

SEXUAL MISCONDUCT IN CHURCH RELATIONSHIPS INVOLVING DENOMINATIONAL EMPLOYEES OR APPROVED VOLUNTEERS – MODEL PROCEDURES (D80)

Introduction – 1. *Appearances of Wrongdoing* – Denominational employees and volunteers shall exemplify a Christ-like life and avoid all appearances of wrongdoing. They must not engage in behavior that is harmful to themselves or others. Denominational employees and volunteers should respect every individual. To do otherwise is not consistent with the Christian life.

2. *Violations of Christian Principles* – Sexual Misconduct is a violation of Christian principles. Sexual Misconduct is never condoned by the Seventh-day Adventist church. Denominational employees and volunteers are entrusted with sacred responsibilities which include refraining from Sexual Misconduct. It is expected that persons functioning in these roles will not engage in such behavior.

3. *Improper Actions Compromise the Church and Its Message* - The Church and its message are compromised by improper actions of employees and volunteers. Church organizations seek to respond to situations where Sexual Misconduct. Church organizations also seek to advance the healing and integrity of all persons influenced by its ministry.

Purpose – 1. *Model Procedures* – The purpose of this policy is to provide model procedures for use by Church entities that respond effectively to allegations of Sexual Misconduct against denominational employees and volunteers. The North American Division strongly recommends that all local conferences, union conferences, educational and health care institutions, and all other North American Division Church-related entities and boards establish procedures to address Sexual Misconduct.

2. *Implementation* – Organizations which adopt these procedures shall inform those responsible for implementation of such procedures. These organizations shall also take reasonable steps to inform members, denominational employees, volunteers, students, and others of these procedures. All church organizations must determine and comply with the abuse reporting requirements of their state or province. If government agencies or authorities become involved in allegations pertaining to Sexual Misconduct, all individuals are reminded of their duty to cooperate.

3. *Policy Limitations* – This policy is not intended to supersede any conflicting provisions in existing personnel policies, valid contracts, or any provisions of the *Seventh-day Adventist Church Manual*. In the event of any such conflict, the organization or entity enacting procedures to address Sexual Misconduct should consult legal counsel to eliminate the conflict.

4. *Unusual Situations* – Further, this policy will not address every Sexual Misconduct situation that may arise in a given territory. It is expected that the officials of North American Division entities using these procedures will consult their attorneys, executive committees, and boards when an area of conflict arises that is not specifically addressed in these procedures.

SEXUAL MISCONDUCT, Cont'd

Definitions:

1. *Accuser* – Any person, regardless of church membership, alleging Sexual Misconduct by a Denominational Employee or Volunteer of a local entity or administration. An Accuser may also be a minor's parent or guardian, or any other representative recognized by the Sexual Ethics Committee (SEC), or the legal representative of an incompetent adult.
2. *Accused* – A Denominational Employee or Volunteer who is alleged to have committed Sexual Misconduct while in the course and scope of his/her employment or volunteer status.
3. *Administration* – The Executive Officers of the Local Entity, also referred to as the Designated Officers.
4. *Church* – For this policy, "church" means the local conference, union conference, or the North American Division, of which the employing or appointing entity or organization is a part.
5. *Concerned Care Practitioner Pool (CCPP)* – A group of Concerned Care Practitioners in a local conference or union conference of the North American Division of the General Conference of Seventh-day Adventists.
6. *Concerned Care Practitioners (CCPs)* – Trained professionals in the areas of theology, counseling, psychology, or other disciplines, who will assist in the process of hearing a complaint. A Concerned Care Practitioner shall serve as an intermediary between the Accuser and the Executive Officers/Administration for the purpose of fact gathering in situations where an Accuser cannot or will not approach the Executive Officers/Administration at the local level.
7. *Denominational Employee* – Any individual who is employed by a Local Entity.
8. *Designated Officers* – The Executive Officers at the local conference, union conference, institution, or North American Division of which the employing or appointing organization or entity is a part, who is responsible for initiating the procedures set forth in this policy, generally the two or three Executive Officers: (President, Executive Secretary, and Treasurer), whichever is applicable, unless one or more of the Officers is the Accused, in which case it shall generally be the Executive Officers of the next larger administrative body, or in the case of an institution, the Chair, Vice-Chair and a board member selected by the Board of the institution. The Designated Officers shall have the authority to delegate tasks in the procedures of this policy.
9. *Discipline Committee* – The group responsible for the discipline of Church employees or Volunteers. The Discipline Committee will normally be determined by the organization's Executive Officers.
10. *Incompetent Person* – A person, who because of health, age, or mental capacity, is legally unable to consent.
11. *Local Entity* – The entity at which the alleged act(s) of Sexual Misconduct occurred.
12. *Member Entity* – An entity listed in the Seventh-day Adventist Yearbook as a member of the North American Division of the General Conference of Seventh-day Adventists.
13. *Perpetrator* – An Accused who is determined by the Sexual Ethics Committee (SEC) to have committed Sexual Misconduct.
14. *Response* – A written document(s) prepared by the Accused detailing his/her response to the allegation(s) of Sexual Misconduct.

