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## **SEXUAL MISCONDUCT POLICY AND PROCEDURES**

The Way Church of Denham Springs is committed to creating and maintaining a work environment free of sexual misconduct. It is therefore the policy of the Way Church that all church partners, employees, ministers, leaders, and volunteers are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Sexual misconduct is a violation of the principles set forth in Scripture and of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of partner, clients, co-workers, and students. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If a partner, client, co-worker, or student initiates or invites sexual content in the relationship, it is the pastor's, counselor's, leader's, teacher's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship. All elders, pastors, leaders, and shepherds of the Way Church are expected to be above reproach in this regard.

It is never permissible or acceptable for a church partner, employee, minister, leader, teacher, or volunteer to engage in sexual misconduct. Sexual harassment perpetrated by or against any employee, minister, leader, partner of the Way Church, or any other person(s) involved with the church shall not be tolerated. The Way Church will comply with all state and federal laws and regulations pertaining to sexual misconduct or harassment. Any individual determined to be responsible for sexual misconduct will be subject to appropriate disciplinary action by the Elder Board, up to and including termination.

### **DEFINITIONS**

"Child" means any person who has not attained eighteen (18) years of age.

"Child sexual abuse" includes, but is not limited to, any contact or interaction between a child under the age of eighteen (18) years and an adult when the child is being used for the sexual stimulation of the adult person or of a third person; or any violation of the laws of the State of

Louisiana or of the United States. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child.

“Church leader(s)” means any person who has been duly ordained, licensed, or recognized by the Way Church as an elder, pastor, minister, shepherd, or small group or house church leader/teacher.

“Church partner(s)” means any person who has signed a membership covenant with the Way Church and/or holds themselves out as a member of the Way Church.

“Church staff” or “staff member” means any person who is employed by the Way Church as an elder, pastor, administrator, teacher, child care or nursery worker, Parents’ Day Out (PDO) employee, or custodian.

“Church volunteer(s)” means any person who volunteers or participates in any ministry of the Way Church or the church’s Parents’ Day Out program.

“Coerced abortion” means the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed.

“Commercial sexual exploitation” is any form of child sexual abuse or exploitation in which a person(s), of any age, forces or entices a child into engaging in any sexual activity or pornographic displays for the financial benefit of any person or in exchange for anything of value, including monetary and non-monetary benefits, given or received by any person.

“Dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the child characterized by the expectation of affectionate involvement independent of financial considerations, regardless of the length of time or duration of the relationship.

“Family member” means any parent, sibling, grandparent, aunt, uncle, or any other ascendants or descendants, who is related to the child either by blood, step, or adoption; or any foster parent of the child.

“Household member” means any person presently or formerly living in the same residence as the child, or any child presently or formerly living in the same residence with the child, including any foster children who are not related to the child either by blood, step, or adoption.

“Misuse of technology” is the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with

whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen (18), it is considered child sexual abuse and will be reported to the appropriate authorities. There is never an expectation of personal privacy when using technological equipment owned by the Way Church or within the context of ministry.

“Sexual abuse” is any physical contact with a sexual or intimate part of the body, or other forms of sexual activity, conducted without consent, or engaged in for the purpose of sexual gratification or to degrade or abuse.

- Physical contact includes:
  - Anal, vaginal, or oral sexual intercourse;
  - Touching, grabbing, patting, slapping, pinching, rubbing, fondling, groping, poking, or other forms of contact, whether over or under clothing; or
  - Rubbing one’s genital area up against another person or touching another person with one’s genitals, whether over or under clothing. This includes instances when an individual acts as though the rubbing was inadvertent but was in fact intentional.
- Sexual or intimate body parts include, but are not limited to:
  - Breasts;
  - Buttocks;
  - Genitals;
  - Groin area; and/or
  - Upper Thigh
- Other forms of sexual activity include:
  - Photographing, videotaping, or making any other visual, descriptive, or auditory recording of sexual activity or the sexual or intimate parts of a person’s body; or
  - Displaying to another any writings, photograph, videotape, or other visual or auditory recording of sexual activity or the sexual or intimate parts of a person’s body
- Lack of consent includes:
  - Explicit indication of lack of consent;
  - Physical/verbal force or intimidation, whether express or implicit;
  - Circumstances in which one individual is an adult and one individual is a child, since children cannot legally consent to sexual activity with an adult;
  - Circumstances in which one individual is too intoxicated to say “no” or to understand or appreciate the circumstances in which that individual finds himself/herself;
  - Circumstances in which one individual is asleep;
  - Circumstances in which one individual lacks knowledge of the activity’s occurrence; or

- Circumstances in which one individual does not have the physical or mental capacity to consent.

