

Guidelines for the Handling of Sexual Misconduct

for Employees, Volunteers and
Elected Representatives

Joint plan for



Indremisjonsforbundet

Med Guds ord til folket



NORSK LUTHERSK
MISJONSSAMBAND



normisjon



**Det Norske
Misjonsselskap**

BROBYGGER I ORD OG HANDLING

Approved by the Executive Board of NLM on December 4-5, 2009

BACKGROUND FOR THIS REVISION

In 2000, Norwegian Lutheran Mission (NLM), Indremisjonsforbundet (ImF) and Normisjon compiled joint guidelines for handling sexual misconduct committed by employees, volunteers or elected representatives. These guidelines were revised in 2004 due to a need for more pedagogical guidelines that were easier to use, and that would reflect that they were made for a Christian setting. Part 1 of the guidelines deals with attitudes, and can be used independently of Part 2. Part 2: Procedures is organized in such a way that different groups can read only the chapter that is relevant to them. These guidelines have a theological foundation and are based on a Christian view of man. A legal aspect is included but is not the main basis for our understanding of sexual misconduct.

After having used the guidelines for some years, we have again made revisions and changed some of the language and contents. External experts within areas of theology, psychology, law and organizational theory have been asked to evaluate this revision and their comments have been incorporated into these guidelines. This document is the result of this most recent revision (2009).

The Norwegian Mission Society (NMS) has also joined the Resource Group and have given their support to these guidelines.

Oslo, September 2009

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Please consult the Norwegian text for the bibliography.

Revised translation, October 2013.

Contents

- INTRODUCTION..... 6
- PART I: ATTITUDES 7
- 1 DEFINITIONS 7
 - 1.1 Sexual misconduct..... 7
 - 1.2 Use of terms..... 8
 - 1.3 Aids to Clarification 8
- 2 VIEW OF MANKIND 10
 - 2.1 Biblical basis..... 10
 - 2.1.1 Man – a relational being..... 10
 - 2.1.2 Man – a complete being 10
 - 2.1.3 Man – a tension-filled being..... 10
 - 2.2 The consequences of a Christian View of Man 11
 - 2.2.1 Man is a relational being 11
 - 2.2.2 Man is a complete being: 13
 - 2.2.3 Man is a creature filled with tension: 13
 - 2.2.4 Processing Sexual Offenses 14
- 3 THE CHRISTIAN FELLOWSHIP 15
 - 3.1 Biblical basis..... 15
 - 3.2 Consequences 15
 - 3.2.1 Belonging to the local fellowship..... 15
 - 3.2.2 Leadership responsibilities and reinstatement..... 15
 - 3.2.3 The vulnerability and potential of the Christian fellowship..... 16
 - 3.2.4 Reactions in the Christian Fellowship and how to meet these 17
- 4 SOCIETY 21
 - 4.1 Biblical basis..... 21
 - 4.2 Consequences 21
 - 4.2.1 Public services..... 21
 - 4.2.2 The law 22
 - 4.2.3 Rules of Procedure 24
 - 4.2.4 When a case is dismissed 25
- 5 ORGANISATION, VALUES AND RESPONSIBILITY 26
 - 5.1 Concretization of organizational values 26
 - 5.2 Leadership responsibility in relational misconduct 27
 - 5.2.1 The difference between conflict and misconduct..... 27
 - 5.2.2 Relationship between responsibility and authority 27
 - 5.2.3 Allegations against a superior 28

5.3	Organizational facilitation of preventive measures	28
5.4	Organizational facilitation of assessors for the accused	28
PART II: PROCEDURE		29
6	RESPONSIBLE PARTIES	29
6.1	Objectives	29
6.2	The Executive Board – political responsibility	29
6.3	The General Secretary – formal, administrative responsibility	29
6.4	Resource Team – advisory responsibility	29
6.5	Coordination Team – executive responsibility	30
7	PROCEDURES FOR PREVENTION AND TRAINING IN THE ORGANIZATION.....	31
7.1	Objectives	31
7.2	Procedure	31
8	PROCEDURES FOR CO-WORKERS WHO SUSPECT OR RECEIVE INFORMATION ABOUT SEXUAL MISCONDUCT	32
8.1	Objective.....	32
8.2	Procedure	32
8.2.1	Information shall be forwarded to the General Secretary	32
8.2.2	The accused shall not be contacted	32
9	CONFIDENTIALITY	33
9.1	Confidentiality for specific professions	33
9.2	Confidentiality for all employees and elected representatives	33
9.3	Issues connected to confidentiality	33
9.4	Information from children less than 16 years old.....	33
9.5	Information from a person between 16 and 18 years old	34
9.6	Information about misconduct through confession	34
10	PROCEDURES FOR FELLOWSHIPS AND MISSION FIELDS	35
10.1	Definition.....	35
10.2	Authority.....	35
10.3	Objectives	35
10.4	Procedure	35
11	PROCEDURES FOR SCHOOLS, INSTITUTIONS ETC.	36
11.1	Definition.....	36
11.2	Authority.....	36
11.3	Objectives	36
11.4	Procedure	36
12	PROCEDURES FOR THE COORDINATION TEAM	37
12.1	General procedures	37

12.2	The procedures for the Coordination Team in relation to the offended	37
12.2.1	Objectives	37
12.2.2	Procedures when the offended is over 18 years of age	37
12.2.3	Procedures when the offended is below 18 years of age.....	38
12.3	Procedures for the Coordination Team in relation to the accused.....	38
12.3.1	Objectives.....	38
12.3.2	Procedure.....	39
12.4	Procedures for the Coordination Team in relation to Christian fellowships and Mission fields	42
12.4.1	Definition	42
12.4.2	Objectives.....	42
12.4.3	Procedure.....	42
12.5	Procedures for the Coordination Team in relations to schools, institutions, etc.	43
12.5.1	Definition	43
12.5.2	Objectives.....	43
12.5.3	Procedure.....	43
13	PROCEDURES FOR HANDLING INFORMATION	45
13.1	Objectives	45
13.2	Reason for giving information.....	45
13.3	Procedure	45
13.3.1	Internal information.....	45
13.3.2	External information	46
13.3.3	Information to the media	46

INTRODUCTION

Objectives

The objective of this document is to have guidelines which

- a) aim at preventing sexual misconduct from occurring in our organization.
- b) give procedures and guidelines for handling sexual misconduct reported in our organization.

The intention of the guidelines is to

- a) clarify our organization's attitude towards sexual misconduct (Part I).
- b) describe the actions the organization will carry out when allegations of sexual misconduct are raised (Part II).

Part I: Attitude describes the organization's view on sexual misconduct, on man, on Christian fellowship, and on society. These attitudes are the basis for how the organization will prevent sexual misconduct from occurring and how it will handle misconduct if it does occur.

Part II: Actions describes the procedures for how responsible parties are to respond if accusations of sexual offenses are made.

Formal case

Allegations of sexual misconduct become a formal case in our organization when such allegations are made against employees, volunteers or elected representatives.

Cooperative Agreement

NLM, ImF, Normisjon and NMS have an agreement about mutual exchange of information if an employee or volunteer, who has been dismissed from his/her position in any of the organizations because of acts of sexual misconduct, applies for a position in any of the other organizations. The offender will be informed about this agreement as part of the procedure in the case.¹

¹ Cf. Part II, 12.3.2.2d

PART I: ATTITUDES

1 DEFINITIONS

1.1 Sexual misconduct

Sexual misconduct is first and foremost an abuse of power. Having power means having the possibility to affect and influence others and to achieve one's own will. Power can be used in a positive way and a negative way. When used in a positive way it supports and empowers others, whereas when used in a negative way, it controls and offends others. In this document we will use the following definition as the basis for what constitutes sexual misconduct:

Sexual misconduct describes a situation in an asymmetrical relationship where the person with the greater power sexualizes the relationship in such a way that the other person's intimacy boundaries are violated.²

Sexual misconduct always occurs in relationships with an asymmetrical power balance where one person in the relationship has greater power than the other person. This imbalance of power can occur when one person is older or more mature, when one person is in a position of authority and influence, or when one person is experiencing difficult circumstances in life and other similar conditions. A child has less power than an adult; a counselee has less power than a counselor. When this kind of asymmetrical relationship becomes sexual, the roles of the people involved and the trust between them are abused in such a way that the person in the vulnerable position is exploited rather than protected. Sexuality becomes an instrument of power used to gain control over others and to meet one's own needs.

Sexual misconduct includes the whole range of sexual acts, from offensive language to forced sexual intercourse or similar acts.³ In this document we use the term sexual misconduct as a common term for indecent behavior and sexual abuse.⁴

Sexual misconduct consists of three aspects: a relationship, an act and an experience of being offended.

