

Evangelistic Outreach Ministries International Sexual Misconduct Policy

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Evangelistic Outreach Ministries International

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**PREAMBLE**

Evangelistic Outreach Ministries International (EOM) is committed to providing a safe environment for its members, employees, guests, volunteers, and other individuals. Indeed, mutual respect, consideration, and courtesy are cornerstones of the Christian Gospel, the traditional tenets of the overall body of Christ, and are expected of all EOM members, representatives, employees, and volunteers, regardless of their title or position.

EOM members, guests, employees, and volunteers have the right to pursue their activities free from all forms of discrimination and conduct or contact which could be deemed of a sexual nature, harassing, coercive, or disruptive. Thus, EOM will not tolerate or allow any form of sexual misconduct by any of its members, employees, agents, representatives, and volunteers.

EOM is committed to dealing expeditiously, openly, fairly, and compassionately with allegations of sexual misconduct. This policy outlines the procedure(s) recognized and utilized by EOM in connection with the reporting, investigation, and resolution of claims involving alleged sexual misconduct.

In addition to the procedures outlined in this policy, it is imperative that any individuals who have been subjected to sexual misconduct and/or anyone with knowledge of sexual misconduct especially involving minors or those who lack mental capacity immediately notify the appropriate civil authorities of such conduct. EOM will cooperate fully with any investigation by civil authorities relating to any alleged claim of sexual misconduct.

**POLICY STATEMENT**

EOM is committed to providing and maintaining a worship environment and a work environment free from sexual misconduct and harassment. Sexual misconduct is not only inappropriate and immoral, but diametrically opposed to the Word of God as contained in the Bible. Moreover, sexual harassment as a form of sexual misconduct is illegal under Title VII of the Civil Rights Act of 1964 and related State statutes addressing prohibitions of the same. EOM adheres to all civil and criminal laws prohibiting sexual misconduct and will take appropriate action(s) to eliminate such behavior or conduct from within all of its components. Therefore, EOM prohibits any of its members, officials, officers, employees, agents, and representatives from engaging in sexual misconduct of any form. Furthermore, EOM forbids retaliation, reprisal or adverse treatment of any kind against anyone complaining of or reporting allegations of sexual misconduct.

**POLICY IMPLEMENTATION AND DISSEMINATION**

Implementation: All officers and officials of EOM are responsible for the implementation and enforcement of this policy in furtherance of a working environment and a worship environment free from sexual misconduct of any kind.

Dissemination: This policy shall be widely disseminated to the leadership family of EOM. Methods of dissemination may include publication in EOM website, EOM TV Network, EOM Radio Station, EOM Bible Academy/University, EOM Newsletter, the EOM employee handbook and/or any other media service or alternative mechanism deemed effective and appropriate.

**POLICY DEFINITIONS**

Accused: The individual against whom a complaint of sexual misconduct is alleged. Accuser: The individual who has asserted or alleged an act of sexual misconduct. Adult: An individual who has attained the age of (eighteen) 18. Agent: An individual who is empowered to act for or represent EOM. Accusation: A charge or allegation of sexual misconduct against an individual. Allegation: An accusation of abuse or sexual misconduct. Burden of Proof: Responsibility of the complainant or accuser to prove by a preponderance of evidence that the accused has engaged in activity(ies) constituting sexual misconduct as defined in this Policy.

Child: Any person under the age of eighteen (18). Complaint: A written statement asserting an allegation(s) of sexual misconduct. Complainant: The party who has filed a written statement on behalf of him/herself or on behalf of the accuser against the accused. Double Meanings: An assertion in which one meaning is clear and another meaning can be inferred or implied. Due Process: A guarantee of fairness in conducting legal procedures and/or the administration of justice strictly in accordance with established principles and procedures in order to safeguard the legal rights of the accused and the accuser. Effective Consent: Consent which is informed, freely and actively given, mutually understandable containing words or actions that indicate a willingness to participate in agree-upon sexual activity. Employee: Any individual who is employed by EOM. Fact Finding Process: Generally, the review of information, documents and/or testimony from the accuser, complainant, accused, witnesses, and other knowledgeable persons to determine the facts of the case. Incapacitated: One who is disabled, handicapped or helpless. Ineffective Consent: An individual, whether a minor, mentally disabled, or physically incapacitated, who cannot give effective consent to engage in sexual activity. Innuendo: A remark that indirectly conveys a sexual meaning. Lack of Mental Capacity: Impairment in judgment or awareness. Mental Capacity: The ability to make decisions independently. Minor: An individual who is under the age of eighteen (18) (a child). Pastor: An individual who has been assigned to specific pastoral ministry within a congregation or to a specialized ministry.