“Sexual harassment” includes, but is not limited to, the following behavior:

- Unwanted sexual advances, invitations, or comments;
- Oral or written communication that contains offensive name-calling, jokes, slurs, negative stereotyping, or threats;
- Nonverbal conduct, such as repetitive staring or leering, or giving inappropriate gifts;
- Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, screen savers, or gestures;
- Intentional physical conduct such as an assault/battery, unwanted touching, the blocking of normal movement, or the interfering with work;
- Threats and demands to submit to sexual requests as a condition of continued employment/participation in ministry, or to avoid some other loss, and offers of employee/member benefits in return for sexual favors; or
- Retaliation for having reported or threatened to report harassment.

“Sexual harassment” occurs when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or relationship with the church;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or ministry/program decisions affecting such individuals; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or ability to participate in church activities or has the purpose or effect of creating an intimidating, hostile or offensive working or worshiping environment.

“Sexual misconduct” includes, but is not limited to, the following behavior:

- Child sexual abuse;
- Misuse of technology;
- Rape or sexual contact by force, threat, or intimidation;
- Sexual abuse;
- Sexual harassment;
- Sexual malfeasance;
- Any of the above behavior committed by a spouse, family member, or dating partner against their spouse, family member, or dating partner; or
- Any of the above behavior committed by means of spiritual abuse by one in a position of authority, leadership, or influence at The Way Church.

“Sexual malfeasance” includes, but is not limited to, the following acts committed by anyone in a ministerial or leadership position at The Way Church, or by any non-member/non-employee counselor or minister/pastor involved in a ministry of The Way Church:

- The use of offensive, obsessive, or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another; or
- Sexual activities within a professional ministerial relationship that results in misuse of authority or position arising from the professional ministerial relationship.

“Sex offender” or “sexual offender” refers to any individual convicted of a “sex offense” as defined by Louisiana or federal law, any individual who is on probation or parole for a “sex offense” as defined by Louisiana or federal law (or as recognized by the State of Louisiana if for a conviction from another state, territory, or jurisdiction), or any individual who is currently required to comply with state and/or federal Sex Offender Registration and Notification (SORNA) laws.

"Spiritual abuse" is the coercion, control, or abuse of a person by another in a spiritual context or under the guise of religion, whereby a person experiences spiritual abuse as a deeply emotional personal attack. This abuse includes, but is not limited to, any of the following:

- Use of religious ideology, precepts, tradition, or sacred texts to commit the emotional, financial, physical, or sexual abuse of a person or sexual misconduct;
- Compelling a person to engage in religious acts against his or her will;
- Mistreatment of a person who is in need of help, support, or spiritual encouragement;
- Abuse that occurs in a religious context (e.g., church or youth group);
- Abuse perpetrated by a religious leader (e.g., pastor, youth minister, teacher); or
- Invocation of divine authority to manipulate or exploit a person into meeting the needs of the abuser.

## **PROTECTIVE PRACTICES**

The Way Church is committed to diligently providing a safe environment for all persons and their families to serve and be served as we carry out the gospel ministry. In keeping with this, The Way Church will abide by the following protective practices.

### **Personnel Director**

The Elder Board shall appoint or hire an Personnel Director, or assign the following duties to an Administrative Pastor, who shall be responsible for supervising all staff members and volunteers and overseeing the implementation and enforcement of these *Sexual Misconduct Policies & Procedures*. The Personnel Director shall also be responsible for providing training to church leaders, staff, members, and volunteers on the implementation of these policies and procedures. The Personnel Director shall report to the Elder Board and shall have all other duties as set forth by the Elder Board.

## **Screening of Leaders, Employees, and Volunteers**

While it is not always possible for any organization to identify someone as a perpetrator or potential perpetrator of sexual violence or harassment, a thorough screening can help offset this risk and help the church determine if an applicant is an appropriate fit for a position or role at the church. In keeping with our values of protecting those in our care, as we raise up leaders, hire employees, or recruit volunteers, The Way Church will require all applicants to submit a written application and submit to background checks, Internet and social media searches, reference checks, and formal interviews.

