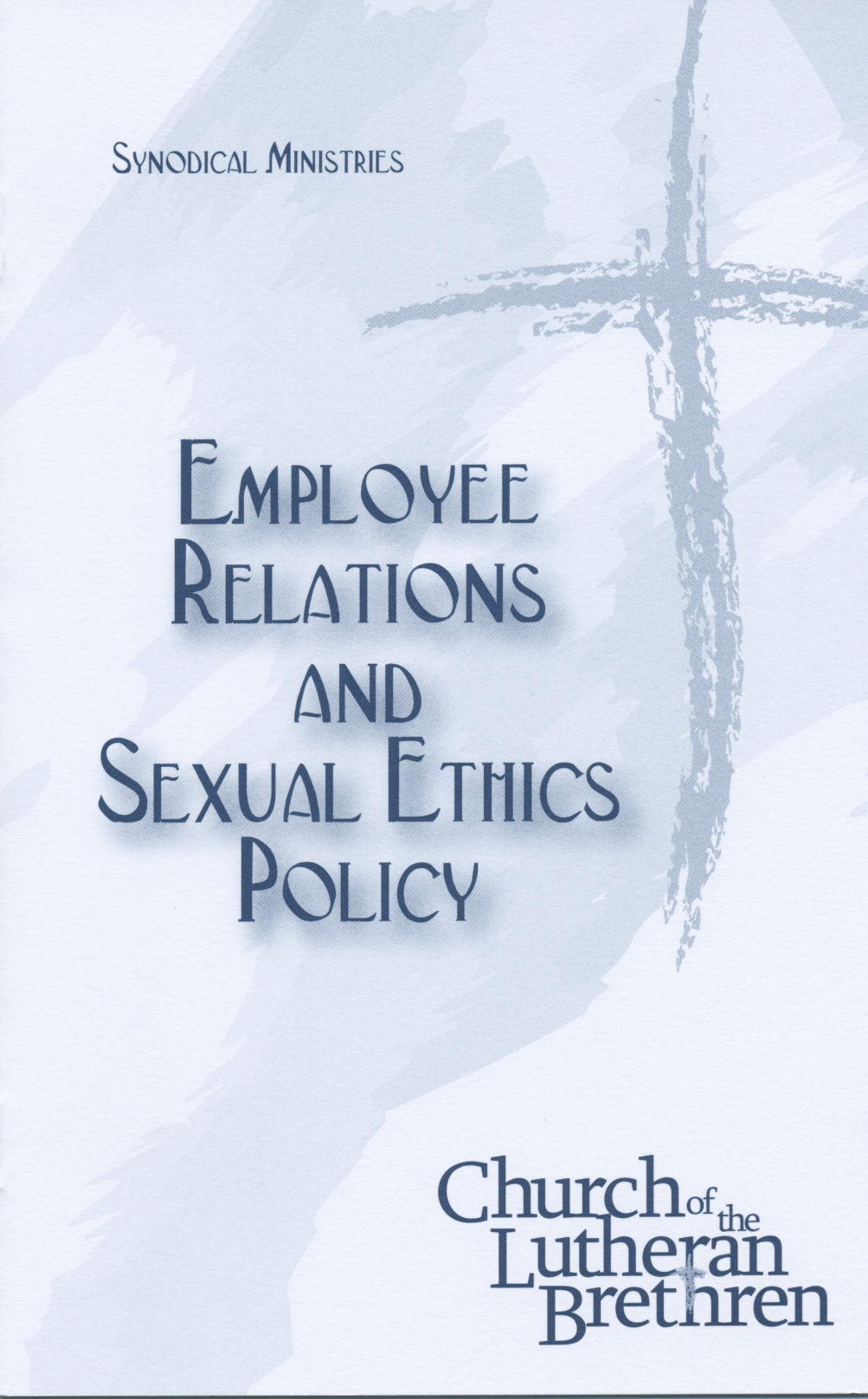


SYNODICAL MINISTRIES



EMPLOYEE
RELATIONS
AND
SEXUAL ETHICS
POLICY

Church^{of the}
Lutheran
Brethren

Ministers of the Gospel Ordained, Licensed, Commissioned Policies on Employee Relations and Sexual Ethics

A. Employee Relations Policy

1. The Church of the Lutheran Brethren promotes equal employment opportunity without regard to an individual's race, color, national origin, gender (subject to the requirements of the Department of Family Stability), or age in the application of any policy, practice, rule or regulation. The CLB may discriminate on the basis of religion. Employees are expected to adhere to the Statement of Faith and Position Papers of the Church concerning marital and lifestyle.