SEXUAL MISCONDUCT, Cont'd

15. *Sexual Ethics Committee (SEC)* – The five member committee that is appointed from the Sexual Ethics Pool (SEP) by the Designated Officers to consider complaints.

16. *Sexual Ethics Committee Chair (SEC Chair)* – A member of the Sexual Ethics Committee, appointed by the Designated Officers to assume administrative responsibilities of the Sexual Ethics Committee as necessary.

17. *Sexual Ethics Pool (SEP)* – A group comprised of qualified appointees, from which Sexual Ethics Committees are selected as needed. (See Selection of Sexual Ethics Pool.)

18. *Sexual Harassment* – Any unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct, which may include but is not limited to sexually suggestive comments or jokes, crude language, and unwelcome physical contact, which is of a sexual nature:

(a) made either explicitly or implicitly a condition of employment or volunteer relationship;

(b) used as a basis for affecting those relationships; and/or

(c) creates an intimidating, hostile, and/or offensive environment.

19. *Sexual Misconduct* – Improper sexual behavior including any of the following:

a) Actual or attempted sexual contact with a minor or with any person where there exists a relationship with inequality of power.

b) Actual or attempted rape or sexual contact by force, threat, or intimidation.

c) Criminal behavior of a sexual nature.

20. *Submission* – A written document(s) prepared by the Accuser detailing the allegation(s) of Sexual Misconduct.

21. *Victim* – Any individual whose allegation(s) of Sexual Misconduct has been determined by the Executive Officers/Administration or the Sexual Ethics Committee (SEC) to more likely be true than untrue.

22. *Volunteer* – Any individual whose labor or service is requested by and donated to the Church, and who is under the Church's direction or supervision. The existence of a monetary stipend for reimbursement of expenses does not negate Volunteer status.

Guiding Principles and Concepts Underlying the Development of This Policy:

1. *Serious Treatment of Accusations* – All accusations of Sexual Misconduct shall be taken seriously. No accusation shall be dismissed without a response, and all shall be processed in a timely manner. The Accused and the Accuser shall be treated with respect.

2. *Paths for Review* – The Accuser may bring his/her allegations of Sexual Misconduct to the attention of the Executive Officers of the Local Entity or to the attention of the organizational Concerned Care Practitioner.

3. *Presumptions* – The filing or failure to file a complaint or denial shall not be deemed to be conclusive evidence of any issue, but may be considered as part of the evidence received by the Concerned Care Practitioner or the Designated Officers.