Any person who is being considered as a candidate for the following positions shall be screened by church leadership:

- Elder (and spouse);
- Pastor (and spouse);
- Shepherd (and spouse);
- Children's ministry team member or volunteer;
- Youth ministry team member or volunteer;
- Parent's Day Out (PDO) employee or volunteer; and/or
- Nursery worker or volunteer.

The Way Church requires the following screening procedures:

- The completion of a written application.
- All candidates either must provide a valid driver's license or state identification card or must consent to be photographed, with copies of their driver's license, identification card, or photographs to be kept in their personnel file.
- At least two references to be contacted. These references should include:
  - Previous employers;
  - At least one reference not supplied directly by the applicant; and
  - Personal references if the applicant is under eighteen.
- A background check that includes the following information:
  - Confirmation of education;
  - Local criminal records check;
  - State criminal records check;
  - FBI criminal records check;
  - State central child/dependent adult abuse registry check;
  - State sex offender registry check;
  - Motor vehicle records check;
  - Professional disciplinary board background check; and

- An interview that explores a candidate's written application and introduces the *Child Protection Policy & Procedures* to the candidate.
- All candidates must acknowledge in writing that they have received a printed copy of this policy, that they understand them, and that they agree to abide by them.

If the screening process yields information that an individual abused, mistreated, or neglected a child in any way or has been convicted of a violent and/or sexual crime, that individual shall not work with children in any capacity and may be rejected from further consideration as a leader, employee, or volunteer at the Way Church. The Elder Board shall make the final determination in this regard.

The Way Church keeps confidential all information received in the applicant selection process. Such information will be stored with access afforded only to appropriate church staff and/or teams on a need-to-know basis. If the church learns of false, misleading, or amended information on an application that could cause potential danger to individuals or groups these policies endeavor to protect, or other liability to the church, that person will be terminated or have his/her application rejected.

All employees (part time or full time) or volunteers in a supervisory, caretaking, or teaching position with direct relation to children under the age of eighteen (18) years must have been members of The Way Church for a minimum of six (6) months prior to being considered for the position and must submit to a criminal background check before being considered for the position. This rule does not apply to Parents' Day Out (PDO) employees or volunteers, though it is a requirement of the Parents' Day Out (PDO) Director. The six (6) month of partnership requirement may be waived by unanimous consent of the Elder Board.

No applicant or volunteer ever convicted of a sex offense is eligible for service in a position with direct relation to children and is permanently barred from ministry.

Any applicant or volunteer who is a survivor of child abuse or domestic violence in the past must notify the Elder Board prior to service in a position with direct relation to children or with domestic abuse survivors or offenders. This disclosure will be kept in the strictest of confidence by the Elders of the church and will be used exclusively for deciding whether the applicant is a good fit for the considered position and so that the elders may better serve the spiritual and emotional needs of the applicant or volunteer. Any violation of this confidentiality, without the expressed consent of the applicant or volunteer, by an elder shall be grounds for disciplinary action.

All church leaders and church staff shall report any arrest or conviction for any criminal offense, excluding traffic offenses, to the Elder Board within seventy-two (72) hours of arrest or conviction.

## **Minimum Supervisory Policies & Procedures**

*The Two Adult Rule:* A minimum of two (2) adults are required to be present in any setting or activity regarding children, where parents or other adults will not be present. At least one of these must be a church leaders, staff member, or ministry team member. These two workers cannot be related to one another.

Exceptions:

- Some students (sixth-twelfth grades) may have only one primary worker in attendance in approved cases by the minister in charge. In these instances, doors to classrooms will remain open, or the meeting will take place in an open area with other students and/or adults.
- Workers related to one another may serve together in certain situations upon special approval by the Elder Board, in consultation with the minister in charge of said ministry area and the Child Protection Director.
- In cases where a church leader has a legitimate reason to be alone with a child (i.e., counseling, visitation), all workers should obtain the consent of the child's parent or guardian and an Way Elder prior to being alone with the child. In such cases, the church leader should first attempt to have another adult present, with the child's consent, and only agree to meet with the child alone if there is not another adult available that the child trusts to be present. This will be strictly enforced.

In situations where two workers are scheduled but one of those does not arrive on time, or is absent for the entire event(s), the minister overseeing the event(s) must be notified and take whatever precautions are necessary to ensure the participant's safety and protection as best he/she can.

Any time an elder or pastor conducts any counseling or ministerial conversations with a member of the opposite sex, there should be another person present or should be conducted within view of other adults.

