

**ATLANTA WESTSIDE PRESBYTERIAN CHURCH
MISCONDUCT POLICY AND PROCEDURES
(ADOPTED September 9, 2021)**

I. Policy Statement

Those persons engaged in the leadership of Atlanta Westside Presbyterian Church (“AWPC”), including employees, elected or appointed officers, and recognized volunteer leaders (each an “AWPC Leader” and collectively “AWPC Leaders”) establish relationships with those to whom they minister that result in genuine bonds of trust, confidence, dignity, and respect. As a result, AWPC Leaders are responsible for the impact of their words and actions at all times as they minister to the emotional, mental, physical, and spiritual needs of those persons. *Accordingly, it is the policy of AWPC (the “Policy”) that no AWPC Leader may do or say anything which might reasonably be understood or interpreted as being inconsistent with maintaining those bonds of trust, confidence, dignity and respect, particularly concerning relationships between people of different genders.*

II. Guiding Principles

AWPC seeks to establish an environment that is governed by the following principles:

- AWPC Leaders, members, and visitors have the right to enjoy all AWPC services and programs in a safe atmosphere that promotes mutual respect and dignity
- relationships among persons at AWPC will be based on mutual respect and dignity, and will be free of discrimination, harassment, and misconduct
- AWPC has zero tolerance for discrimination, harassment, or misconduct against any person, and such conduct on the part AWPC Leaders or members is prohibited

III. Reporting Procedure

AWPC encourages reporting of all incidents of discrimination, harassment, or other misconduct in violation of this Policy and the Guiding Principles set forth above. AWPC will promptly and thoroughly investigate any such reports in the manner set forth in this Policy. AWPC prohibits retaliation against any individual who reports discrimination, harassment, or misconduct or who participates in an investigation of such reports. Sexual Misconduct is included within the broad prohibition against discrimination, harassment, and misconduct, but the adjudication of Sexual Misconduct shall be conducted with the assistance of an Outside Agency, as described below. For purposes of this Policy, Sexual Misconduct is defined in the manner set forth in clause III.A. below.

A. Definition of Sexual Misconduct: Sexual Misconduct may include, but is not limited to, a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, without limitation, unwanted sexual advances or requests for sexual favors; sexual jokes

and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in church activities of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature, including all forms of sexual assault. Sexual Misconduct also includes sexual harassment, which constitutes discrimination in the work context and is illegal under federal, state and local laws. For the purposes of this Policy in the work context, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

B. Individuals Covered by this Policy: Any violation of this Policy may be brought by any AWPC Leader, member, or visitor. Sexual Misconduct, as well as any other discrimination, harassment, or misconduct that is prohibited by this Policy, is unacceptable in AWPC facilities as well as at off-site locations at which ministry events and activities are conducted (e.g., off-site meetings and retreats, Community Groups, discipleship meetings and activities, youth or children ministry activities, social events, and similar events and activities sponsored by AWPC).

C. Complaint Process: When feasible, AWPC encourages individuals who believe they are being subjected to Sexual Misconduct or other discrimination, harassment, or misconduct prohibited by this Policy to promptly advise the offender that such behavior is unwelcome and request that it be discontinued. AWPC acknowledges, however, that an individual may be unwilling or unable to address the offender directly due to the nature of the relationship with the offender or the nature of the offense, and therefore may prefer to pursue the matter through a formal complaint process. AWPC encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken in order to protect those who are vulnerable and also to seek healing before relationships become irreparably damaged. Therefore, although no fixed reporting period has been established, early reporting and intervention may improve the likelihood of resolving actual or perceived incidents of Sexual Misconduct and other discrimination, harassment, or misconduct prohibited by this Policy.

Any reported allegations of Sexual Misconduct or other discrimination, harassment, or misconduct prohibited by this Policy will be investigated promptly pursuant to the procedures outlined below. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. However, absolute confidentiality cannot be guaranteed when the purpose of this Policy (*i.e.*, justice, reconciliation, and restoration) would be supplanted by such confidentiality or when disclosure of information may be required or advisable under applicable laws. The balancing of these competing considerations will be taken into careful

consideration before any disclosure is made, and any such disclosure will only be made when absolute confidentiality is incompatible with final resolution of the grievance. Retaliation against an individual for reporting Sexual Misconduct or other discrimination, harassment, or misconduct, or for participating in an investigation of such matters, is a serious violation of this Policy and will be subject to rigorous investigation and potential disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Allegations of Sexual Misconduct or other discrimination, harassment, or misconduct prohibited by this Policy will be dealt with seriously, rigorously and with great care for the protection of the person submitting the claim; false and malicious complaints of Sexual Misconduct or other discrimination, harassment, or misconduct may likewise be the subject of appropriate disciplinary action.