- a) *A relationship*: An offense is based on the fact that the offender has the power to offend. Experience shows that in a Christian environment the offender usually obtains power and authority through a relationship of trust. This relationship of trust is often related to the offender's position as a helper or leader of the offended, and the relationship of trust is therefore broken through the offender's actions. The offender imposes on the offended both unwanted sexual acts and a painful experience of being part of and responsible for the misconduct.
- b) *The acts* can be described in the same way by both the offended and the offender.
- c) *The experiences of the offended* of what happened is, however, completely different from the experience of the offender. The misconduct is connected to the experience of

² Definition from Tormod Kleiven: *Intimitetsgrenser og tillitsmakt, Kirkesamfunns bruk av retningslinjer i møte med seksuelle krenkelser sett i lys av et diakonifaglig perspektiv*, MF Norwegian School of Theology, 2008, p.12.

³ For more information, cf. 4.2.2.1, 4.2.2.2 and 4.2.2.3.

⁴ Cf. Earlier guidelines in the organization and *Retningslinjer og prosedyre for behandling av saker der det rettes anklage mot vigslet kirkelig medarbeider om seksuelt misbruk og/eller grenseoverskridende seksuell adferd*, Church of Norway Bishops' Conference 1996.

being deprived the control of one's own body, own feelings and values and to be imposed unwanted and shameful acts.

The severity of the offense must be determined based on the experience of the offended and the power and dependency relationship between the offended and the offender. Acts that outwardly may not seem very serious can inflict deep and painful wounds if there was a close relationship of trust between the offender and the offended.

1.2 Use of terms

In this document we will call a person accused of sexual offenses *the accused*. If the accusation is confirmed we will use *the offender*. We will call a person who says he/she has been offended sexually *the exposed*.⁵ If the accusation is confirmed, we will use *the offended*.

1.3 Aids to Clarification⁶

It is sometimes difficult to know whether a situation is one of sexual offense or a sexual relationship of mutual consent. In the following we will point out a few aspects which can provide aids to clarification of these issues, e.g. regarding the power relationship between the two parts.

a) Position

If the accused is or was in a superior position or a leadership position to the exposed, it indicates an imbalance power between them. It can for instance be the relationship between a camp leader and a camp participant, or a preacher/pastor and a member of a fellowship. The one who has a position of authority or a formal role which gives power is always responsible for making sure that he/she does not exceed the boundaries. This is also the case if it is the other person who initiates the sexual acts.

b) Relationship

If there is a relationship of trust between two parties, where one is a helper or a pastoral counselor, there is an imbalance in the power between them. For example, a counselor must never under any circumstances be involved in a sexual relationship with a person who asks for counseling, even if the other person encourages it.

c) Secrecy

If the offended has been told to keep the sexual acts secret, this is a sign of abuse of power and sexual misconduct.

d) Threats/manipulation

If one of the parties in the relationship is manipulated, lured, threatened or physically forced to participate in sexual acts, it is regarded as sexual misconduct. Quotations from the Bible to "justify" the sexual relationship are examples of religious manipulation.

⁵ For clarification on the Norwegian use of «den utsatte», cf. The Ministry of Church Affairs: *Veiledningshefte* at <http://www.regjeringen.no/upload/KKD/Kirke/veiledningshefte.pdf>

⁶ Adapted from Førsvold and Reimunn: *Fra synd, fra sorg, fra fare. Seksuelle overgrep i kirke og samfunn*, Verbum 2003, p.29-51.

e) Vulnerability

A person who is grieving, has been exposed to sexual misconduct earlier, or has mental problems etc., is in a vulnerable situation, and others need to show particular caution and not exploit the possibility this vulnerability creates to exercise power.

f) Age/time

If the offended is under 16 years of age, it is a criminal offense under Norwegian law to initiate sexual contact. If there is a large age difference between the accused and the offended, this is a sign of imbalance in their relationship. The larger the age difference, the clearer the imbalance in the power relationship is. The longer the offense has taken place, the more serious the offense is.

g) The seriousness of the offense

The seriousness of the offense is related to the kind of acts that have taken place, i.e. whether it is sexual intercourse or other sexual acts or behavior. It is also related to the kind of relationship in question, i.e. whether or not it is an exploitation of a relationship of dependency.⁷

h) Professionalism

A person who is either employed or has an elected/volunteer leadership position in a Christian organization must have knowledge about how to meet and care for people in vulnerable situations. We also expect a life style in accordance with Biblical teaching about power and sexual ethics.

⁷ Cf. Part I, 4.2.2.1 Civil Penal Code

2 VIEW OF MANKIND

The Christian view of man emphasizes that man is created in God's image, as man and woman. All people are loved by God and have the same absolute and inviolable worth, regardless of who they are and what they have done. The Christian view of man must be the basis for how we understand and deal with sexual misconduct in a Christian environment. In the following we will describe Man from three different angles: as a relational being, as a whole being of body, soul and spirit, and as a being filled with tension between good and evil. Thereafter we will point out the consequences such a view of man has for sexual misconduct.

2.1 Biblical basis

2.1.1 Man – a relational being

That people are created in the image of God means that they are relational beings; they are created to live in relationships with others.

- We were created to have fellowship with God: God talked *about* the animals, but he talked *to* Adam, and received a response. We are able to communicate and have fellowship with our Creator.
- The fellowship between God and man was broken by the fall of man. When Jesus was punished on the cross for our sins and rose again from the dead, he laid the foundation for restoration and forgiveness.
- The death and resurrection of Jesus confirms the absolute and infinite value of man. Through his care for the individual person, Jesus also showed that everyone has the same value, and that we have a particular responsibility for the weak in society.
- We were created to have fellowship with each other. Woman and man were created in the image of God, as two different, but equal individuals. God wants the fellowship between people to be characterized by care and respect.
- We were created as sexual beings. Gender and sexuality were created and wanted by God.
- We were created to take responsibility. What we do to each other, is of concern to our Creator. He has given us reason and a conscience, and the ability to judge right from wrong, good from evil. God has also made his will known to us through his word, the Bible. We are therefore responsible for our actions, both to God and to our fellow man.
- We were created for work and service. God's call to companionship concerns both the human and the spiritual areas of our lives.

2.1.2 Man – a complete being

Man is a complete being consisting of spirit, soul and body, cf. 1 Thess 5:23: "*May God himself, the God of peace, sanctify you through and through. May your whole spirit, soul and body be kept blameless at the coming of our Lord Jesus Christ.*" Our spiritual side concerns our relationship to God and the meaning of life. The physical side has to do with our body and the psychological side has to do with our thoughts, will and emotions. These three aspects, together with the social side which concerns our fellowship with other people, are closely related and influence each other and life as a whole.

2.1.3 Man – a tension-filled being

The Bible confirms man's worth as nearly the same as God's (Ps 8:6). At the same time, it realistically takes into account man's limitless potential for evil (Ps 14:3; Rom 3:10ff). The fall of man planted the seed of the destructive and life-destroying tendency in every human being. At the same time we are still bearers of the image of God. Therefore, man is a creature

filled with tensions who has the potential to express both the goodness of God and demonic evil.

A Christian, who is born again through faith and baptism and has received a new nature, still has an inclination for evil in his/her heart. Martin Luther described the situation as “at the same time Justified and Sinner”. This duality is reflected in our thoughts, words and deeds. As Christians we are therefore called to live open and examined lives in relation to God and to man. We have been given Gods word, Holy Communion, confession and the Christian fellowship to help us.

2.2 The consequences of a Christian View of Man

2.2.1 Man is a relational being

This means:

a) Sexual misconduct must not take place

To offend a person sexually is an offense against God who has created this person and cares for him/her. At the same time, such an offense is a breach of the standard of society and can also be punished by law.

An employee, a volunteer or an elected representative must therefore never invade, offend or exploit confidants⁸, children, youths, members of a fellowship, co-workers or others, sexually. It is a breach of both the will and command of God, of the ethical guidelines of our organization, and is often regarded as a criminal act, punishable by law.