The elders and pastors of the Way Church are responsible for addressing any suspicious behavior or any behavior that may be contrary to church policy and to document and report such occurrences to the Elder Board.

The Elder Board may impose as they see fit additional supervisory or protective policies and procedures to ensure full compliance with this *Sexual Misconduct Policies and Procedures*.

## **Reporting Procedure**

Any employee, minister, leader, partner of the Way Church, or any other person(s) involved with the church who is aware of any instances of sexual misconduct or harassment should report the



alleged act immediately to a Way Elder. Any employee, minister, leader, partner of the Way Church, or any other person(s) involved with the church who believes he or she has been subject to sexual misconduct or harassment should do the same. If the complainant is uncomfortable in discussing the matter with any of the Way Elders directly, then that individual may report the alleged act to a Way Pastor or ministry leader, who will then be responsible for bringing the matter to the attention of the Elder Board. Employees, ministers, leaders, volunteers, and partners are encouraged to be prompt in reporting such behavior.

Any complaints of sexual misconduct involving a child shall conform with the *Child Protection Policy and Procedures*.

Any report or complaint should include details of the incident or incidents, names of the individuals involved, and names of any witnesses. A thorough and objective investigation of the allegations will be conducted promptly by the Elder Board and will be handled as confidentially as possible. Upon completion of the investigation, the appropriate parties will be notified of the findings.

### **Investigation & Follow Up**

The Way Church and its leadership will take all allegations of sexual misconduct seriously. In the event that the allegations involve a member of the church staff or leadership, then the Elder Board shall promptly, thoroughly, and equitably investigate whether misconduct has taken place. The Elder Board may utilize an outside third party to conduct an investigation of misconduct or assist in the investigation. The Elder Board will take every reasonable measure to ensure that those named in complaint of misconduct or are too closely associated with those involved in the complaint will not be part of the investigative team.

Any employee, minister, leader, teacher, or volunteer who is accused of sexual misconduct will be relieved temporarily of his or her duties or responsibilities until the investigation is completed.

The Way Church will cooperate fully with any investigation conducted by law enforcement or other government entities and church leadership shall take all necessary steps to ensure the safety and physical and spiritual well-being of any victim of sexual misconduct and their families.

To the fullest extent possible, but consistent with our legal obligation to report any suspected child abuse or neglect to appropriate authorities, we will endeavor to keep the identities of the alleged victims and investigation subject confidential.

If the investigation by the church or by the government substantiates the allegation(s), the perpetrator shall be subject to discipline by the Elder Board, including termination of

employment or termination of partnership with the Way Church and exclusion from all church properties.

In the event that the allegations involves a person who is not a member of church leadership (such as a church partner, volunteer, visitor, or any other person), then the Elder Board shall take all necessary actions to ensure the safety and physical and spiritual well-being of the victim and cooperation with any investigation being conducted by law enforcement or other government entities. If the allegations are such that they do not constitute a crime under the laws of the State of Louisiana or the United States, but would be misconduct as defined by Scripture, then the Elder Board shall proceed with disciplinary proceedings as set forth in the *Constitution & By-Laws*.

### **Retaliation and False Accusations Prohibited**

The Way Church strictly prohibits any retaliation against anyone, including any employee, minister, leader, volunteer, partner, student, or individual, who in good faith reports suspected sexual misconduct, alleges that it is being committed, or participates/assists in any investigation prompted by their good faith reporting of suspected sexual misconduct.

Intentionally false or malicious accusations of sexual misconduct are prohibited.

Anyone who improperly retaliates against someone who has made a good faith allegation of sexual misconduct, or intentionally provides false information to that effect, will be subject to discipline, up to and including termination.

### **Liaison with the Community**

The senior pastor, the church's legal counsel, or such other person as the Elder Board may direct, will serve as the church's sole access to the media. The church should emphasize to the public its position on child abuse and neglect, its concern for the victim and the extensive steps being taken to address the safety of all who attend the church.

### **ATTENDANCE OR PARTNERSHIP OF INDIVIDUALS CONVICTED OF A SEX OFFENSE**

Consistent with the teachings of Scripture, The Way Church firmly believes that there is no sin(s) beyond the grace and forgiveness of Jesus Christ. We also affirm, as did Martin Luther in his 95 theses, that all of life is repentance. We therefore strive to maintain a culture of redemption and repentance for all who attend any of the services or ministry events offered by The Way Church. We believe that spiritual health is attainable for all individuals and our hope and prayer is that we will all “*grow in the grace and knowledge of our Lord and Savior Jesus Christ*” (2 Pet. 3:18, ESV). As long as a person with a history of one or more sexual offenses remains honest and

committed to God and to others, the local church should encourage him or her to move toward treatment and recovery and should commit its support as they continue.