2. The CLB will not tolerate discrimination in hiring, dismissal, promotion, demotion, or any other employment action on the basis of race, sex, or ethnicity.

Ministers of the Gospel Ordained, Licensed, Commissioned: Policies on Employee Relations and Sexual Ethics

3. The CLB prohibits harassment in the workplace. Harassment may include but is not limited to discrimination or harassment on the basis of race, sex, or ethnicity. The CLB prohibits discrimination on the basis of a person's complexion, or being subjected to discrimination or harassment as a basis for employment decisions affecting the person.

4. The CLB prohibits harassment in creating an intimidating, hostile, or offensive work environment, or one that unreasonably interferes with the person's work performance.

5. The CLB prohibits sexual harassment in conduct behaviors such as:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors or employment referrals for refusing sexual conduct;
- c. Verbal conduct such as sexual gestures and/or the display of sexually suggestive or offensive objects;
- d. Verbal conduct such as making or using derogatory comments, slurs or jokes, verbal sexual advances or propositions, verbal abuse of a sexual nature, degrading words or actions, or suggestive or obscene letters, notes or invitations in any form;
- e. Physical conduct such as touching, rubbing, hounding, pinching, or assault.

6. It is each employee's responsibility to report harassment or discrimination. If an employee experiences or witnesses harassment or discrimination for the first or subsequent time, employees should confront the perpetrator directly and tell him/her that the behavior is offensive.

7. If the harassment or discrimination continues or represents a threat, the matter should be brought to the attention of the supervisor or appropriate authority.

8. All synodical managers/supervisors are informed of this policy. In cases where a supervisor is involved in the allegation, all complaints and allegations should be addressed to the President or Vice-President who shall, together with the Council of Directors or a committee requested by them, thoroughly investigate the matter in confidence. This investigating committee will review all the facts and determine whether reasonable grounds exist to believe that harassment or discrimination has occurred.

Ministers of the Gospel-Ordained, Licensed, Commissioned: Policies on Employee Relations and Sexual Ethics

A. Employee Relations Policy

1. The Church of the Lutheran Brethren practices equal employment opportunity without regard to an individual's race, color, national origin, gender (subject to the requirements of the Statement of Faith), disability, or age in the application of any policy, practice, rule or regulation. The CLB may discriminate on the basis of religion. Employees are expected to adhere to the Statement of Faith and Position Papers of the Church concerning morals and lifestyle.
2. The CLB will not tolerate discrimination in hiring, dismissal, promotion, demotion or other terms and conditions of employment on the basis of race, color, national origin, gender (subject to the requirements of the Statement of Faith), disability, or age.
3. The CLB prohibits any form of harassment, including sexual harassment. Any employee who is aware of instances of sexual harassment has a responsibility to report the instances to his/her supervisor, or the next higher authority.
4. The CLB prohibits explicitly or implicitly making submission to discrimination or harassment a term or condition of a person's employment, or using submission to discrimination or harassment as a basis for employment decisions affecting the person.
5. The CLB understands harassment to include creating an intimidating, hostile, or offensive work environment, or one that unreasonably interferes with the person's work performance.
6. The CLB understands sexual harassment to include behaviors such as:
 - a. Unwanted sexual advances.
 - b. Offering employment benefits in exchange for sexual favors or employment reprisals for refusing sexual conduct.
 - c. Visual conduct such as sexual gestures and/or the display of sexually suggestive or offensive objects.
 - d. Verbal conduct such as making or using derogatory comments, slurs or jokes; verbal sexual advances or propositions; verbal abuse of a sexual nature; degrading words or actions; or, suggestive or obscene letters, notes or invitations in any format.
 - e. Physical conduct such as touching, rubbing, impeding movement, or assault.
7. It is each employee's responsibility to report harassment or discrimination. If an employee experiences or witnesses harassment or discrimination he/she has an obligation to come forward. Employees should confront the perpetrator directly and tell him/her that the behavior is offensive.
8. If the harassment or discrimination continues or represents a threat, the matter should be brought to the attention of the supervisor or appropriate authorities.
9. All synodical managers/supervisors are informed of this policy. In cases where a supervisor is involved in the allegation, all complaints and allegations should be addressed to the President or Vice-President who will, together with the Council of Directors or a committee appointed by them, thoroughly investigate the matter in confidence. This investigating committee will review all the facts and determine whether reasonable grounds exist to believe that harassment or discrimination has occurred.