SEXUAL MISCONDUCT, Cont'd

4. *Protection of All Involved* – The confidentiality of those involved, including the Accuser and the Accuser's family, the Accused and the Accused's family, shall be respected.
5. *Discipline* – A Denominational Employee or Volunteer who has engaged in Sexual Misconduct is subject to discipline as outlined in North American Division, *Working Policy, Seventh-day Adventist Church Manual*, applicable personnel policies, or employment contracts.
6. *Expenses* – The expenses incurred to implement this policy should usually be borne by agreement between church entities. The goal of this policy is the protection of the members, the employees, and the mission of the church; therefore, a primary beneficiary of these procedures is the overall church and its members.
6. *Unbiased Consideration* – To protect the integrity of the proceedings outlined in this policy, the designated officer and the members of the SEC shall be free of actual or apparent bias, prejudice, predisposition or conflict of interest that may be material to the issues, proceedings, or individuals involved. Any of these individuals who are or appear to be biased, prejudiced, or predisposed to have a conflict of interest, shall be replaced or excluded from appointment. The discipline committee should also be free of actual or apparent bias, prejudice, predisposition or conflict of interest that may be material to the issues, proceedings or individuals involved.
7. *Unbiased Considerations* – To protect the integrity of the proceedings outlined in this policy, the Designated Officers and the members of the Sexual Ethics Committee (SEC) shall be free of actual or apparent bias, prejudice, predisposition or conflict of interest that may be material to the issues, proceedings, or individuals involved. Any of these individuals who are or appear to be biased, prejudiced, predisposed, or have a conflict of interest, shall be replaced or excluded from appointment. The discipline committee should also be free of actual or apparent bias, prejudice, predisposition, or conflict of interest that may be material to the issues, proceedings, or individuals involved.
8. *Local Entity Issue* – It shall be the recommendation of the North American Division that member entities address issues involving Sexual Misconduct. Such review and discussion should involve procedures in which an Accuser can state the nature and facts that constitute the accusation sufficiently to allow for an examination of the accusation and appropriate action, if factually supported. Such review and discussion may be formal or informal, but it should involve the Executive Officers.
9. *Role of the Concerned Care Practitioner (CCP)* - In situations where the Accuser feels uncomfortable in expressing his/her concerns to the Executive Officers/Administration at the Local Entity or the Accuser will not communicate directly with the Executive Officers/Administration, due to conflict of interest or other unforeseen issues, it shall be the recommendation of the North American Division that a Concerned Care Practitioner (CCP) be made available to the Accuser. Such Concerned Care Practitioner (CCP) shall be to gather facts

SEXUAL MISCONDUCT, Cont'd

from the Accuser and present such facts to the Executive Officers/Administration. The Concerned Care Practitioner (CCP) may be asked to maintain a role throughout any follow up investigation by the Executive Officers/Administration, where applicable, to assist in formulating questions or on any follow up questions that the Executive Officers/Administration may have to assist in resolution.

The Concerned Care Practitioner (CCP) shall not render advice on actions to be considered or conduct an investigation outside fact gathering from the Accuser. The Concerned Care Practitioner (CCP) shall agree to keep the issues revealed through the role of Concerned Care Practitioner (CCP) confidential to the extent permitted by law.

Usually the Concerned Care Practitioner (CCP) will personally meet with the Accuser and listen to the allegations. The Concerned Care Practitioner (CCP) may ask for a written account of the allegations beyond the Submission. Once the Concerned Care Practitioner (CCP) has completed the fact finding, he or she shall report to the Executive Officers/Administration. Such report may be in writing or it may be verbal at the Executive Officers/Administrations' sole discretion.

The Concerned Care Practitioner (CCP) shall advise the Accuser that while the Concerned Care Practitioner (CCP) shall endeavor to respect the Accuser's privacy, the facts revealed shall be reported to the Executive Officers/Administration. The Concerned Care Practitioner (CCP) shall advise the Accuser that copies of any documents prepared or submitted shall be shared with the Executive Officers/Administration.

The Concerned Care Practitioner (CCP) shall advise the Accuser that the Concerned Care Practitioner (CCP) is not an advocate and that there is no counselor/counselee relationship established by their relationship. The relationship is simply for the purpose of fact gathering by a neutral third party removed from the Executive Officers/Administration and that such facts gathered shall be reported to the Executive Officers/Administration.

Once the Concerned Care Practitioner (CCP) has completed the fact gathering task, the Concerned Care Practitioner (CCP) shall report to the Executive Officers/Administration in a timely fashion and consistent with this policy. The Concerned Care Practitioner (CCP) shall thereafter, have no involvement in subsequent actions by the Executive Officers/Administration unless asked to provide additional assistance solely by the Executive Officers/Administration.

SEXUAL MISCONDUCT, Cont'd

Selection of Concerned Care Practitioners Pool (CCPP) – 1) The Concerned Care Practitioners Pool (CCPP) shall be selected by the local conference, union conference, or division executive committee and to the extent practicable, reflect the diversity of members. In small rural areas where a Concerned Care Practitioners Pool (CCPP) may not have sufficient members from which to select a pool, the next larger organization should be considered to provide assistance.