The Way Church is also committed to providing a safe environment for children and victims/survivors of child sexual abuse or maltreatment. The Way Church must therefore balance the following three priorities: (1) the safety of children; (2) the peace of mind of parents and family members; and (3) opportunities to worship and fellowship for everyone, including those who have been convicted or accused of a sex offense.

In the event that someone the sex offender has harmed or their family also attends The Way Church and chooses to remain, the church leadership will work with other churches in the community to find a place for the offender to find a place to worship and have accountability. The offender shall not be permitted to attend any service or event where someone he or she harmed or their family is present.

When the Senior Pastor, an Elder, or any member of church leadership or staff, is informed that a sex offender is attending or wishes to attend the church, the Elder Board shall take the following steps:

- Obtain a record of the sex offender's prior criminal convictions by conducting a national, state, and local criminal records check in order for church leadership to be fully informed regarding the sex offender's criminal background.
- If the sex offender is on probation or parole, the Child Protection Director shall identify the offender's probation/parole officer and ascertain the conditions that have been imposed. The Way Church will comply with and enforce any conditions of probation or parole as required by Louisiana law. In some cases, sex offenders may be prohibited from attending church, being in the presence of children, or having unsupervised access to children. If the probation/parole officer indicates that the offender is permitted to attend church, then the Child Protection Director shall ask the officer if he or she would recommend that the offender be allowed to attend church, and if so, under what conditions. The Child Protection Director shall obtain this information in writing, or, if that is not possible, make a detailed written account of the officer's response. These records shall be maintained and preserved by The Way Church.
- Condition the sex offender's right to attend church services and activities on his or her signing a *Limited Access Agreement* (see above) that imposes no less than the following conditions:
  - The sex offender will not work with minors in any capacity in the church.
  - The sex offender is not qualified to hold any leadership position within the church.

- The sex offender will not be present on church property while children are present for Parents' Day Out activities. In the event that the sex offender's child(ren) participate in the Parents' Day Out ministry, the sex offender is permitted to drop off and pick up his/her child(ren) (unless otherwise prohibited by law or court order), but is otherwise prohibited from remaining on the premises.
  - The sex offender will not attend any youth or children's functions while on church property, except for those involving his or her own child or children, and only if in the presence of a chaperone (see below).
  - The sex offender will always be in the presence of a designated chaperone while on church property. This includes religious services, educational classes, activities, and restroom breaks. The chaperone shall monitor the sex offender the entire time that the sex offender is on church property or is attending a church-sponsored event.
  - The sex offender will continue to comply with any of the conditions of his probation/parole, sex offender registration and notification requirements, and any sex offender treatment or counseling requirements imposed by law or court order.
  - The sex offender will sign a written agreement allowing church leadership to speak with his or her probation/parole officer and/or sex offender therapist/counselor so that the church may provide accountability to the offender and coordinate with his treatment in any way.
  - The sex offender waives any clergy-penitent privilege with any communications with church pastors, elders, or shepherds. (This does not affect any privileges recognized by Louisiana law between the offender and any person within the church who is providing mental health or counseling therapy to the offender.)
  - A single violation of these conditions will result in an immediate termination of the sex offender's privilege to attend church.
  - A violation of any conditions of the sex offender's probation or parole that is brought to the attention of church leadership shall be immediately communicated to the offender's probation/parole officer.
  - The Limited Access Agreement option will not be available unless the church's insurer is informed and confirms that coverage will not be affected.
- In certain cases, exclusion of the sex offender from the church is the only viable option and shall be implemented by the Elder Board if (1) for any reason the limited access option is not feasible or enforceable; or (2) if the offender's crimes are so frequent or

heinous that exclusion is the only appropriate option; or (3) one or more of the offender's victims attends the church.

The Elder Board, in consultation with the Child Protection Director and any other child protection experts they may deem appropriate) may utilize these protections and procedures for any individual who were accused or charged with a sex offense, but were not convicted of a sex offense (e.g., were found not guilty at trial, were convicted a lesser offense, or where the District Attorney elected to reject or dismiss the charges) if there is compelling evidence that the individual committed a sex offense and they deem it necessary and prudent to implement these protections and procedures.