Pornography: The explicit depiction or exhibition of sexual activity in literature, media, emails, films or photography that is intended to stimulate erotic feelings.

Preponderance of Evidence: Facts based on truth and accuracy leading to the conclusion that the complainant or accuser has met the burden of proof in establishing that the accused has engaged in activity(ies) constituting sexual misconduct as defined in this Policy.

Representative: An individual who is authorized to act on behalf of the Evangelistic Outreach Ministries, International.

Sexual Abuse or Molestation: The forcing of unwanted sexual activity by one individual or another individual or sexual activity that is deemed improper or harmful as between an adult and a minor, or with a person of diminished capacity.

Sexual Exploitation: The taking of non-consensual, unjust or abusive sexual advantage of another, for one’s own advantage or benefit, or to the advantage or benefit of anyone other than the one being exploited; such behavior does not otherwise constitute rape, sexual assault, or sexual harassment.

Sexual Harassment: Unwelcome attention, advances, touching, or harassment of a sexual nature that includes a range of behavior from mild, implicit or subtle transgressions and annoyances to overt and blatant activity or conduct that can involve forced sexual activity.

Sexual Misconduct: Any conduct of a sexual nature that is non-consensual, including but not limited to sexual harassment or sexual assault, or any behavior that has the effect of threatening or intimidating the individual against whom such conduct is directed.

Visual Abuse: The display of pornographic materials designed to embarrass or intimidate.

Volunteer: An individual who willingly assumes an obligation or position.

Voyeurism: Obtaining sexual gratification from observing naked bodies or the sexual acts of others.

Examples of Sexual Misconduct

 Demeaning references to one’s gender

 Comments about one’s body or clothing

 Staring, comments, or propositions of a sexual nature

 Jokes containing sexual content

 Inappropriate questions about one’s sexual behavior

 Sexually suggestive innuendoes and double meanings

 E-mails containing pornographic materials

 E-mails containing harassing messages

 Sexually suggestive posters

 Sexually suggestive objects

 Sexually suggestive telephonic, electronic, or other written communications

 Demand for dates

 Demand for sex

 Physical sexual assault

 Sexual exploitation

 Voyeurism

 Request for sex in exchange for grades, recommendation, employment position or promotion

This is not an exhaustive list.

**EXAMPLES OF SEXUAL HARASSMENT**

Subjection to any kind of harassment (such as verbal harassment or abuse, pressure for sexual activity, touching of a sexual nature, or remarks to a person with a sexual or demeaning implication) as an explicit or implicit term or condition of an individual’s employment, education, training, service, and/or any other decision affecting an individual.

Subjection to sexually harassing behavior (such as verbal harassment or abuse, pressure for sexual activity, touching of a sexual nature or remarks to a person with a sexual or demeaning implication) is used as the basis for employment, education, training, service, and/or any other decision affecting an individual.

Conduct that has the purpose or effect of unreasonably interfering with an individual’s work, service, performance or creates and intimidating, hostile or offensive working environment (hostile work environment harassment) as defined by the Equal Employment Opportunity Commission Guidelines on Sexual Harassment.

Conduct that has the purpose or effect of interfering with the performance of a member, official employee or volunteer, creating an intimidating, hostile, offensive or otherwise adverse work or worship environment, or adversely affecting any member’s or guest’s access to EOM’s programs, services or benefits.

This is not an exhaustive list.

**GENERAL OVERVIEW OF INVESTIGATION AND RESOLUTION PROCESS**

DUE PROCESS – This policy shall be enforced in a manner consistent with accepted principles of “due process” including the right of any individual accused of alleged sexual misconduct to receive timely and proper notice of the alleged misconduct and to have an opportunity to defend his or herself at a hearing.

