if any, sought by the reporter and/or alleged victim
- F. The IC's findings to date, and whether the alleged sexual misconduct is substantiated
- G. The IC's recommendation for possible further actions
- H. A list of the IC's members and the date of the report

VIII. Responses When Allegation is Not Substantiated

1. In cases where the allegation is not substantiated, every appropriate effort will be made to exonerate the alleged offender. A record of the process and its conclusion will be provided to the alleged offender. The IC will respond to the vindicated person with Christian care and concern.

2. There is usually a need for follow up whenever an allegation is made, even if it is not substantiated. Therefore the lead pastor, in consultation with the IC will respond with Christian care and concern to the reporter and/or alleged victim, the vindicated person's family, and the congregation as appropriate.

IX. Responses When Allegation is Substantiated

1. If the IC concludes that the offense and consequences of professional conduct are determined to be relatively minor, the IC may recommend that the lead pastor take the following steps:

A. Issue an advisory in response to a situation that is not necessarily misconduct of a sexual nature but shows poor professional judgment. Clear guidance shall be provided in order for the offender to accomplish the necessary corrective action.

B. Issue a warning in response to a situation of unquestionably inappropriate and unwise behavior but which is not clearly professional misconduct of a sexual nature. It is expected that this clear warning will bring a cessation of the behavior.

C. Issue a reprimand in response to a situation, which resulted in relatively minor consequences.

2. If the IC concludes that the offense and consequences of misconduct are determined to be relatively major, the IC may recommend that the lead pastor follow a course of disciplinary action as follows:

A. In the case of an employee of the church, the lead pastor shall take prompt and necessary steps as provided for within this policy for the good of the congregation and to protect others from further harm. Such steps may include the suspension or dismissal of the employee.

B. In the case of persons serving as volunteers on church committees and other church related or sponsored entities, the lead pastor shall take prompt and necessary steps to assure the well being of the congregation and to protect others from further harm.

3. Record keeping: In the case of a church staff member, the IC's report along with documentation of the action taken in response thereto shall be placed in the offender's personnel file. In the case of a volunteer, the action shall be recorded in a

file maintained by the lead pastor's office in order to prevent inadvertent reassignment.

4. Response to secondary victims: The offender's family, peers, and the congregation are also victims of misconduct of a sexual nature. They too deserve attention and sensitivity to the hurt and pain that they are experiencing.

A. Family members of the offender- the lead pastor will arrange to reach out to family members with Christian care and concern.

B. Co-workers of the offender- the Board of Stewardship will schedule a meeting with the offender's co-workers to provide an opportunity for discussion.

C. Congregation- It is recommended that the lead pastor communicate in writing with the congregation the action taken in the course of this process. The lead pastor may consider bringing in a trained consultant to meet with the congregation and/or Board of Stewardship.

X. Media Contact

Any inquiries from the media regarding an allegation of sexual misconduct must be directed to the individual designated by the lead pastor to handle such contacts. The designated spokesperson will consult legal advice before answering questions from the media or disclosing information to the congregation. Any member of the IC should not address questions from the media.

XI. Screening for Those Working With Children and Youth

1. Level One- Extensive Risk

A. Level one situations are those involving one-on-one relationships with children or youth, overnight custody of children or youth, and supervision of staff dealing with children or youth. Positions that involve a level one situation include, but are not limited to:

1. Pastor and children's ministry leader
2. Chaperones for overnight events
3. Drivers transporting children on church activities

B. All applicants will provide the following information:

1. Release to conduct a criminal background and abuse registry check
2. References (at least two)
3. Copy of a current, valid driver's license or state ID card

C. Applicants who are non-members or have been members of The Gateway Church for less than one year will be interviewed by the appropriate body. This body may be:

1. The search committee (paid staff positions)
2. Representatives of the committee responsible for the program

D. The lead pastor's office will conduct a criminal record, child abuse registry, and sexual abuse registry check

E. All paid staff members expected to experience a level one situation will receive formal training in child abuse recognition and reporting. Others will receive training appropriate for their position.