Consent from the other person does not relieve the employee, volunteer or elected representative from responsibility. The imbalance in the structure of power between a leader and a member makes such consent invalid.

b) Sexual misconduct must be prevented

- Openness and willingness to be accountable to other people can prevent offenses. This is particularly important for people in positions of power, such as counselors, preachers, youth workers and leaders in various areas. We cannot see our own behavior from the outside. Therefore we need others to give us feedback. To live transparently with our vulnerable sides of life is a protection against abuse of power.
- Sexuality is a gift from God which needs to be managed properly. This issue must be a part of the training of co-workers, together with subjects related to sexual misconduct. We must make sure that co-workers have the necessary competency and awareness about this issue.

c) The experience of the exposed must be our starting point

When sexual misconduct takes place in Christian fellowships, the accused is usually in a position of respect and trust. The accused can easily define his/her actions in a completely different way than the exposed. Like Jesus, we must stand on the

⁸ Confidant is, in this case, a person who seeks pastoral counseling.

weakest's side and look at the facts from the side of the exposed. This leads to the following consequences:

- Anyone who divulges information about sexual misconduct must be listened to and taken seriously. This means that the responsible authority must do whatever they can to clarify the facts and follow the procedures outlined in this document. When an accusation is made, it must always lead to action.⁹
- Sexual misconduct must be called by its correct name, and the factuality of events must not be redefined.¹⁰ Phrases like “in love” and “mutual consent” are unsuitable descriptions because they obscure the power balance in the relationship and make the exposed an accomplice. The acts must be described as the exposed experienced them: as a breach of trust, sexual exploitation, abuse of power or violence.
- A person who has offended another person sexually must take complete responsibility for what he/she has done. The exposed is innocent and has no complicity in what happened. He/she has been exposed to sexual misconduct by a person who was responsible for protecting him/her. The difference in power between the two is expressed through the difference in age, vulnerability, position, authority, etc.

d) The guilty must be held responsible

Both God and society expect us to take responsibility for our actions. A person who has offended another must confess his/her sins, admit his/her guilt and take responsibility for his/her actions. He/she must confess his/her sin before God and man, and as far as possible make amends. Confessing before God is the first step. But confession must be followed by restitution to the victim and society. The offender cannot demand forgiveness, and the offended must not be pressured or expected to forgive. Criminal offenses should be reported to the police and dealt with in the judicial system.

e) Forgiveness is a possibility

Forgiveness is not about forgetting or minimizing what happened. It is about remembering, establishing and placing guilt. The basis of forgiveness is that the responsibility and blame for the evil actions are given back to the offender, and that the offended receives restitution which enables him/her to repossess the control over his/her life. The nature of forgiveness is misused if forgiveness is upheld as a Christian duty or a requirement to the exposed.¹¹

f) The offender must bear the consequences

The person who has offended another person must bear the consequences. This normally means that he/she must resign from his/her position(s). In some cases the offender must leave the local fellowship if this enables the offended to remain. In cases of criminal liability, the offender must face the consequences of breaking the law.¹²

⁹ Cf. Part II, 12 Procedure for the Coordination Team

¹⁰ Cf. Part I, 1.1 Sexual misconduct and 1.3 Aids to Clarification

¹¹ For more information see Kleiven, Tormod: «Oppgjør og selvaksept. Om skyld, skam og tilgivelse» in Danielsen, Sigmund (ed): *Nærhet. Når gudsbilde og selvbilde utfordres*. Lunde, 2008.

¹² Cf. Part I, 3.2.2 Leadership responsibilities and reinstatement and 4.2.2.1 Civil Penal Code

2.2.2 Man is a complete being:

When boundaries are broken and a person is offended sexually, it leads to serious consequences. It is not only the person's physical body which is invaded. The offense also has consequences for other areas of life:

a) Psychological harm

Sexual misconduct creates deep and painful psychological wounds, in thoughts and emotions. Strong feelings of shame and guilt arise, even though these feelings are unjustified. The degree of psychological harm is not only related to how serious the actions are. Even misconduct that from the outside may seem insignificant can create serious psychological problems. Pressure from a person of spiritual authority, exploitation of an important relationship of trust, age difference and/or a vulnerable life situation can be reasons for this.

b) Spiritual harm

When a person with spiritual authority has committed sexual misconduct, the spiritual life of the offended is particularly affected. The misconduct will often harm the exposed's concept of God and relationship with God, especially when God has been used to justify the misconduct. The misconduct leads to a concept of God distorted by the abuse of power, and destroys the possibility of a good and trusting relationship with God.

c) Social harm

Contact with family and friends is also harmed. The exposed often has to keep the misconduct a secret; this has consequences for his/her social relations. Taking part in a Christian fellowship with his/her most important relationships may be difficult. In this way, the misconduct has serious consequences for his/her social life.

d) Physical harm

The physical offenses can have different degrees of severity. The body may not have been hurt physically when the misconduct took place. The body, however, "remembers" what happened and can manifest this through pain and other physical symptoms.

2.2.3 Man is a creature filled with tension:

This means:

a) We must not be naïve

The Christian view of man realistically portrays Christians as capable of doing evil. We must not be naïve and mistakenly believe that the ability to harm and offend others does not apply to us.

b) We must not conceal the fact that sexual misconduct does take place

We must speak honestly about life. This means that we will not hide the fact that sexual misconduct takes place, also in Christian fellowships. We must address the problem seriously and not minimize it or keep silent about it.

c) We must speak clearly about sin and evil

We must speak clearly about sin, including sexual sin. We must help each other deal with sinful tendencies like the temptation to use pornography to satisfy lusts in ways which are against the word of God and offend other people.

d) We must give help to live righteously

We must speak clearly about sanctification and how God's word, spiritual guidance and confession can protect us from doing evil.

2.2.4 Processing Sexual Offenses

Breaking silence and secrecy, and speaking about the misconduct is the first important step in dealing with the misconduct. Experiencing sexual misconduct is traumatic; loss of control is at the center of this trauma. A person who has been offended has been violated by a person he/she trusted who abused this trust by taking control of and offending his/her body, feelings and values. At the same time, the offended bears the blame and shame of the misconduct. This inflicts deep wounds on his/her self-image and self-worth. It is therefore normal for the exposed to seek professional help to work through the misconduct. Professional help is also necessary when the misconduct occurred in the past. For healing to occur, hurt feelings that have been hidden for many years must be uncovered and processed.

How we as employers behave in this process is important for healing. Because the inappropriate behavior or acts are inflicted by a person in a position of power and trust, the employer who entrusted this person with this power and trust, must take responsibility for what happened. This means stating clearly that the offender alone is to blame, making the offender accountable and taking measures to prevent the offender from offending again. When the employer places blame and responsibility on the offender, it affirms a new understanding of reality for the exposed enabling him/her to reclaim the power over his/her own life.

3 THE CHRISTIAN FELLOWSHIP

Our organization consists primarily of local units which can be described as Christian fellowships. It can be church fellowships, “Prayer-house” fellowships, mission groups, choirs, house fellowships etc.

3.1 Biblical basis

Paul uses the image of a body when he describes what a Christian fellowship is: “*Now you are the body of Christ, and each one of you is a part of it.*” (1. Cor 12:27). Seen from God’s perspective, the church is the incarnation of Christ, and we who belong to it are bound both to Christ and to each other. This is a truth which is independent from our emotions and experiences because it is founded on God’s description of reality. This means that belonging to a Christian fellowship is based on completely different criteria than belonging to other fellowships.

A Christian fellowship consists of forgiven sinners who have received something that only can be given to them: forgiveness. They are holy because they have received the right to be the children of God. To be holy means to be separated from the world, and consecrated to God.

The Christian fellowship is also of significant importance for social belonging. Relational bonds are established between those who belong to the fellowship; they are brothers and sisters in faith, and they are friends and have common interests. A fellowship gives identity and attachment on many levels, socially and emotionally, as well as spiritually. Because we are whole human beings, we cannot distinguish between these different dimensions of being a person and being in a Christian fellowship. They are woven together.

3.2 Consequences

3.2.1 Belonging to a local fellowship

- a) **No one can be excluded from God’s Church when they have confessed their sin.**
No one can be excluded by others from belonging to God’s Church on earth, when sin is confessed. However, confession of sin is contingent on real recognition of guilt and responsibility. The confession must never function as an escape from the facts of the sin, or the responsibility to make amends with both God and man.
- b) **The interests of the offended must be prioritized**
God is in a particular way present with those who have suffered pain through no fault of their own. We therefore have reason to claim that when it is impossible for the two sides to attend the same fellowship, the interests of the offended must take priority.¹³

3.2.2 Leadership responsibilities and reinstatement

- a) **Leadership responsibility is not a right**
Leadership in a Christian fellowship is not a right, but is contingent on basic trust. The Bible clearly states that there are certain requirements both to lifestyle and ethical integrity for people in leadership positions. Leaders are to be good examples for the people of God. A Christian organization must be a safe place for children, youth and

¹³ Cf. Part I, 2.2.1 f) The offender must bear the consequences

for all who seek help and pastoral counseling. Therefore, the leaders of the congregation have the right to require certain codes for lifestyle for appointment to a ministry or a position which involves spiritual leadership.

b) Reinstatement

It is our goal to help the offender to true recognition and real reconciliation with God and man, in order for him/her to continue his/her life as forgiven and restored. There is, however, no automatic connection between being forgiven by both God and man, and being reinstated in former positions. The most important commitment for our organization is to prevent more sexual misconduct from taking place.

As a general rule, employees and volunteers/elected representatives who have been convicted of sexual misconduct or have committed sexual misconduct according to criminal law without being reported to the police, will not be employed or reinstated in any position in the organization.