Confidentiality. Confidentiality shall be maintained insofar as may be consistent with due process through a formal process taking into consideration that individuals other than the accuser and accused will likely be contacted during the fact-finding process. Everyone contacted will be instructed to refrain from discussing the case outside of the formal process.

Investigations. Investigations must generally include interviews of all parties involved in connection with the allegations of sexual misconduct, in addition to witnesses who possess potentially relevant information regarding the allegations of sexual misconduct. The investigations shall include a review of all evidence submitted.

Resolution. Resolution shall be sought at the lowest appropriate level with EOM before proceeding to higher administration within the church body, subject to the appeal process outlined in this Policy.

Disciplinary Action or Sanctions. Any disciplinary action or sanctions imposed against an individual who has engaged in activity(ies) constituting sexual misconduct as defined in this Policy should be proportionate to the gravity of the misconduct, consistent with due process, and in accordance with and not in contravention to the Rules and Regulations of EOM.

Fraudulent Claims. Any individual who knowingly files a fraudulent complaint under this Policy may be subject to disciplinary action, in addition to criminal and/or civil penalties.

Record Keeping. It is imperative that the Review Board, to the extent possible, maintain in perpetuity all documentation of all complaints made and any actions taken by the Review Board in response to said complaints.

**Policies and Procedures of Complaints within EOM**

Any claim involving sexual misconduct against the Pastor of the local church and any other licensed credential holder within the local church, such as a licensed Elders, Ministers, Deacon, Deaconess, Evangelists, Missionaries or any other leader must be investigated at the EOM Diocese/State Level and in accordance with the procedures outlined in this Policy.

1. Primary purpose of the Local Sexual Misconduct Review Board

The Local Sexual Misconduct Review Board, hereinafter referred to as the “Local Review Board,” should be a standing committee responsible for the review, investigation, and adjudication of all complaints relating to alleged sexual misconduct involving the local church, with the exception of complaints against the Pastor and other licensed credential holders of the local church.

2. Members of the Local Sexual Misconduct Review Board

The Local Review Board should consist of not less than three (3) and not more than (9) individuals.

The Local Review Board members should not be elected officers, but should be appointed by or on behalf of the Pastor of the local church.

Members of the Local Review Board should be subject to removal from office at any time at the will of the Pastor.

A Local Review Board member should refuse himself/herself from any complaint that involves an individual who is biologically affiliated with the Review Board member, has a personal relationship with the Board member, and/or any other relationship with an accuser, complainant or accused that prevents the Board member from maintaining an opinion in connection with the investigation.

3. General Duties and Responsibilities of the Local Sexual Misconduct Review Board

The Local Review Board should be responsible for the review, investigation, and adjudication of all complaints relating to alleged sexual misconduct (as defined in the Definitions Section of this Policy) that involve the local church, with the exception of complaints involving the Pastor and any other licensed credential holders of the local church.

**INFORMAL RESOLUTION PROCESS**

1. Proposed Standard Policy

Whenever possible, the Local Review Board should discuss and seek resolution of any minor conflict or dispute in the most informal manner deemed possible.

2. Type of Complaints Generally Not Requiring Informal Resolution

Innuendos and/or verbal complaints may be deemed by the Local Review Board not to constitute a minor conflict or dispute requiring informal resolution or otherwise.

Major disputes, recurring minor complaints, and/or matters pending in litigation or before a civil or criminal adjudicatory body should be investigated and resolved through the formal resolution process.

3. Proposed Informal Resolution Procedure

Upon receipt and review of a written complaint of sexual misconduct, the Local Review Board may determine that no investigation is warranted. In such cases, the Local Review Board should have discretionary authority to initiate an informal investigation that may consist of reviewing any document(s) submitted in connection with a written complaint and/or contacting the complainant, the accused, and any other individuals who may have information in connection with allegations raised in the complaint. The Local Review Board should be required to report the findings of its investigation to the Pastor and to state whether the Board recommends further action. The Local Review Board should prepare and maintain a written report in connection with its investigation and findings.

**PROPOSED FORMAL RESOLUTION PROCESS**

1. Standard Policy

Any time a written complaint alleging sexual misconduct against an official, employee, representative, or member of the local church is made, the Local Review Board should undertake a comprehensive investigation with respect to the allegations and provide the Pastor with the Board’s proposed recommendation relative to resolving the complaint of sexual misconduct.