2. Level Two- Moderate Risk

A. Level two situations involve a leader supervising or having custody of youth on a regular basis in a group setting. In level two situations there will normally be two or more people working with the youth at the same time and the people working with the youth will be supervised. Positions that involve level two situations include, but are not limited to:

1. Sunday school teachers
2. Nursery staff/volunteers
3. Youth ministry volunteers

B. Volunteers for these positions must furnish a release to conduct a criminal background and abuse registry check.

C. Non-members must be known to the program director or a member of The Gateway Church staff.

D. Applicants will complete the required training for their position, which will include child abuse and safety issues.

3. Level Three- Minimal Risk

A. Level three situations involve contact in a minimal risk situation and one-time or irregular events. In level three situations contact with the youth is in a public setting and supervised by a person who has gone through level one or level two screening. Positions that involve level three situations include, but are not limited to:

1. Chaperones to one-time events
2. Last-minute substitute teachers working with a regular teacher
3. Additional teachers/helpers for a high-turnout special program

B. The Gateway Church program staff or program coordinators must have knowledge of the person desiring to participate.

C. The person participating must be briefed on the appropriate safety procedures.

4. Other Special Circumstances

Occasionally The Gateway Church may recruit paid or volunteer help from outside the congregation to work with children or youth. This may occur in a situation such as the annual meeting in which we desire all church participants to attend the meeting. In this scenario those working with children or youth will provide a release to conduct a background check. The program director or a member of The Gateway Church must have knowledge of the person desiring to participate. The person participating must be briefed on the appropriate safety and conduct procedures.

Attachment A

Definitions

- *Alleged offender*: person against whom an allegation has been made

- *Child sexual abuse*: Any sexual act between an adult and child (any person under age 18). This includes fondling, penetration, intercourse, exploitation, pornography, exhibitionism, child prostitution, group sex, oral sex, or forced observation of sexual acts.

- *Confidentiality*: An assurance that information will be kept private and only shared with persons who have a need to know.

- *Investigative committee (IC)*: convened by the lead pastor to investigate reports of sexual misconduct and provide care and support to all parties

- *Reporter*: the person claiming knowledge of sexual misconduct by a person covered by this policy or a person alleging to have been abused by a person covered by this policy. The reporter may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be a non-victim reporter.

- *Sexual abuse*: Sexual involvement or contact by clergy or other persons covered by this policy with a person within the professional relationship including any person under the age of eighteen years, any person over the age of eighteen years who lacks the mental capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.

- *Sexual harassment*: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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 in an institution.
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment based on the declared judgment of the affected individual.

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 or children.

In determining whether conduct is sexual harassment, the standard to be applied is that of the reasonable person of the same gender as the victim. Lack of intent to harass is no defense.

- *Sexual malfeasance*: Any impropriety or wrongdoing resulting from sexual conduct within a ministerial or professional relationship. Examples of such conduct include adultery, indecent exposure, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not intended to cover relationships between spouses, nor is it meant to restrict church professionals from having healthy mutual, social, or marital relationships.

- *Sexual misconduct*: comprehensive term used in this policy to include:

1. Child sexual abuse as defined above
2. Sexual harassment as defined above
3. Rape or sexual contact by force, threat, or intimidation
4. Sexual malfeasance as defined above
5. Production or distribution of pornography

- *Staff*: Any person hired to work for the church for salary or wages

- *Victim*: person who claims to have been, or is alleged to have been, injured by sexual misconduct by a person covered by this policy

- *Volunteer*: A person who provides services for The Gateway Church and receives no financial benefits or remuneration. Reimbursement for out-of-pocket expenses is not remuneration.

Attachment B

Acknowledgement of Receipt of Sexual Misconduct Policy

I hereby acknowledge that I have received a copy of the sexual misconduct policy of The Gateway Church. I have read the policy, understand its meaning and agree to conduct myself in accordance with the policy.

Name Printed

Signature

Date