2) *Members Qualifications* – Members selected to serve on the Concerned Care Practitioners Pool (CCPP) shall:

- a) Be members of a local congregation in regular standing;
- b) Be free of predisposition, bias or conflict of interest that may be material to the proceedings or issues involved; and
- c) Have knowledge of the subject of Sexual Misconduct.

3) *Confidentiality Agreement* – Confidentiality of the Concerned Care Practitioners Pool (CCPP) is of utmost importance. Each member of the Concerned Care Practitioners Pool (CCPP) shall sign a confidentiality agreement from the entity where he/she is serving to ensure that the member understands the duty, extent, and nature of confidentiality.

4) *Indemnification Letter* – Each member of the Concerned Care Practitioners Pool (CCPP) shall receive an indemnification letter from the entity where he/she is serving, holding him/her harmless from suits that may arise from that service.

Procedures for the Concerned Care Practitioners (CCPs)- 1) Once the Executive Committee/Administration at the local level becomes aware of an allegation of Sexual Misconduct, they shall notify the Accuser of his or her option to present the details of the accusation to the Executive Officers/Administration or to meet with a Concerned Care Practitioner (CCP) who shall, thereafter, present the facts discovered to the Executive Committee/Administration of the Local Entity.

2) The Accuser shall within ten (10) business days, elect either the Executive Officers/Administration or a Concerned Care Practitioner (CCP) for communication purposes. Election shall be in writing to the Executive Committee/Administration. If so election is made, the Executive Officers/Administration will assume that the Accuser will work directly with the Executive Officers/Administration and the Concerned Care Practitioner (CCP) shall not be made available. A list of three members from the Concerned Care Practitioners Pool (CCPP) shall be provided to the Accuser from which to select. If a Concerned Care Practitioner (CCP) is elected, the Executive Officers/Administration shall assign the matter to a member of the Concerned Care Practitioners Pool (CCPP). Such assignment shall include a copy of the written submission. It may include a summary of the problem prepared by the Executive Officers/Administration as well.

SEXUAL MISCONDUCT, Cont'd

3) Once the Accuser makes his or her election, the Accuser shall submit a Submission of the facts supporting the accusation. The Accuser shall be advised that the Submission is not confidential and may be shared with interested parties. The Accuser shall be advised that a Submission is required.

4) If a Concerned Care Practitioner (CCP) is elected, the Accuser shall meet with the Concerned Care Practitioner (CCP) to further explain the content of the Submission or answer any questions the Concerned Care Practitioner (CCP) may have. The Concerned Care Practitioner (CCP) will, thereafter report the facts to the Executive Officers/Administration. Thereafter the Executive Officers/Administration may inquire into additional facts, but shall not contact the Accuser, except through the Concerned Care Practitioner (CCP). Moreover, the Concerned Care Practitioner (CCP) shall not conduct an investigation beyond contact with the Accuser.

5.) If the Accuser elects to work with the Executive Officers/Administration, the Executive Officers/Administration shall read the Submission and meet with the Accuser. Thereafter, additional investigation may take place where appropriate including following up with the Accuser.

6) Once the investigation, if any, is complete, the Executive Officers/Administration may act or refrain from acting based on the strength of the facts discovered and the nature of such facts. Any such action, such as employee discipline, shall conform to the relevant policies and processes of the Local Entity.

7) The Accuser shall agree to hold the Concerned Care Practitioner (CCP) harmless from any and all liability.

8) If the Executive Officers/Administration, after attempting to address the issue of Sexual Misconduct at the Local Entity, believes that the issue remains unresolved, then the Executive Officers/Administration, in its sole discretion may engage a Sexual Ethics Committee (SEC) as set forth in North American Division *Working Policy E 87*, beginning with the selection of the organizations Sexual Ethics Pool (SEP) if one has not already been selected.

Selection of Sexual Ethics Pool (SEP) 1) If deemed necessary by the Designated Officers, the Sexual Ethics Pool (SEP) shall be selected by the local conference, union conference, or division executive committee and to the extent practicable, reflect the diversity of members.

2. *Member Qualifications* – Members selected to serve on the Sexual Ethics Pool (SEP) shall:

- a) Be members of a Seventh-day Adventist congregation in regular standing;
- b) Be free of predisposition, bias or conflict of interest that may be material to the proceedings or issues involved; and
- c) Have knowledge of the subject of Sexual Misconduct.