2. Exceptions to Standard Policy

(a) In cases where informal resolution may be more appropriate for resolving a complaint (see Informal Resolution Procedure Section above) the Local Review Board should at its discretion investigate the complaint in accordance with the informal resolution process.

(b) Complaints against Local Church Pastors and EOM Licensed Credential Holders

In cases where the complaint of sexual misconduct is made against the Pastor of a local church or any licensed credential holder of EOM, such as an ordained Elders, Ministers, Deacon, Deaconess, Evangelists, Missionaries or any other leader, the Local Review Board does not have the authority or jurisdiction to investigate the complaint.

In cases where the Local Review Board does not have jurisdiction over a complaint the Local Review Board should be required to notify the complainant in writing of lack of jurisdiction within thirty (30) days of receiving the complaint.

To the extent warranted, the correspondence forwarded by the Local Review Board to the complainant advising of the lack of jurisdiction should also refer the complainant to the Diocese/State Review Board, which is the appropriate ecclesiastical body for filing a complaint against an accused.

3. Formal Resolution Procedure

(a) Filing of a Complaint

The filing of a written complaint by either the complainant or accuser or someone on behalf of the complainant or accuser should initiate the investigation process.

The written complaint cannot be based on speculation, hearsay, or any second-hand knowledge or information. The complaint must detail with specificity regarding the alleged misconduct, including the dates and times of the alleged misconduct.

The written complaint should include information regarding the complainant or accuser, including but not limited to, date of birth, address, and telephone number.

The written complaint should include, to the extent applicable, the names, addresses, and telephone numbers of any witnesses having first-hand knowledge of the misconduct.

The written complaint should include as much information as possible regarding the address/location of the accused.

The written complaint should refer to any civil or criminal proceedings that have been initiated by the complainant or accuser against the accused or initiated or prosecuted by any governmental or regulative body against the accused that directly relates to the allegations raised in the written complaint.

Copies of any relevant documents pertaining to the allegations raised in the complaint and/or pertaining to any civil or criminal matter involving the accused should be forwarded to the Local Review Board.

The written complaint should be signed by the complainant or the accuser, and, preferably, notarized or attested to.

(b) Investigation of a Complaint

Acknowledgement of Notice of Complaint: Upon receipt of a written complaint, the Local Review Board should acknowledge receipt of the complaint by forwarding correspondence to the complainant or accused within seventy-two (72) hours and/or three (3) business days, whichever is longer.

Determination as to Whether a Formal Investigation is Required: Within seven (7) business days of receiving first notice of the complaint, the Local Review Board should determine whether a formal or informal investigation process is warranted. The determination as to whether a formal or informal investigation process is warranted is outlined above. (See informal resolution process.)

Notification of Accused Regarding Complaint: The accused should be notified of the allegations or accusations within seventy two (72) hours of receipt of the complaint by the Local Review Board and/or three (3) business days of first notice of the complaint, whichever is longer. The accused should receive notice of the complaint by mail. Notice of the complaint to the accused should include a copy of the written complaint in addition to any other information submitted by the complainant or accuser to the Local Review Board.

Rights of the Accused: The accused is presumed innocent of the alleged sexual misconduct until such time as the evidence proves otherwise. The accused has an inalienable right to respond to the allegations or accusations in writing either personally or through choice of counsel. The accused should respond to the allegations of the complaint in writing within two (2) weeks of receiving notice of the complaint from the Local Review Board and/or fourteen (14) business days of receiving notice of the complaint from the Local Review Board, whichever is longer.

Depending upon the outcome of the preliminary investigation, the accused has the right to demand a formal hearing or trial. The right of the accused to demand a trial, however, should be exercised within seven (7) business days after the completion of the preliminary investigation by the Local Review Board and notice by the Review Board to the parties regarding the Board’s determination with respect to the allegations of sexual misconduct. The accused should not be entitled to demand a trial or hearing where the Local Review Board has issued a determination that is favorable to the accused.