If reinstatement into a position in the organization is to be considered, the following factors must be thoroughly considered:

- the danger of repeated misconduct
- the general trustworthiness of the person
- qualified counseling and therapy for the offender
- the offender's attitude to the misconduct and acknowledgement of the power in the relationship
- considerations towards the offended
- In the case of reinstatement, a certain period of quarantine must be observed.

c) Consequences apply no matter where the offense has been committed

When a person has committed sexual misconduct, it must have consequences for the person's opportunities for ministry in the organization, even if the misconduct occurred outside his/her role in the organization.

3.2.3 The vulnerability and potential of the Christian fellowship

a) Sexual misconduct can happen in any fellowship.

Christian fellowships have ethical ideals which make sexual misconduct committed by trusted persons seem unthinkable. It is important to realize that sexual misconduct can take place in any fellowship.

b) Insight and supervision from the outside is important

Christian fellowships consist of people who often have close relationships with each other. The trust that develops in these relationships can also make us "blind". Therefore, a realistic view of man combined with insight and supervision from outside, is a very important precondition for preventing and revealing sexual misconduct.¹⁴

c) Teaching about healthy sexuality is preventative

The vulnerability for sexual misconduct in Christian fellowships is related to how much emphasis it is put on the teaching of healthy and good sexuality, as well as respect and a positive attitude to one's own body.

¹⁴ Cf. Part I, 2.2.1 b) Sexual misconduct must be prevented

d) Knowledge and insight are needed to become a healing fellowship

Christian fellowships have particularly good preconditions to be healing fellowships for people who have experienced sexual offenses. This presupposes that the fellowships are given and accept knowledge about and insight into what sexual misconduct is and what these experiences might involve.

3.2.4 Reactions in the Christian Fellowship and how to meet these

Christian fellowships are different from each other. Every fellowship has its own culture. This culture describes acceptable ways to communicate, the kinds of meetings and social occasions that are accepted, and the way differences and disagreements are handled. When sexual misconduct committed by someone belonging to a Christian fellowship is revealed, the reactions will therefore be different. In the following we will discuss normal reactions in Christian fellowships when misconduct is revealed, and how these reactions can be met in a good way.

In this document, our basis is that a fellowship is the arena for the sexual misconduct. This means that the offender and/or the offended belong to a fellowship, and that the misconduct took place in relation to this fellowship. The offender can for instance be a leader or a person in a trusted position in the fellowship, or a recurring visiting speaker in the fellowship where the offended belongs. It is possible to divide the process where misconduct is revealed into four phases:¹⁵

- a) The precursor and secrecy phase
- b) The discovery and chaos phase
- c) The consciousness and polarizing phase
- d) The recovery and rebuilding phase

a) The precursor and secrecy phase

This is the time before the sexual misconduct is known to others than the offended and the offender (and those who these two may have chosen to confide in).

What can we do? It is very seldom possible to reveal sexual misconduct before the offended or the offender tells about it themselves. However, there are several things that can be done to facilitate an earlier discovery of sexual misconduct, such as:

- Facilitate an environment where people can speak in an open and positive manner about sexuality and respect for boundaries.
- Teach leaders in the fellowship about the power of leadership
- Spread knowledge about sexual misconduct

These measures can increase the awareness about what can both conceal and reveal sexual misconduct. This awareness can help us notice signals which may indicate that someone has offended or been offended. It can help us understand that what the other person is talking about is experiences of sexual misconduct, and give us courage to bring it up in a responsible manner with the leadership of the fellowship or trusted people outside the fellowship.

¹⁵ These phases are taken from Larra Graham, professor of pastoral theology in Colorado Center for the Prevention of Sexual Abuse and Domestic Violence in USA.

b) The discovery and chaos phase

This is the first period of time (1-2 weeks) after the misconduct has been made known to the fellowship. To have the suspicion of misconduct confirmed can be a relief for those who have known or suspected that something was wrong. At the same time, the members of the fellowship will feel chaos and pain.

What can we do? It is important that the leaders in the fellowship in both this phase and the next are in contact with people outside the fellowship with knowledge about sexual misconduct and reactions in the fellowship. The reactions in the fellowship have a lot in common with reactions of grief after a sudden death or similar traumatic experiences; in fact, they can be even more complex. This is both because what has happened seems to be unbelievable and unreal, and because there are different reactions within the different groups and the different people in the fellowship. People outside the fellowships can assist particularly by coming from the outside and giving the leaders of the fellowship help to meet both their own and other people's reactions with care, understanding and acceptance.

The leaders of the fellowship must make sure that:

- there is time, resources and opportunities to give sufficient information according to the needs the different parts of the fellowship have, and the possibility to talk both in groups and one-to-one about what has happened. If sufficient time is invested at this stage to meet the need for information and receive reactions from the members in a wise manner, the possibility for the next two phases to be more successful and less demanding will increase.
- as far as possible, the regular meetings and activities in the fellowship continue.

Most people tend to be very introspective during a phase of shock. The members of a fellowship who experience sexual misconduct in their midst are no exception. It is therefore important to put some fundamental things in place to let the shock phase turn into a phase of grief and processing.

c) The consciousness and polarizing phase

This phase is when members of the fellowship realize what actually happened, and choose how they will relate to it. The reactions are both linked to the actual contents of the case (or how each individual chooses to understand the contents of the case), but also the realization that the fellowship, as a fellowship, also has been offended and is a victim of what has happened.

We are often confronted with six different kinds of reactions when sexual misconduct is revealed:¹⁶

Denial

Some people simply do not believe it is true. They become suspicious of whom and what can have made up the story of misconduct.

Confusion

¹⁶ The six categories are taken from W.H.Bera: «Betrayal: Clergy Sexual Abuse and Male Survivors» in *Breach of Trust*, 1995. These categories are also used in Kleiven, Tormod: *Det du har gjort mot en av mine minste*.

Some people become confused. The contrast between their own realities and the allegations is too big. The offender is, after all, such a good and capable person, and at the same time, those who report sexual misconduct are so trustworthy.

Push aside

Some people choose to quickly offer “cheap grace”¹⁷: “we are all sinners, so let us put this behind us as quickly as possible”.

Helplessness

Some people believe that sexual misconduct has occurred, but do not understand. They realize that the offender has offended someone. They do not, however, understand it and have a feeling of helplessness and incapability of action in relation to what they have been told.

Anger

Some people react with anger. It can be directed at the offender, at the offended, at the organization, at the fellowship he/she belongs to, or at others.

Strong emotions

Some people react with anger/hate; these emotions are so strong that they overwhelm and take control over them. This is usually people who have themselves been exposed to sexual misconduct or who have been close to the offender or offended. The anger and hate can be directed against the offender, but also alternatively against a “scapegoat” or against God.

What can we do? It is very thought-provoking that all these reactions are focused on the offender, the fellowship and God, but not the offended. Consequently the understanding of the misconduct will be characterized by other factors than the offended’s own perspective.

It is important that each individual in the fellowship is met in such a way that he/she has the opportunity to react in his/her way and that he/she feels accepted and cared for. It is also a goal that each individual should be able to view the offense from the viewpoint of the offended. The best way to make this happen is to carefully give truthful and accurate information of what has actually happened, from the offended’s perspective. This is not in contrast to the suffering the offense has caused both the offender’s family and the fellowship as a whole. On the contrary, it will give an opportunity to see that this joint suffering and pain also creates a kind of fellowship, not in sympathy, but in empathy.

d) The recovering and rebuilding phase

This phase focuses on the road ahead. After the fellowship outwardly seems to be back to normal, people who have a more distant relationship to the fellowship will think that they have “put the case behind them.” This is an illusion, however, since in most cases a long time is needed, usually several years, to work through an experience like this.

¹⁷ The expression «cheap grace» is taken from Bonhoeffer, Dietrich: *The Cost of Discipleship*, 1937.

What can we do? It is important that the leaders in the fellowship are sensitive to the needs that come up. In a fellowship there will always be forces that push towards “leaving it behind and carrying on”. This attitude that implies the wish that everything is to be as it was before, is important to resist. After such an experience the situation will never be and should not be as it was before. To reveal a case of misconduct in a fellowship gives the opportunity for a new and expanded discovery of human capacity, both for good and evil, as well as God’s justice and love when the incomprehensible is a reality. It is important to use this possibility to continue processing the issues, by giving the opportunity to talk about what happened, and about how this has influenced each individual and the fellowship. Through preaching/teaching and discussions one can also give time for reflections on what it means to be a Christian fellowship when one part of the Body of Christ has been offended and when a Christian leader has abused the trust and power given to him.

4 SOCIETY

4.1 Biblical basis

Every human being is responsible to the government and the laws of society. Romans 13:1 states: *“Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God.”* Sexual misconduct is thus a public concern also when misconduct has taken place in a Christian fellowship and between people in the fellowship. How the matter is to be reported outside the fellowship, however, depends on the severity of the misconduct.