3. *Confidentiality* – Confidentiality of the Sexual Ethics Pool (SEP) is of utmost importance. Each member of the Sexual Ethics Pool (SEP) shall sign a confidentiality agreement from the entity where he/she is serving to ensure that the member understands the duty, extent, and nature of confidentiality.

SEXUAL MISCONDUCT, Cont'd

4. *Indemnification Letter* – Each member of the Sexual Ethics Committee (SEC) shall receive an indemnification letter from the entity where he/she is serving, holding him/her harmless from suits that may arise from that service.

Preliminary Process for a Sexual Ethics Committee (SEC)

1. *Activate the Process* – Upon receiving a report or learning of alleged Sexual Misconduct by an employee or Volunteer, the Accused's immediate supervisor or chief administrative officers of the institution or entity involved shall activate the appropriate process as outlined if other attempts at resolution have not been successful.
 - a) For allegations, suspicions, or knowledge of current child Sexual Misconduct (abuse)
 1. Notify the Designated Officers of the report or knowledge; and
 2. Immediately report all allegations or knowledge of child Sexual Misconduct/abuse to local authorities as necessary to comply with applicable child abuse reporting statutes, and to Adventist Risk Management, Inc. and applicable liability insurance carriers;
 3. Inform the individual of the accusation, allegation, or suspicion of child sexual abuse; and an appropriate individual may be made available to the Accused early on in the process to serve as an interpreter of the process. This appropriate individual shall explain to the Accused the process to be followed in response to the complaint.
 4. Review – *Response in Situations Involving Minors*, for more information regarding situations involving minors. (See E87 10-2, *Implementation*, for information on cooperation with government agencies and authorities).
 - b) For child Sexual Misconduct alleged to have taken place in prior years when the Accuser was a minor
 - c) For Sexual Misconduct alleged to have taken place when the Accuser and Accused are adults. In a, b, and c, complaints should be lodged with and addressed by the organization where the employee/volunteer currently serves.
2. *Integrity of the Affected Entities* – The Designated Officers shall take steps to maintain the integrity of the affected institution or entity and those involved in the dispute. This may include recommending to the disciplinary body that the Accused be placed on administrative leave with pay and without prejudice, or that a Volunteer be prohibited from carrying on his/her volunteer duties... Under such circumstances, the Accused shall not engage in any church-related duties until the investigation has been concluded and findings have been issued. Other prudent courses of action must also be considered.

SEXUAL MISCONDUCT, Cont'd

- 3. *Meet With the Accuser* – When notified, the Designated Officers shall immediately convene a meeting with the Accuser to :
 - a. Hear the allegations.
 - b. Request the Accuser to file a written complaint which shall include the name of the Accused, details including the date(s), place(s), nature of the offense(s), and verification by the Accuser. The complaint shall be verified as follows:

I, _____, do verify and affirm that the factual accusations of Sexual Misconduct are true and correct to the best of my knowledge.

Dated this _____ of _____, 20____,

At _____
(City)

(State or Province)

(Signature of Accuser)

(Signature of Designated Officer/Administrator)

- c. Inform the Accuser that the facts gathered from the written complaint and/or verbal statements, and his/her name will be disclosed in discussion with the Accused.
- d. Request the Accuser to appear before the Sexual Ethics Committee (SEC), if applicable, and
- e. Explain to the Accuser the process to be followed in response to the complaint and provide a copy of this policy.
- f. Report the initiation of these proceedings:
 - 1) For an Accused employee; to the Accused’s employing entity or organization and the local conference, union conference, or the North American Division of which it is a part; or
 - 2) For a Volunteer; to the Accused’s appointing organization and the church board of the congregation of which the Volunteer is a member.

SEXUAL MISCONDUCT, Cont'd

- g. Explain to the Accuser that if the Accuser at any time chooses not to participate, the process shall continue if there appears to be sufficient evidence to believe that an act of Sexual Misconduct may have occurred.
- 4. *Meet With the Accused* – As soon as practicable, the Designated Officers shall convene a meeting with the Accused to:
 - a. Discuss the allegations made in the verified written complaint.
 - b. Explain to the Accused the process to be followed in response to the complaint and provide a copy of this policy; and
 - c. Request that the Accused submit a verified written Response to the complaint and discuss with the Designated Officers any additional verbal response the Accused may wish to have considered. The written Response shall be verified as follows:

I, _____, do verify and affirm that the
Within factual statements and denials set forth in this answer are true and
correct to the best of my knowledge.