Conducting a Preliminary Investigation The Local Review Board, upon receiving the complaint from the accuser or the complainant and a response from the accused, should undertake an investigation consisting of contacting the accuser/complainant, the accused, any witnesses to the alleged sexual misconduct, and any witnesses who may have the information or knowledge in support of a defense for the accused. The Local Review Board has the discretion to ascertain information from the accuser, complainant, accused, and any witnesses in an informal manner or alternatively to ascertain information in a formal hearing or trial process.

Completing the Preliminary Investigation Upon completion of the preliminary investigation, the Local Review Board should issue a determination or, alternatively, advise the parties that a formal hearing or trial is necessary prior to the issuance of a final decision.

Time Limitations for Conducting and Completing Preliminary Investigation:

If an informal investigation is undertaken, the investigation should be conducted and completed within a four-week period from receipt of the complaint, but not later than forty-five (45) business days from receipt of the complaint unless exigent circumstances dictate otherwise.

If a formal investigation is undertaken, the Local Review Board should conduct and complete its entire investigation within sixty (60) days of receipt of the complaint.

**Formal Hearing or Trial**

Right to a Trial Upon completion of a preliminary investigation the accused or the complainant/accused has the right to demand a formal hearing or trial. Upon completing its preliminary investigation, the Local Review Board may conclude that a formal hearing or trial is necessary.

Notice of Formal Hearing or Trial If a formal hearing or trial is conducted in connection with an investigation of alleged sexual misconduct, the Local Review Board must notify the accuser/ complainant and the accused in writing of the date, time and location of the hearing or trial. The Local Review Board should advise the accuser/complainant and the accused of their right to represent themselves personally or through choice of counsel at the hearing or trial. The Local Review Board should advise the accuser/complainant and the accused of their right to call any witnesses having information regarding the alleged sexual misconduct at the hearing or trial.

Rules of Procedure at the Formal Hearing or Trial Both the accuser/complainant and the accused should be given the opportunity to provide opening statements and closing remarks at the hearing or trial. The Rules of Evidence do not apply; however, the Local Review Board will review all documentary evidence in relation to the nature of the allegations and the testimony provided at the hearing or trial to analyze the credence to be given to the documentary evidence. During the hearing or trial, the Local Review Board has the right to ask questions of the witnesses providing testimony including, but not limited to, the accuser/complainant, the accused and any other individuals or witnesses with relevant information.

Local Review Board’s Decision at Hearing Upon deliberation of the testimony given and any documentary evidence presented at the hearing or trial, the Local Review Board will make a determination as to whether the accuser/complainant has met his or her burden of proof of establishing that by a preponderance of the evidence the accused has engaged in activity(ies) that constitutes sexual misconduct as defined in this Policy. If the Local Review Board determines that the accused has engaged in activity(ies) that constitutes sexual misconduct, the Board must also determine based on the facts and circumstances what disciplinary action, penalty and/or sanction should be imposed.

Time Limitations in Connection with Formal Hearing or Trial: Every effort should be made the Local Review Board to complete any formal hearing or trial including the issuance of a written determination not later than sixty (60) days from receipt of the complaint.

Conclusions & Recommendations Report Upon completion of its investigation, whether limited to a preliminary investigation and/or following a formal hearing or trial, the Local Review Board should issue a written decision identifying the allegations alleged in the complaint, all documents and testimony provided in support of the allegations and in opposition to the allegations, and bases is for the Review Board’s decision.

Appeals Process Unless the local church decides to implement an appellate process, the determination of the Local Review Board as it relates to complaints of alleged sexual misconduct involving lay members, volunteers, church employees, officers, and other non-credential holders of EOM is final and not subject to appeal either with the Jurisdictional Review Board or the National Review Board.

Proposed Sanctions Disciplinary Action In cases where, by a preponderance of the evidence, an accused has been found to have engaged in conduct that constitutes sexual misconduct as defined in this Policy, appropriate sanctions and/or disciplinary action should be imposed.

Types of sanctions or disciplinary action include the following:

Termination or Dismissal Temporary or permanent removal from office Suspension or resignation Counseling Cease and desist order Written reprimand or warning

This is not an exhaustive list.

EOM have the right to report all findings and actions taken to the local law enforcement and legal agencies for further investigation.

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_