10. Disciplinary action, up to and including dismissal, will be taken against any employee who is found to have engaged in harassment or discrimination. No employee will suffer retaliation for reporting instances of discrimination or harassment.

B. Sexual Ethics in Ministry

1. The Policy

Any sexual contact between a pastor and parishioner, counselee, employee, or anyone else to whom the pastor is not married, or with whom the unmarried pastor is not in a dating relationship, is wrong. Sexual union outside of marriage is wrong. Any wrongful sexual behavior should be reported to the Office of President. Such behavior includes any sexual advance, a request for sexual favor, a sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature. When appropriate, the offending person should be confronted directly. When this is not appropriate, the lead person of the ministry involved and synodical representatives will be responsible both to hear with care and to guard against careless accusation.

2. Procedures for Processing Allegations of Sexual Misconduct

a. Reporting

- 1) Anyone who witnesses or hears credible evidence of sexual misconduct by a Lutheran Brethren Minister of the Gospel should report it. This includes the victim or a member of the victim's family, a member of the congregation or other ministry, the pastor or a colleague of the pastor, or any concerned person.
- 2) Notify the lead person of the ministry involved and the Synodical President or the Vice-President in any of the following ways: by phone at (218)739-3336, by letter or in person at 1020 Alcott Ave. W., Fergus Falls, MN 56537.
- 3) The pastor or another responsible person must report to the proper civil authorities when the victim is under the age of 18 or a vulnerable adult (consult your local laws).

b. Investigation

- 1) Upon receipt of an allegation of inappropriate sexual behavior committed by a Minister of the Gospel, the Office of President or someone designated by the President, working together with the congregation or ministry leader, shall thoroughly investigate. All investigations and disciplinary actions against the accused shall be done in accordance with the Constitution and By-Laws of the CLB.
- 2) The investigation shall seek information and documentation from the complainant, the victim, the accused and other sources as appropriate, including any investigative reports that may be obtained from civil authorities.
- 3) The investigation shall be conducted in the spirit of Matthew 18:15-20, and other appropriate passages, recognizing the promise of the Lord to be present in the deliberations.
- 4) The Office of President and the particular ministry leader will notify the proper civil authorities of the alleged behavior when required by law and in other appropriate circumstances.

c. Communication

- 1) The Office of President and the ministry leader will strive to ensure that all communication in response to an alleged incident is factually accurate. Distribution of written and verbal material should reflect a responsible balance between the need for people to be informed and the risk of defamation of character and violation of privacy of the victim. Openness will be a guiding principle, recognizing that the calling of the pastor and church is to walk in the light with the Lord.
- 2) The victim, the alleged offender, congregation and others involved will be informed as appropriate, of the sexual ethics in ministry policy, church constitutions and state and provincial law. Distribution of information should conform to the guidelines of the sexual abuse policy, church constitutions and state and provincial law. The Office of President or the designee will commence and maintain communication through the entire process.
- 3) If the charges are substantive, the Office of President and the ministry leader, after consultation with appropriate boards, may suspend a Minister of the Gospel without making a determination as to guilt or innocence (without prejudice) when the office is informed that a criminal investigation is underway or criminal sexual conduct has been alleged. Suspension shall continue until the synod's and the particular ministry's investigation is completed, and disciplinary action, if any, is taken. Allegations of non-criminal sexual conduct may also result in suspension pending investigation.
- 4) If, upon completion of the preliminary investigation, the President and ministry leader determines that disciplinary action may be warranted, he shall report to the particular ministry board and Theological Council or the Council of Directors for action pursuant to the synod policies and constitution. Discipline may involve censure, suspension or removal from the roster of the ordained ministry. Conviction of felony criminal sexual conduct normally will result in removal from the ordained ministry. The disciplinary determination shall be reported to the Minister of the Gospel, victim and congregation or ministry.
- 5) Final disciplinary determination shall be made by the Council of Directors in consultation with the particular ministry board that may be involved.
- 6) When an investigation of alleged misconduct is being made, the Council of Directors shall normally inform the regional chairman and the chairman of the elder board or synodical ministry board that an investigation is in process.

d. Response to the Victim, Perpetrator, Congregation, Community

- 1) The response to the victim, perpetrator, congregation and community will follow the order appropriate to the jurisdiction in which the problem is first identified. The Office of President and the ministry leader will, when deemed necessary, assist at any level to provide guidance in securing the help of professionals knowledgeable in sexual exploitation.