Dated this _____ of _____, 20 _____,

At _____
(City)

(State or Province)

(Signature of Accused)

(Signature of Designated Officer/Administrator)

- d. After meeting with the Accused, the Designated Officers shall review all of the facts and issue a decision; *such as in a case where the facts are not disputed by the Accused), or if necessary, begin the process of selecting the five-member Sexual Ethics Committee (SEC).
- 4. *Investigative Process Omitted* – Should the Designated Officers alone, or in consultation with the organizations’ administrative leadership or with the selected Sexual Ethics Committee (SEC) members and the concurrence of a majority of those members, determine that the allegations of the Accuser are of a nature that could be best resolved between the parties, and there is no factual dispute, then the investigative process may be omitted, provided the Accuser, Accused, and the applicable disciplinary body agree. The notification procedure contained in the decision process, and the disciplinary process, shall be followed as necessary. Should this process not be successful, the matter shall be referred back to the Designated Officers, who shall then initiate the investigative process.

SEXUAL MISCONDUCT, Cont'd

Investigative – The Sexual Ethics Committee (SEC), meeting as a group only, may be enlisted to investigate the allegations through information and documentation from the Accuser, the Accused, and other appropriate sources. At its discretion, the Sexual Ethics Committee (SEC) may meet with parties and witnesses, receiving and consider written documents, photographs, and other relevant materials; consider any court or administrative proceedings, including criminal convictions and pleas; and may determine the manner and form in which such evidence is received. Because these proceedings are administrative in nature, if the Sexual Ethics Committee (SEC) is involved, it shall have complete control over the hearing format including whether cross-examination of parties will be prohibited, and what evidence will be admitted.

1. *Convene Meeting of All Parties* – After reviewing the verified written complaint (Submission) of the Accuser and the Response of the Accused, the Sexual Ethics Committee (SEC) may convene a meeting of the parties to gather information to determine whether the factual allegations as set forth in the verified written complaint were more likely to be true than untrue.
 - a. The parties may bring other persons who have knowledge of the allegations and who may provide statements under oath. The Sexual Ethics Committee (SEC) may hear and consider the allegations and receive any such additional evidence necessary to support or defeat the verified written complaint. Written statements if requested from either party, should have notarized signature, as provided for in the written complaint and denial.
 - b. Members of the Sexual Ethics Committee (SEC) may ask questions as necessary. The Sexual Ethics Committee (SEC) may, upon a determination of good cause, prohibit cross-examination of parties or witnesses. If cross-examination is not allowed, the Sexual Ethics Committee (SEC) may accept written questions from the Accused or Accuser, and the Sexual Ethics Committee (SEC) may question the party(ies) or witness(es) protected from cross-examination.
2. *Attendance at Meeting of Sexual Ethics Committee (SEC)* – Once the Sexual Ethics Committee (SEC) is convened by the Executive Officers/Administration to take jurisdiction over a case and the Sexual Ethics Committee (SEC) members, the Accuser, the Accused, as well as the parents/guardians, or legal representatives of a minor or an incompetent adult, and with permission of the Sexual Ethics Committee (SEC) qualified therapists of the Accuser and/or the Accused, or legal counsel of the Accuser or the Accused, may attend the Sexual Ethics Committee (SEC) meetings. Any other individuals may attend only upon invitation of the Sexual Ethics Committee (SEC), consent of both parties, or while giving testimony or providing other evidence. The Sexual Ethics Committee (SEC) may seek counsel and advice from therapists, attorneys, or any other experts to assist the Sexual Ethics Committee (SEC) in its investigation of the charges or administration of the proceedings.
3. *Additional Meetings of Sexual Ethics Committee (SEC)* – The Sexual Ethics Committee (SEC) may convene additional meetings as may be necessary to fulfill its duties and responsibilities. Reasonable efforts will be made to provide notice to both the Accuser and the Accused of these meetings.