4.2 Consequences

4.2.1 Public services

a) Relationship to the police

The offended (or relatives/guardians if the offended is a child) must decide whether to report the case to the police or not. As an organization we will support reporting the case to the police and actively help the offended in doing so. If the offense happened when the accused was an employee or volunteer in the organization, the organization can report the case to the police in consultation with and on behalf of the offended.

Reporting the offense to the police must wait until the offended is ready. The offended has the right to tell his/her story. Exceptions are made for cases that are so severe that the police start their own investigation based on tips. Cases that have been reported to the police must be left to the police to investigate. The organization must always contribute to the best possible working conditions for the police.

The organization can contact the police and describe the case anonymously to receive professional help.

b) Relationship to Child Welfare Service

Every county has professionals who have the responsibility to follow up the Child Welfare Act. The Child Welfare Service is the governmental unit which is instructed to make sure that children's growth environment is acceptable. When a child (under 18 years old) has been offended, or there is a suspicion that a child has been offended, the Child Welfare Service is the correct unit to contact. This unit can also be contacted anonymously or with an anonymous description of the situation.¹⁸

c) Relationship to the Media

When a case is reported to the police, contact with the media is the police's responsibility. It is, nevertheless, necessary to consider how to relate to the media's pressure for information. When lacking factual information, imagination and speculations take over. A sober minded and fact-oriented description can contribute to the media becoming a constructive partner.

¹⁸ Cf. Child Welfare Act at www.lovdata.no.

d) Relationship to the local community

When a case becomes public, the rules for contact with the media also apply to the information given to the local community. The best way to prevent rumors is to describe the events in a conservative and factual way.

4.2.2 The law

As employers we must behave according to the laws and regulations of society, especially the Civil Penal Code, Gender Equality Act (which pertains to everyone) and the Working Environment Act (which pertains to employees).

4.2.2.1 Civil Penal Code (straffeloven)

Norwegian Civil Penal Code chapter 19 describes different kinds and degrees of seriousness of punishable sexual acts. The nature and seriousness of the sexual misconduct is significant for the possible length and the actual length of the punishment. The length of the statute of limitations corresponds to the possible length of the punishment. The longest possible punishment, 21 years in prison, has a statute of limitations of 25 years.¹⁹

In Norway the legal age of consent is 16. All sexual activity between an adult and a person below the age of consent is illegal, regardless of whether or not the child consents or initiates the act.²⁰

The Civil Penal Code chapter 19 describes three degrees of sexual crime: sexually offensive conduct, sexual acts and sexual intercourse. In addition, we will mention rape and exploitation of a relationship of dependency.

a) Sexually offensive or other indecent conduct

Sexually offensive or other indecent conduct occurs through actions and words towards someone or in the presence of someone. Examples are indecent exposure, showing pornographic films or using offensive language. In other words, this is when someone, with words or actions, demonstrates sexually offensive or other indecent conduct in public or in the presence of people who have not consented to this behavior, or in the presence of children less than 16 years of age.

b) Sexual acts

Sexual acts are acts that happen in physical contact with others, e.g. touching of genitalia or breasts, either under or over clothing. Sexual acts are punishable by law when they are non-consensual or when they are with a child less than 16 years of age.

c) Sexual intercourse

Sexual intercourse is an act punishable with the longest sentence. Examples are penetration of another person's oral, genital or anal opening with the offender's penis, or masturbation of the offended and/or the offender.

¹⁹ Statutes of limitations in Norwegian law have become longer. The statute of limitations of a given case is tied to the regulations at the time the misconduct happened.

²⁰ Norwegian Civil Penal Code was revised in 2000, and women's and children's rights in matters of sexual misconduct were strengthened. This is only relevant to crimes committed after Aug 11, 2000.

d) Rape

Rape is when someone has sexual intercourse through violent or threatening acts, or when the exposed is incapable of refusing the act, e.g. because of intoxication.

e) Exploitation of a state of dependency

In addition to the actual act, the relationship between the offender and the offended is significant: “Any person who engages in or who aids another person to engage in sexual activity by misuse of a position, or a relationship of dependence or trust shall be liable to imprisonment for a term not exceeding five years. Any person who engages in or aids another person to engage in sexual activity by exploiting any person’s mental illness or mental disability will be punished correspondingly.”²¹ Likewise, there is a law prohibiting sexual activity with inmates of institutions under the correctional services or child welfare services.²²

Both of these regulations are independent of the age of the exposed.²³

4.2.2.2 Gender Equality Act §8

This section prohibits sexual harassment. It defines sexual harassment as “unwelcome sexual attention that is offensive to the object of such attention.” It is always the person exposed to the words and actions who defines whether or not it is offensive and unwelcome. The regulations apply to employees of the same organization, both superiors and subordinates, and includes far more than the Civil Penal Code’s regulations on sexual misconduct. Consequently, sexual misconduct that isn’t affected by the Penal Code, but which can be defined as sexual harassment, can provide a basis for disciplinary actions.

4.2.2.3 Working Environment Act²⁴

If the accused is an employee, the employer must adhere to the Working Environment Act in matters relevant to the Labor Law. The employer must consider the matter from the perspective of the Labor Law, independent of whether or not the case is reported to the police, and regardless of the result of the police’s investigation or the result of criminal proceedings.

a) Suspension

An employee can be temporarily suspended from his position when there are reasons to believe that he/she is guilty of conduct that can lead to dismissal and when the considerations to the ministry make it necessary to remove him/her from ministry while the case is investigated. The necessity of suspension will depend on the character and extent of the suspected misconduct as well as the type of position the employee has, e.g. a position which involves pastoring or counseling or responsibility for children and youth. If the misconduct is of such character that it has broken the trust necessary for the position, there are grounds for suspension. Suspension is always limited in time. An alternative to suspension can in some circumstances be to transfer the employee to other kinds of ministry during the period of investigation (cf. Working Environment Act §15-3).

b) Summary dismissal

²¹ Cf. Norwegian Civil Penal Code chapter 19, §193

²² Cf. Norwegian Civil Penal Code chapter 19, §194

²³ Cf. Norwegian Civil Penal Code chapter 19 and The Ministry of Church Affairs: *Veiledningshefte*, (cf. footnote 5) p.18ff.

²⁴ Cf. The Ministry of Church Affairs: *The Ministry of Church Affairs: Veiledningshefte*, (cf. footnote 5) p.28-33.

Rules for summary dismissal are specified in the Working Environment Act §15-4. Summary dismissal entails the immediate termination of contract and employment. The employee no longer has the right to perform his/her work or to receive pay. Summary dismissal can only occur when there is gross neglect of duties and a substantial breach of contract. Under the Civil Service Act, an employer can instantly dismiss an employee if he/she “by improper behavior in or outside the service proves himself unworthy of his post or damages the respect or confidence that is essential to the post.” The Civil Service Act does not apply to the employees of our organization, but the description is useful as criteria for evaluation of relevant cases.

c) Dismissal

Rules for dismissal are specified in the Working Environment Act §15-7. Dismissal entails a termination of contract and employment when the notice period is over. The employee has the right to work and receive pay during the notice period.

Conditions for dismissal must be considered on a case-by-case basis. The conditions may be met even when the prosecutors drop the charges or the employee is acquitted in court. The requirements for criminal cases are stricter than for civil ones. In criminal cases, the accused benefits from any reasonable doubt. The requirements for legal sanctions, e.g. termination or dismissal, are less strict than for criminal cases. The burden of proof, however, lies with the employer who must prove that the employee has conducted himself/herself in such a way that warrants legal sanctions.

4.2.3 Rules of Procedure

The employer must first clarify whether this is a matter that falls within the scope of the Penal Code and then clarify with the exposed or his/her guardians whether the matter should be reported to the police. The exposed is entitled to 3 hours of free consultation with a lawyer to decide whether or not to press charges (cf. Free Legal Aid Act §11). The consultations do not necessarily have to result in a formal charge, but can help the exposed through this clarification phase.

If the matter is reported to the police, the employer must clarify his/her role so that it does not obstruct the police investigation. This includes clarifying the appropriate time to raise the issue with the accused and to implement suspension or other sanctions.

If the matter is not reported to the police, the employer must investigate it on their own and obtain information about the matter from the exposed and others. The accused must be allowed to present their version of the events.

Before a decision about legal sanctions is made, the employee has the right to be heard and to seek the assistance of a representative or an assessor. It is up to the employee to decide who to use as an assessor and when the assessor should enter the proceedings.

Working Environment Act §15-1 states that before making a decision regarding dismissal and suspension, the employer must, to the extent that it is practically possible, discuss the matter with the employee. Consideration for the exposed, however, may warrant the immediate dismissal of the accused after the police have confronted him/her with their suspicions.

