

**Trinity Lutheran Church of Stillwater, Minnesota (“the Church”)
Policy on Prohibition of Sexual Misconduct and
Reporting and Responding to Sexual Misconduct**

God wishes for all people to be respected and to feel respected: “‘You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.’ This is the greatest and first commandment. And a second is like it: ‘You shall love your neighbor as yourself.’ On these two commandments hang all the law and the prophets.” (Matthew 22:37-40) Sexual misconduct violates God’s commandment to love one another. The harm caused can be even greater when the sexual misconduct occurs within the context of the church community.

No employees including Pastors and Deacons of the Church, no Council member of the Church, no congregational member of the Church, and no other participant or volunteer associated with the Church (collectively, “Church Associates”), shall engage in any type of sexual misconduct. The Church will not tolerate sexual misconduct by any rostered minister, other employee, congregational member, participant, or volunteer. The Church is committed to taking appropriate action to prevent and promptly respond with justice and compassion to allegations of any such misconduct against a member, participant, volunteer, rostered pastor or deacon, or other staff engaged in congregational activities, or guests, vendors, or other persons doing business with the Church.

What is Sexual Misconduct?

Sexual misconduct means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct may be committed by an individual of any gender, and may occur between people of the same or different genders. Sexual misconduct includes sexual assault, sexual harassment, sexual exploitation, sexual intimidation, and contact of a sexual nature without consent. Consent is a freely and affirmatively communicated willingness to participate in particular sexual activity, expressed either by words or clear, unambiguous actions. Regardless of expressed willingness, consent cannot be given by a minor to an adult, between persons where there is a power differential, or where a person is incapable of making an informed judgment because of mental capacity.

Reporting Misconduct

Anyone who believes he/she has been a victim of sexual misconduct by a Church Associate may report the sexual misconduct to any Pastor, Deacon, Parish Administrator, or Congregation Council member of the Church. The names, addresses, and telephone numbers of these individuals are available on the church website at www.trinitylc.org. The report shall be promptly brought to the attention of the full Congregation Council. Immediate reporting is encouraged to facilitate prompt action. However, a report should be made regardless of when the misconduct occurred, and the Church will act promptly to investigate and address all reports.

Adopted by Trinity Lutheran Church Congregation Council on January 27, 2021, effective immediately upon adoption.

Any Church Associate who has received a report of sexual misconduct shall immediately forward the report to the full Congregation Council, and has the affirmative duty to do so.

Any Church Associate who has witnessed or otherwise knows of sexual misconduct by a Church Associate shall immediately report the matter to the full Congregation Council, and has the affirmative duty to do so.

If the report relates to a Church Pastor or Deacon, the Congregation council shall promptly forward the report to the Bishop's office of the Saint Paul Area Synod, 651.224.4313, ext. 1009. If the report relates to sexual misconduct of a minor, the matter may and if required under law shall be promptly reported to the local child welfare agency. Further, the report may be reported to law enforcement, and if the report alleges criminal conduct, it shall be promptly reported to law enforcement. The report will be further investigated and handled as set forth below.

Investigation

The Congregation Council will promptly investigate any report of sexual misconduct, with the scope of the investigation determined by the particulars and extent of the report. The Congregation Council will inform the person reporting the misconduct of the status of the investigation, to the extent possible and appropriate under the circumstances. In the event that a report of misconduct is substantiated, the Congregation Council will take prompt action to address the misconduct and prevent future incidents of misconduct. The Church will assist those harmed by sexual misconduct to obtain resources needed to deal with any impact of the sexual misconduct, including pastoral care and referral to professional counseling or other services.

Confidentiality

The Congregation Council will keep confidential, to the extent possible, the identity of any reporter of misconduct and the facts gathered in any investigation of a report. However, under some circumstances the Church may be required to make a report to law enforcement, and under other circumstances it may become necessary to reveal certain facts or consult with the synod or others in order to complete a thorough investigation and do necessary follow-up. For these reasons, the Church cannot guarantee complete confidentiality.

No Retaliation

The Church will not tolerate any form of retaliation against any individual who makes a good faith report of sexual misconduct. If you believe that you have experienced retaliation because you made a report under this policy, you should immediately contact one or more of the individuals described above to inform the Congregation Council of your concern. The Congregation Council will investigate and work to correct any allegation of retaliation under this policy.

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Guidance

Congregation Council will consult immediately with the Saint Paul Area Synod when responding to a report of sexual misconduct.

Other Policies

The Church also maintains employment and volunteer policies governing the behavior and management of its employees and/or volunteers, which are available in the church office. To the extent that any such policy or practice is inconsistent with this policy, this policy shall govern.

If you have questions about the Church's policies and guidance relating to sexual misconduct or how to make a report of misconduct, please contact a member of the pastoral staff or a member of the Congregation Council.