SEXUAL MISCONDUCT, Cont'd

4. *Witness Invitation or Recall* – The Sexual Ethics Committee (SEC) may invite or recall witnesses on its own initiative or at the request of the Accuser or the Accused as often as is necessary to determine the facts.
5. *Recording of Sexual Ethics Committee (SEC) Meetings* – The Sexual Ethics Committee (SEC) meetings shall not be recorded by videotaping, audiotape recording, or the preparation of a verbatim transcript by a court reporter or stenographer.
6. *Reporting of Verdict* – Upon any criminal disposition adverse to the Accused, whether by verdict or pleas of guilt or no contest, of charges based upon Sexual Misconduct, the Sexual Ethics Committee (SEC) shall presume the allegations involving the disposition substantiated and the Designated Officers shall report the finding to the disciplinary body for appropriate disciplinary action. A finding of not guilty in the criminal court will not of itself affect the process, findings, or disposition under this policy.
7. *Uncooperative Accuser* – If the Accuser at any time chooses not to cooperate, the process shall continue if there appears to be sufficient evidence to believe that an act of Sexual Misconduct may have occurred.
8. *Resignation of Volunteer* – If the Accused, Volunteer chooses to resign his/her membership and volunteer position, the Sexual Ethics Committee (SEC) shall consult with and seek the advice of an attorney regarding legal issues concerning continued disciplinary action against the Volunteer.

Decision Process – If it is determined that the Sexual Ethics Committee (SEC) needs to hear a case, it shall then determine whether the charges contained in the Accuser's complaint are supported by evidence showing that the charges are more likely than not to be true. Unless otherwise agreed to by the parties in writing, if applicable, the Sexual Ethics Committee (SEC) shall issue a finding within thirty (30) business days from the date of the final hearing.

1. *Sexual Ethics Committee (SEC) Actions* – Based upon its conclusion, the Sexual Ethics Committee (SEC) shall take one of the following actions:
 - a. If the allegations of Sexual Misconduct are found to be more likely untrue than true, no further investigatory action shall take place, and reasonable efforts shall be made to exonerate the Accused and clear his/her name, including placing the Designated Officers' or the Sexual Ethics Committee (SEC) findings in the Accused's personnel file, if applicable. These findings may also be placed in the Accuser's records as appropriate. The Sexual Ethics Committee (SEC) and the Designated Officers shall communicate and explain the Sexual Ethics Committee (SEC) findings with the Accuser and the Accused, separately. All entities or organizations which were notified of the initiation of these proceedings, shall also be notified of the Sexual Ethics Committee (SEC) findings to the satisfaction of the Sexual Ethics Committee (SEC) in consultation with the Accused.

SEXUAL MISCONDUCT, Cont'd

b. If the allegations of Sexual Misconduct are found to be more likely true than not, the Sexual Ethics Committee (SEC) shall report its findings to the Designated Officers, who shall relay the findings to the appropriate disciplinary body. Upon request, the Sexual Ethics Committee (SEC) may make its members available to meet with the Discipline Committee. All entities and organizations which were notified of the initiation of these proceedings, shall also be notified of the Sexual Ethics Committee (SEC) findings.

Disciplinary Process – 1. *Factors to Consider* – The Discipline Committee shall consider the following factors in determining the appropriate discipline:

- a. Severity of the offense(s)
- b. Frequency of the offense(s)
- c. Severity of the injury(ies)
- d. Number, age(s), and gender of the victim(s)
- e. Attitude of the Perpetrator (is he/she contrite?)
- f. Duration of the injury(ies); and
- g. Nature of the relationship between the parties.

2. *Discipline May Include* – Based upon these factors, discipline shall be imposed, and may include one or more of the following:

- a. Educative warning
- b. Written reprimand
- c. Public censure
- d. Mandatory counseling
- e. Suspension and/or
- f. Termination of employment or volunteer relationships
- g. Require that the Perpetrator reimburse the expenses incurred by the parties or the Sexual Ethics Committee (SEC), or
- h. Any other discipline determined to be appropriate by the disciplinary committee

3. *Discipline Committee to Communicate with All Parties* - The Discipline Committee or its designated representative(s) will communicate with the Victim(s) and the Perpetrator, separately, to explain the action(s) taken.

4. *Personnel File Record* – If the Perpetrator is an employee of a church entity, the Designated Officers shall ensure that notations have been placed in his/her personnel file that a complaint had been made, and that the findings of fact and the action taken by the Discipline Committee are placed in the personnel file.