The requirements of form, content and notice of dismissal are strict. These rules are stated in Working Environment Act §15-4 and must always be observed. The employee must be advised of his/her rights to demand negotiations, institute legal proceedings and to remain in

his/her position under Working Environment Act §17-4. Dismissal or notice of dismissal must be given in writing and be delivered to the employee in person or be forwarded by registered mail.

4.2.4 When a case is dismissed

Most of the sexual misconduct cases reported to the police are dismissed either by the police or by the public prosecutor. The official reason for dismissal is usually the state of the evidence or expiration of the statute of limitations. Sometimes the problematic or insufficient evidence and the reasons for dismissal will be evident in the report. Only in a few cases will there be given a reason beyond this.

The burden of proof in criminal cases is high; the defendant's guilt must be proven beyond any reasonable doubt. Even when there is a strong probability that the allegations are true, the evidence might not be strong enough to remove reasonable doubt. In a few cases where the defendant has been acquitted, he/she might still be sentenced to pay restitution since the burden of proof in civil cases is lower than in criminal cases.

When a case is dismissed in court, or the defendant is acquitted, the defendant is legally cleared of all charges. This does not mean, however, that there is not enough evidence for other types of reactions, e.g. disciplinary action. Employers must consider all the material and decide whether there are grounds for continuing to trust the accused. In the case of dismissal/acquittal, the employer may ask for access to court documents relating to the ruling. This can be useful in an internal assessment of whether or not to impose disciplinary action. In some instances employers, with or without the exposed, may consider filing a civil suit.

5 ORGANISATION, VALUES AND RESPONSIBILITY

All organizations have designed and developed a structure that outlines functions and responsibilities of different authorities and roles in the organization. All organizations also have cultures with rules that apply to interaction and behavior between people. This organizational culture is entwined with the organizational structures and affects the way decisions are made. Attention to which organizational values and attitudes should affect interaction and behavior is necessary for establishing respect for the individual's intimacy boundaries and a healthy organizational culture.

This chapter will point out some areas in which it is necessary to be conscious of values and facilitate structures that help uncover and prevent misconduct.

5.1 Concretization of organizational values

The organization will strive to make the following values characterize interaction within the organization and the behavior of employees and representatives outside the organization:

- respect for the integrity and boundaries of others,
- equality regardless of personal characteristics, gender, life situation, resources and position,
- accountability in relation to the people one ministers to,
- openness and transparency,
- protection of the weakest person in a relationship with an imbalance of power.

Organizations are based on a hierarchy where people are given a structural position of power based on their areas of responsibility. An awareness of this position of power is the basis for behavior characterized by respect and equality, not least in relation to the people under their leadership and influence. Equality can be conveyed through listening to the other person's point of view, giving him/her recognition, both one-to-one and publicly, and through avoiding controlling techniques that overlook and ridicule him/her. The structural position of power is tied to role and function. This position of power, however, is also relevant in the interaction with the same people, even when this contact is outside formal roles. This is especially apparent in roles such as spiritual leader, counselor and superior. A pastor of a congregation will be recognized as such by the members of the congregation even when he/she attends a Sunday fellowship outside of his role as pastor. A counselor cannot step out of his/her role as a counselor after a conversation with a client and only be a private individual. Role and relationship are entwined also in informal situations. This also applies to missionaries and national co-workers. Friendship and personal contact will be influenced by the role of the missionary; he/she must therefore respect the implications of this.

The structural position of power decides who has the main responsibility for adhering to the organization's values in interpersonal interaction. Responsibility requires attentiveness to what can be perceived as offensive. At the same time, we know that offenses in an asymmetrical relationship of power often impose silence on the offended. It is therefore the responsibility of the organization to develop an open culture where people feel they can give and receive feedback on behavior that feels offensive. Only then can we have a system that takes care of its employees.

Conditions for developing such a culture are:

- *Imbalance of power*: the imbalance of power between people must be considered when allegations of misconduct are raised. We have already mentioned the power implicit in role and function. In addition, an employee has access to power in the form of the Labor Law and legal resources and rights, access to information and status. The organization must make sure that this power does not prevent allegations from being raised and have understanding for the powerlessness the exposed feels when telling his/her story. The credibility all Christian leaders have must never be the basis for determining the veracity of the allegations (cf. Ch. 2, View of Man). The organization must make sure that the weaker party receives the same information and support as the stronger party.
- *Openness*: the desire to protect one's own context must not take precedence over the organization's duty and willingness to acknowledge, regret and confront the misconduct that is revealed. The organization must focus on a fair process and not on protecting the organization's reputation.
- *Transparency*: case management must be verifiable and open for control. An important part of the case management is to prevent the affected parties from feeling that the process is unpredictable.

5.2 Leadership responsibility in relational misconduct

5.2.1 The difference between conflict and misconduct

We must differentiate between conflict and misconduct. A conflict arises from a disagreement between two parties and is related to a work-related or personal matter. In a conflict where the parties are unequal, it is necessary to establish equilibrium of power. This is partly why the different units at a workplace assist their representatives in work-related conflicts. Employers are in a position of power in relation to their employees; unions can help create a balance of power.

Sexual misconduct is based on an imbalance of power in a relationship. When personal intimacy boundaries are broken, the offended's vulnerability and shame are reinforced. It is the responsibility of the organization to ensure that the misconduct is not solved as a conflict between two equal parties. In an equal conflict the goal is to help the affected parties come to a mutual understanding. With misconduct, the goal is to clarify the circumstances and place responsibility where it belongs. Allegations of sexual misconduct must be considered in light of the balance of power between the parties and must be regarded as a possible abuse of power. Such allegations must therefore be dealt with from the position of the weak party. A leader must be conscious of and help coworkers and supporters understand that we must never make up our minds about the allegations based solely on the accused's version of events. A leader must know that cases such as these have many confidential elements that outsiders are unaware of.

5.2.2 Relationship between responsibility and authority

When allegations of sexual misconduct are made, good case management is dependent on clear roles of responsibility and predictable procedures. A person who has been given responsibility must also be given the authority to exercise this responsibility. Delegation of responsibility is based on the confidence that the person who is given responsibility is able to use it appropriately. The description of the procedures in this document is based on a system that clarifies who is responsible for managing the different phases when allegations of sexual misconduct arise. This means that the organization must respect its decisions about who is

responsible and has the authority to make decisions in the specific cases. This kind of predictability is crucial in terms of taking care of the offended and behaving correctly in relation to the accused.

5.2.3 Allegations against a superior

If allegations of sexual misconduct are made against a superior, the matter must be reported directly to the General Secretary of the organization without first reporting it to the accused.

5.3 Organizational facilitation of preventive measures

By preventive measures we mean raising awareness about and preventing sexual misconduct.

All employees must be introduced to the organization's guidelines and understanding of sexual misconduct. They must have knowledge of the procedures in the organization and of their responsibility in cases where they suspect or learn about someone who has been offended by an employee, associate or representative. The employee's immediate superior is responsible for informing the employee about this.

The topic must be addressed in courses for different groups of employees on a regular basis, including at the introductory course for new employees.

The Coordination Team is responsible for developing course material for training voluntary leaders at local and regional levels and for training facilitators/trainers/teachers.

Region Leaders and Leaders of Children and Youth Ministry are responsible for ensuring that such seminars are held in all regions on a regular basis, e.g. courses for camp counselors, local Children and Youth Ministry workers, evangelists, volunteers and church workers, etc.

5.4 Organizational facilitation of assessors for the accused

A union representative must be available as an assessor for the employee who has been accused of sexual misconduct. The representative must have knowledge about what sexual misconduct is and must be loyal to the values of the organization. A representative from the Coordination Team is responsible for giving the union representative access to the necessary information.

The assessor is not a party to the case and must remain impartial. He/she must ensure that the accused's rights are protected and must listen, give support and help analyze and process what is said in meetings. In relation to the organization, he/she must ensure that the Working Environment Act and other regulations that protect the accused are adhered to.

Even if there is no admission of guilt or legal ruling that clarifies the conditions of the case, there might still be general agreement that the organization's trust of the accused is severely weakened. If it is necessary to negotiate the terms of a severance package, the assessor can be the spokesperson for the accused.

PART II: PROCEDURE

6 RESPONSIBLE PARTIES

6.1 Objectives

- Knowledge about sexual misconduct shall be taken seriously, and the cases shall be dealt with according to the guidelines of the organization, in a clear and fair manner.
- The involved parties shall be treated in a fair and caring manner, according to the guidelines of the organization.
- Every case shall be handled according to high professional standards.

6.2 The Executive Board – political responsibility

- The Executive Board is responsible for making sure that the organization has guidelines for handling sexual misconduct.
- The Executive Board is responsible for approving the guidelines of the organization.
- The Executive Board shall be informed when a case involving an employee, is closed.