1. General Considerations

a. AWPC shall have and make public the procedure for reporting any violations of this Policy and shall have available at all times printed copies outlining this procedure in the administrative offices of AWPC. Some violations of this Policy may also have legal consequences. Whenever there are possible legal implications, AWPC shall make certain that all requisite legal requirements, including particularly the reporting of certain violations to civil authorities, are met.

b. AWPC shall at all times maintain relationships with at least one Christian agency, unaffiliated with the church, that is trained to deal with accusations of Sexual Misconduct (the "Outside Agency"). In connection with any formal allegation of Sexual Misconduct made to a human resource contact person, as described below, AWPC shall promptly engage the Outside Agency to assist AWPC in addressing the complaint.

c. An accused person is presumed innocent until proven guilty. In the context of this Policy, no adverse finding shall be made public until a full investigation is completed and it has been determined that the complaint has been properly substantiated. Only then, and only when the best interests of the individuals involved and the AWPC congregation (as determined by the Session of AWPC) so require, will the results of the investigation be revealed.

d. AWPC shall appoint two members (one female, one male) as human resource contact persons for the purpose of receiving complaints under this Policy. Neither may be an officer of AWPC or a spouse or relative of an officer of AWPC. These two members are bound by this Policy as well as by all other rules that regulate the conduct of AWPC members. Conduct by the human resource contact persons that is in violation of such requirements shall be reported directly to the Session of AWPC.

2. Adjudicating Accusations

a. Anyone suspecting or having knowledge of a violation of this Policy shall report such violation to one or both of the human resource contact persons. If the report comes to one of the individuals, he or she shall promptly inform the other. The two human resource contact persons shall then promptly request a closed and confidential meeting with the Session of AWPC. At that meeting, the details of the accusation will be provided. If the accused is an AWPC officer, he/she shall not be present at the confidential meeting nor shall he/she be involved in the investigatory process other than for the purpose of responding to the allegations. The human resource contact person selected by the accuser will continue to be a point of contact for the accuser throughout the investigatory process.

b. If the accusation is being made against one of the human resource contact persons to the other human resource contact person, the other human resource contact person will request the meeting referenced above without notification to the other.

c. If the accusation is of Sexual Misconduct, the AWPC Session shall contact the Outside Agency and request that it investigate such accusations and recommend such actions as it shall deem appropriate in connection therewith.

d. If the accusation alleges Sexual Misconduct with respect to a minor then, in addition to the requirements described above, the AWPC senior pastor (or, in the event the AWPC senior pastor is the accused, then most senior associate pastor on the staff of AWPC) shall immediately take steps to remove the alleged offender (without implication of guilt or innocence) from contact with minors until the investigation is completed or until a resolution of the allegations has occurred, shall notify the parents or guardian of the minor, and shall take any and all other steps required by federal, state or local law with respect to Sexual Misconduct involving minors.

e. If the alleged violation of this Policy involves Sexual Misconduct, and the AWPC Session has retained an Outside Agency in accordance with this Policy, the Outside Agency shall do the following:

i. Acknowledge and confirm to all involved that the allegations must be and will be handled in confidence with great care for the reputations of the accuser, the accused, AWPC, and Christ Himself.

ii. If the allegations involve any possible violation of criminal law, immediately notify the appropriate authorities, and share the response of those authorities with the AWPC Session.

iii. Conduct interviews with the accuser, the accused, and any others who have information that may corroborate the allegations of the accuser or the response of the accused.

iv. Prepare and submit to the AWPC Session a detailed written statement describing the alleged Sexual Misconduct from the party or parties making the accusation, together with a detailed response to such allegations from the person who has been accused of Sexual Misconduct.

vi. Make a determination regarding the matter and prepare a proposed course of action for consideration by the AWPC Session.

Based upon all available information, including the written report, determination and proposed course of action furnished by the Outside Agency, the AWPC Session shall then take such course of action as it shall determine is appropriate, and shall share with the accuser and the accused information about that action and the grounds for the action.

f. If the accusation involves a potential violation of this Policy other than Sexual Misconduct, the AWPC Session shall appoint an investigative subcommittee of the Session, containing not less than three (3) active members of the Session, that will do the following:

i. Acknowledge and confirm to all involved that the allegations must be and will be handled in confidence with great care for the reputations of the accuser, the accused, AWPC, and Christ Himself.

ii. If the allegations involve any possible violation of criminal law, immediately notify the appropriate authorities, and share the response of those authorities with the AWPC Session.

iii. Conduct interviews with the accuser, the accused, and any others who have information that may corroborate the allegations of the accuser or the response of the accused.

iv. Prepare a detailed written statement describing the alleged misconduct from the party or parties making the accusation, together with a detailed response to such allegations from the accused.

vi. Make a determination regarding the matter and prepare a proposed course of action for consideration by the full AWPC Session.

Based upon all available information, including the written report, determination and proposed course of action furnished by the investigative subcommittee, the AWPC Session shall then take the necessary action and shall share with the accuser and the accused information about that action and the grounds for the action.

g. All written materials prepared in connection with any such proceedings under this Policy shall be maintained by the Clerk of the Session in strict confidence

unless and until both the accused and the accuser (and, if an Outside Agency has been involved, the Outside Agency) request in writing that they be released or until the AWPC Session determines that releasing the materials is required either by civil authorities, by the Book of Church Order, or in order to effectively administer the remedies set forth in the fully adjudicated matter.

h. With respect to accusations of Sexual Misconduct, no person bringing an accusation shall be adversely affected in terms and conditions of employment, church membership, or affiliation, or otherwise discriminated against or discharged unless the Outside Agency determines that the accuser has acted unjustly, recommends to the elders of the church that the accuser be disciplined, and the elders of the church determine to take such an action. With respect to accusations of anything other than Sexual Misconduct, no person bringing an accusation shall be adversely affected in terms and conditions of employment, church membership, or affiliation, or otherwise discriminated against, unless the AWPC Session determines that such discipline is necessary due to an intentional false allegation of misconduct.