- 2) Advocates, pastoral care and treatment resources may be made available to the victim(s) and immediate families.
- 3) Advocates, pastoral care and treatment resources may be made available to the accused and immediate family.
- 4) The pastoral services of the Council of Directors Pastoral Care and Discipline Committee and those enlisted by them will be available to the congregation or ministry through the Office of President.

e. Guidelines for Responsible Action

Note: These guidelines set goals for responsible action. Every case involves unique people and therefore, it may not always be possible or appropriate to meet every goal or need. These guidelines are descriptive of a general approach.

1) For the Victim(s)

- a) The President or the President's representative will listen and take seriously the accusation and begin an investigation together with other appropriate church authorities. They will:
 - i) Respect confidentiality to the fullest extent possible.
 - ii) Help the victim to understand that the church cares.
 - iii) Appoint an advocate for the victim when appropriate.
 - iv) Offer spiritual care or refer to an outside counselor.
 - v) Make regular contact with the victim.
- b) The President or the President's representative will give the victim this policy guideline, and will:
 - i) Explain and make sure the victim and/or the parents or legal guardian understand the disciplinary process.
 - ii) Where appropriate, inform the victim of intended actions in advance.
- c) Help arrange for protection of the victim if needed.
- d) Protect from revictimization.
- e) Seek to discover if there are other victims.

2) For the Accused

- a) The President or the President's representative will provide for pastoral care in cooperation with other church authorities.
- b) The accused will be advised of allegations, process and support.
 - i) The accusation will not be minimized.
 - ii) The accusation will be shared by the President or the President's representative in the presence of the accused and one other person of the President's choosing. The accused may request the presence of another witness of his choosing.
 - iii) Due process of the CLB disciplinary procedure will be followed.
 - iv) Policy guidelines will be provided to the pastor.
 - v) Consequences will be established if guilt is proven.
 - vi) When appropriate, reconciliation will be encouraged.
 - vii) When appropriate, therapy will be encouraged.
 - viii) When appropriate, the accused will be encouraged to seek legal advice regarding possible action against the accused by the victim or the victim's family.

- 3) For the Congregation
 - a) The congregation will be informed as to what is going on and why in the following manner.
 - i) The President or his representative will request a meeting with the council.
 - ii) The President or his representative will recommend drafting a letter to the congregation by the officers of its church council.
 - iii) If invited by the church council, the President or his representative will hold a congregational meeting.
 - iv) Allegations will be shared to the fullest extent appropriate.
 - v) Policy guidelines will be shared.
 - b) A synodical representative will be named to talk with and listen to the council and congregation members.
 - c) Assistance in dealing with media will be offered.
 - d) The President or his representative will be available to help in making long-term plans for support of the congregation's pastor(s), other staff and leadership.
 - 4) For the Accused's Spouse and Family
 - a) If appropriate, they will be informed of the allegation.
 - b) The Synod will offer to arrange pastoral care through an area pastor.
 - c) When appropriate, clarification on financial situation and expectations will be given by the Synod.
 - d) This Handbook will be provided.
 - e) When appropriate, counsel will be offered regarding possible reaction against the family by the victim or victim's family.
 - 5) For CLB Ministers of the Gospel
 - a) When appropriate, they will be informed by letter from the President.
 - b) When appropriate, the President or his representative will meet with the Ministers of the Gospel in the immediate area.
- f. Communicating the Sexual Ethics in Ministry Policy to the Congregations
 The Council of Directors shall provide for distribution of literature to the congregations that makes a general statement of our denominational attitude concerning proper sexual ethics for clergymen and shows how infractions against these ethical policies may be reported.

CHURCH OF THE LUTHERAN BRETHREN

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