6.3 The General Secretary – formal, administrative responsibility

- a) The General Secretary is responsible for:
 - following up according to the guidelines.
 - establishing a Coordination Team.
 - ensuring that the Coordination Team has the necessary competency.
 - ensuring that the organization has access to necessary external professional competency.
 - taking care of the preventive measures: training, information and procedures.
 - contact with the media.
- b) During the handling of the case he shall ensure that:
 - the Resource Team is consulted.
 - the Coordination Team carries out its work.
 - that all relevant parties in the organization receive necessary information.
 - external evaluation of the handling of the case is considered.

6.4 Resource Team – advisory responsibility

- a) Description
The Resource Team receives instructions directly from the General Secretary and must secure the quality in every step of the case. It consists of external members with relevant professional competency, including competency within the areas of law, psychology and personnel care.

- b) The Resource Team may be asked to
 - assess the procedure for new cases planned by the Coordination Team.
 - give the Coordination Team access to necessary professional advice during the handling of the case.
 - evaluate the handling of the case after it is closed.

6.5 Coordination Team – executive responsibility

- a) Description

The Coordination Team is a permanent group of a minimum of three employees at the head office of the organization. They work together as a team. Both sexes are to be represented.
- b) The Coordination Team's responsibilities are to:
 - investigate and handle the case in close contact with the formally responsible party.
 - ensure that the process takes care of
 - the offended and his/her family
 - the offender and his/her family
 - the affected community, the congregation, institution, camp, school, mission field etc.
- c) The Coordination Team
 - is responsible for making sure the guidelines are followed when meeting the different parties involved.
 - has the executive responsibility and authority in the case, delegated by the General Secretary and carried out in cooperation with local and regional offices.
 - is responsible for preparing a written summary and evaluation after a case is closed.

7 PROCEDURES FOR PREVENTION AND TRAINING IN THE ORGANIZATION

7.1 Objectives

- a) The organization shall have procedures for preventing sexual misconduct from occurring by facilitating presentations/discussions on topics such as healthy sexuality, healthy boundaries and different aspects of authority in the interpersonal sphere.
- b) All employees in the organization shall receive necessary knowledge of what sexual misconduct is, the suffering it may lead to and the procedures the organization has for handling such cases.

7.2 Procedure

- a) The General Secretary is responsible for making a strategy for prevention and training.
- b) Requirements regarding the type of information candidates are to provide when they are recruited to positions with preaching and pastoral counseling responsibilities shall be strengthened. Candidates must provide information about:
 - all former employments and reason why they were terminated.
 - elected positions of trust in churches and organizations.
 - whether they have been reported or accused of sexual misconduct, or any other criminal offenses.All references are to be examined carefully. For employees connected to children and youth work, a criminal record from the police shall be required.
- c) The responsibility of all units in the organization with employing authority to follow the necessary guidelines shall be emphasized.

8 PROCEDURES FOR CO-WORKERS WHO SUSPECT OR RECEIVE INFORMATION ABOUT SEXUAL MISCONDUCT

8.1 Objective

The General Secretary must be given information about the suspected misconduct as soon as possible so that it may be clarified whether sexual misconduct has taken place and so that the person experiencing the misconduct is taken seriously and the possible misconduct is stopped.

8.2 Procedure

8.2.1 Information shall be forwarded to the General Secretary

Any person who suspects or is informed that someone is or has been exposed to sexual misconduct shall immediately give this information to a person employed by the organization. The employee is then to make sure that this information is immediately forwarded to the General Secretary. Anonymous information shall also be reported to the General Secretary.

8.2.2 The accused shall not be contacted

The person who has received information about sexual misconduct shall not under any circumstances confront the accused individual with the information. This can cause great harm, both to the offended, to a possible police investigation and to the further handling of the case.

9 CONFIDENTIALITY

9.1 Confidentiality for specific professions

Civil servants and some other professions, for example ordained pastors, lawyers and health personnel are legally bound by confidentiality. This means that they can be prosecuted if they breach the professional confidentiality without having consent from the person involved.

9.2 Confidentiality for all employees and elected representatives

Employees and volunteers in the organization are not bound by law and cannot be prosecuted if they breach confidentiality. However, they are bound by professional confidentiality by agreement, and it must be a clear rule in our organization that anyone who confides information to someone else should be 100 % secure that this information will not go any further. A counselor is always bound by confidentiality concerning information he/she receives through counseling. If information about misconduct comes from the offended during a counseling session and the person is over 18 years of age, the counselor needs to have his/her permission to report it to the organization. The counselor should obtain written consent.

9.3 Issues connected to confidentiality

If one does not get permission from the offended to forward the information, one should ask for permission to report the content of the case, including the name of the accused, to the General Secretary, without giving information about the offended's identity. The offended is to be offered further counseling with an appropriate person. The one who reports, and the one who follows up with counseling, has the right to receive assistance and guidance from the Coordination Team. It is not a breach of professional confidentiality and one does not need permission from the person involved to discuss confidential information with a superior, when none of the involved persons' identities are revealed.

9.4 Information from children less than 16 years old

If the information about misconduct comes from a child below 16 years of age, it is important not to promise secrecy. One must listen carefully to what the child is telling and try to find out whether he/she has talked to someone else about this earlier, and if so, to whom. One must explain that this is so serious that the parents/guardians must be informed. If the child refuses to let his/her parents/guardians know, one must use time to explain why this is so important. The older the child is, the more important it is to try to let the child understand why one has to forward the information. Whether the child gives his/her consent or not, one has the duty to inform the parents, provided that there are no reasons to believe that the parents are involved in the misconduct.

The person who has received the information is not to contact the parents before the case has been reported anonymously to the General Secretary and he/she has received guidance from the Coordination Team on how to proceed. Normally a member from the Coordination Team will be present when talking to the parents. The Coordination Team is also responsible for the further follow-up of the child.

9.5 Information from a person between 16 and 18 years old

If the confided information comes from a child between 16 and 18 years of age, one normally needs consent from the person involved to forward the information to the parents or the General Secretary. Exceptions might be considered if the misconduct is of a severe character. One should in any case report the case anonymously to the General Secretary and receive guidance from the Coordination Team on how to proceed.

9.6 Information about misconduct through confession

If a person who has committed sexual misconduct brings this information up during a confessional session, the counselor is not to declare the forgiveness of sins unless the offender is willing to take responsibility for his acts. This means that the offender either reports the case himself/herself, or gives the counselor permission to report it to the organization. A counselor must be aware that the offender may confess the misconduct as adultery or a sexual sin, without an understanding of the responsibility he/she has by virtue of his or her role or position of authority. If the offender is not willing to report the case, this may indicate a recurrence risk, and the counselor must seek advice from his/her superior without revealing the offender's identity. The Coordination Team can also give advice.

10 PROCEDURES FOR FELLOWSHIPS AND MISSION FIELDS

10.1 Definition

The definition of fellowships includes local mission groups and congregations belonging to the organization and smaller groups like choirs, bible study groups, etc. The procedures concern the fellowships where the misconduct took place or where the offended and/or the offender belong. The definition of fellowships will in this document also include our mission fields, unless otherwise specified.

10.2 Authority

The Coordination Team gives advice to local mission groups and congregations based on its competence and experience, but does not have authority to issue binding orders.

10.3 Objectives

- a) The General Secretary shall be informed as soon as possible.
- b) The case shall be handled in a professional and orderly manner, in close cooperation with the Coordination Team.
- c) All involved parties shall be treated fairly and considerately, according to the guidelines in the organization.

10.4 Procedure

- a) When employees, volunteers or elected representatives of the organization are accused of sexual misconduct, the leaders of the fellowship must immediately report it to the General Secretary.
- b) The leaders of the fellowship shall be offered assistance from the Coordination Team according to the guidelines of the organization.²⁵
- c) The leaders of the fellowship shall receive written information about common reactions in Christian communities when sexual misconduct is revealed, and receive advice on how these reactions can be met and handled.²⁶
- d) *For fellowships in Norway:* The person who has the formal leadership responsibility for the employee/volunteer/elected representative must also consider whether it is necessary to immediately suspend him/her after the accusation has been made, and see to it that he/she is treated in accordance with Norwegian law and the guidelines of the organization.
- e) *For mission fields:* The Coordination Team is responsible for giving advice to the General Secretary concerning issues mentioned above.

²⁵ Cf. Part II, 12.4 Procedures for the Coordination Team in relation to Christian fellowships and mission fields

²⁶ Cf. Part I, 3.2.4 Reactions in the Christian fellowship and how to meet these

11 PROCEDURES FOR SCHOOLS, INSTITUTIONS, ETC.

11.1 Definition

Schools and institutions include all those wholly or partly owned by the organization or that in any way have a formal connection to the organization.