5. *Volunteer Perpetrators* - If the Perpetrator is a Volunteer, the findings of fact and any action taken by the Discipline Committee or the Sexual Ethics Committee (SEC) shall be reported by the Designated Officers to the church entity or organization which appointed him/her as a Volunteer and to the church board and local conference in which he/she holds membership.

SEXUAL MISCONDUCT, Cont'd

Responses – Once the discipline committee has made its determination and decided upon the disciplinary action, the following steps shall be taken:

1. *Response to the Accused* - The following appropriate responses to the Accused may take place:

- a. Implement Discipline Committee action.
- b. Remove the Accused employee from service, if applicable.
- c. Assuming continuation of employment is possible, require therapeutic counseling and/or treatment to be utilized in combination with any of the responses listed above. A therapist who is qualified to deal with Sexual Misconduct, and who is sensitive to issues of professional ethics, should be selected by the Accused and approved by the Designated Officers. Assistance shall be made available for the spouse and family where needed and approved. The therapy requirement shall be clearly communicated and monitored as appropriate.
- d. For minor offenses where it is concluded that the Accused is sufficiently capable of effective service again, possible reinstatement of the Accused shall be dependent upon the recommendation(s) of the therapist, supervisor, and members of the Discipline Committee.
- e. Limit the service of the Accused during the rehabilitation process and appoint a trained supervisor to monitor his/her duties. Any such rehabilitation plan needs to be approved by a qualified therapist to protect other potential Victims.

2. *Response to the Accuser(s)* – a. Advise the Accuser of the Discipline Committee action.

- b. A list of qualified therapists shall be provided to the Accuser(s) to be utilized at his/her/their choice. While this does not imply financial responsibility on the part of the organization, financial support for this purpose may be offered without implying guilt.

3. *Response to the Congregation, Institution, or Church-related Entity* – a. The Designated Officers of the Discipline Committee shall meet with the officers of the conference, church, institution, or church-related entity to communicate the results of the hearing process. At this meeting special attention shall be given to the disciplinary action taken and its implication.

- b. A trained resource person shall be made available to assist the institution or congregation in whatever ways necessary to address their concerns and to bring healing.

4. *Response in Situations Involving Minors* – a. In the event that a complaint involves allegations of Sexual Misconduct with a minor, the person who receives the complaint is required by law to:

- (1) Immediately report the suspicion of sexual abuse against a minor to the local law enforcement authority (i.e. district attorney, child protection services, etc);
 - (2) Proceed with the investigation outlined in this policy.
- b. If charges are filed involving criminal acts against a minor and the Accused is prosecuted, two members of the Sexual Ethics Committee (SEC) may be assigned to monitor the trial proceedings and report regularly to the commission.

SEXUAL MISCONDUCT, Cont'd

- c. If the Accused is convicted in court of criminal charges against a minor, the Sexual Ethics Committee (SEC) or the Designated Officers shall recommend to the Discipline Committee removal from denominational employment or service.
- d. If the complainant does not choose to pursue a formal written complaint with the conference, the Designated Officers shall continue the investigation if there appears to be sufficient evidence that Sexual Misconduct has occurred such as to cause concern for the well-being of other minors.

Appeal – Because Sexual Misconduct policies are developed to make the process as fair and impartial as possible, the findings of the Sexual Ethics Committee (SEC) are considered final, resulting in no further appeals through the church.

Education and Prevention – The North American Division, in partnership with Adventist Risk Management, the General Conference Human Resources, and the General Conference Office of General Counsel, seeks to educate employees and volunteers that Sexual Misconduct is disapproved by the Church and violates the law of the land. To carry out this educational goal, the North American Division publishes this policy for its office and field, institutions, boards, and church-related entities and affiliates; develops appropriate instructions/standards for moral conduct and the prevention of Sexual Misconduct; and endeavors to inform all employees, volunteers, and members of the process of bringing a complaint of Sexual Misconduct.

The North American Division encourages the establishment of education and prevention programs in churches, schools, and other institutions. Lists containing names of employee and lay resource persons who have indicated that they can provide seminars, sermons and educational programs may be obtained from the Office of Human Relations of the North American Division.