11.2 Authority

The Coordination Team gives advice to schools and other legally independent units based on its competence and experience, but does not have the authority to issue binding orders.

11.3 Objectives

- a) The General Secretary shall be informed as soon as possible.
- b) The case shall be handled in a professional and orderly manner, in close cooperation with the Coordination Team.
- c) All involved parties shall be treated fairly and considerately, according to the guidelines in the organization.

11.4 Procedure

- a) When employees, volunteers or elected representatives of the organization are accused of sexual misconduct, the leaders of the school/institution must immediately report it to the General Secretary.
- b) The leaders of the school/institution shall be offered assistance from the Coordination Team at the head office, according to the guidelines of the organization.²⁷ They can also ask for assistance in cases of misconduct among the students.
- c) The leaders of the school/institution shall receive written information regarding usual reactions in Christian communities when sexual misconduct is revealed, and receive advice on how these reactions can be met and processed.²⁸
- d) The person who has the formal leadership responsibility for the employee/volunteer/elected representative also has the responsibility to consider whether it is necessary to immediately suspend him/her after the accusation has been made, and follow up the consequences for personnel according to Norwegian law and the guidelines of the organization.

²⁷ Cf. Part II, 12.5 Procedures for the Coordination Team in relation to schools, institution, etc.

²⁸ Cf. Part I, 3.2.4 Reactions in the Christian fellowship and how to meet these

12 PROCEDURES FOR THE COORDINATION TEAM

12.1 General procedures

- a) The Coordination Team shall immediately consider whether or not the case should be reported to the police. If the conclusion is that the case should be reported to the police, the handling of the case is to be coordinated with the police, in such a manner as not to obstruct the police's work.
- b) Written minutes are to be taken from all formal meetings/talks which take place between the organization and the parties involved.

12.2 The procedures for the Coordination Team in relation to the offended

12.2.1 Objectives

- a) The organization shall clarify the actual facts of the misconduct and the offended's experience of it.
- b) The offended shall feel that he/she is taken seriously, which means that he/she will:
 - experience that he/she is taken care of throughout the process.
 - receive help to clarify and place guilt and responsibility.
 - receive as correct and sufficient information as possible.
 - be given the possibility to work through the offenses.
- c) The organization shall take care of the offended's family as well as possible.

12.2.2 Procedures when the offended is over 18 years of age

- a) The offended shall be asked to give a written description of the misconduct, or alternatively sign a written statement of what he/she has related orally.
- b) The offended shall give consent to who is going to have knowledge of his/her identity.
- c) The contact person is to make sure that the offended as soon as possible receives all relevant information in cases which are not confidential, such as
 - the timeframe of the case
 - which units handle the case
 - who will be informed
 - how the organization considers the question of guilt
 - what the offender acknowledges/admits
 - what consequences the offenses will have for the offender.
- d) The offended is to be informed about who in the coordination team is his/her contact person, who he/she can ask questions etc.
- e) The offended and the offended's closest family are immediately to be offered contact with a counselor or other professionals.
- f) The offended is to be informed regularly about the handling of the case, and when the organization regards the case as closed. This can be done by a letter, a meeting etc.

- g) Within a year after the case is closed, the offended is to be given the possibility to have a concluding meeting. The meeting is to include the following questions:
- How has the offended experienced the manner in which the organization has handled the case?
 - Are there things that he/she would like the organization to have handled in a different way?
 - To what degree has he/she experienced being taken care of?
 - Other comments he/she wants to give.

12.2.3 Procedures when the offended is below 18 years of age

- a) Depending on the child's age and maturity, he/she must receive information about who is informed and what is going to happen in the case.
- b) The parents/guardians are, as a basic rule, to be informed as soon as possible, unless there are reasons to believe that the parents/guardians are involved in the misconduct. However, children between 16 and 18 years of age must first be given the opportunity to express their opinion before the parents/guardians are contacted. There must be good reasons for informing the parents/guardians against the will of the child. In such cases one needs to motivate the child to agree. If the misconduct is known by persons others than the child and the leadership of the organization, the parents/guardians are to be involved immediately.
- c) The community health nurse or the Child Welfare Service can be contacted for help and further follow-up of the child, provided that the parents/guardians agree to it.
- d) If one has reliable information about children having been exposed to punishable sexual misconduct (rape, sexual intercourse with children under 14 years of age, incest and sexual intercourse with foster care children), and there is a risk that repeated misconduct will take place, it is punishable by law not to report the case. The duty to prevent recurrence includes everyone.²⁹ This means that one is obliged to report the concern to someone who can follow up the case. The Child Welfare Service or the police are always to be contacted in cases where there is a real risk of repeated misconduct.
- e) It is the parents/guardians who are to make the decision of whether or not to report a case to the police on behalf of the child, provided the case is not already handed over to the Child Welfare Service. The organization can also make a police report on behalf of the child. In severe cases the organization can anonymously tell the police, who on their own initiative can investigate the case and decide whether or not to prosecute.

12.3 Procedures for the Coordination Team in relation to the accused

12.3.1 Objectives

- a) The organization shall acquire the actual facts of the misconduct, and hear the accused's version of what happened.

²⁹ Cf. Norwegian Civil Penal Code chapter 19, §139

- b) The accused shall be treated and taken care of according to the guidelines in the organization, which means
 - clarifying roles and responsibilities.
 - giving the accused information about the handling of the case, and of his/her rights.
 - offering the accused contact with a counselor or other external professionals.
- c) The accused's family shall be taken care of as well as possible.
- d) Any ongoing misconduct shall be stopped and others shall be prevented from being exposed to misconduct.
- e) The correct responsible unit shall be helped to implement necessary measures towards the offender, in cases when it has been clarified that misconduct has taken place.

12.3.2 Procedure

The following procedures are to be used when a case has not been reported to the police. When a case has been referred to the police, it must be clarified with the police when and how contact may be established with the accused.

- a) When there is a written statement from the offended, the case is to be discussed in the Resource Group.
- b) Thereafter the case is to be presented to the accused.
- c) The meeting is to be planned in close cooperation with the local Region Leader in the organization and/or the nearest superior of the accused.
- d) The meeting is carried out by two persons; at least one of them has to be a member of the Coordination Team.
 - The notice of meeting is normally given by phoning the accused, alongside a written notice. The accused shall be informed of his right to bring an assessor.³⁰
- e) Elements to be covered in the first meeting:
 - Information about the background for the meeting.
 - Information that the meeting is regarded as a formal meeting between the accused and the organization (not a pastoral counseling session).
 - Information about the rights he/she has and the routines the organization follows.
 - Invite the accused to present his/her version of the story.
 - Information about who is to be his/her contact person during the handling of the case, and whom he/she can contact with questions etc. Normally the contact person is either one of the two carrying out the first meeting, the Region Leader or the nearest superior to the accused.
 - Offer the accused and his/her family immediate counseling by someone outside the organization.
 - Ask the accused to give a written presentation of the case, after the first meeting.
 - Agree on a new follow-up meeting.

³⁰ If the case involves an employee, the Coordination Team may suggest that a representative from the union can be assessor if the employee wishes.

- f) Necessary research shall be done in order to confirm or refute factual information.
- g) After the meeting with the accused, the Coordination Team shall decide how to handle the case further.
- h) The accused has the right to gain insight into relevant documents concerning the case, i.e. to receive the protocol from all formal talks that he/she has been part of. He/she also has the right to gain insight into the allegations the offended has raised, but does not have the right to read the offended's written story.
- i) The accused shall be informed about the further process, what units/persons will handle the case and the time aspect of the process.
- j) The Coordination Team shall immediately consider whether to recommend the responsible unit to suspend the accused from his/her employed position or elected positions while the case is handled. If there are reasons to assume that the accused is guilty of behavior which can lead to dismissal, there are well-founded reasons for suspension.³¹
- k) The Coordination Team shall clarify the need for help, support and information to the accused's family and as far as possible arrange for such help.

12.3.2.1 Procedure when an accusation is not trustworthy

- a) The person who made the accusation shall be informed that the employer has concluded that the accusation is not considered trustworthy, and the grounds for this conclusion.
- b) The utmost should be done to restore trust in the accused. That includes information about the decision that has been made, to all units and persons who have learned about the case from the employer.
- c) The person who has been falsely accused shall be offered help to handle the emotional load the case has caused, and shall be reimbursed for costs related to his/her handling of the case.

12.3.2.2 Procedure when an accusation is confirmed

- a) The Coordination Team will present the legal and ethical aspects of the case to the responsible unit in the organization. This will serve as a background for this unit when considering dismissal/suspension from elected positions, or other necessary actions.³²
- b) If accusations that provide basis for dismissal are confirmed, the employer shall discuss dismissal with the offender, and make sure he/she is accompanied by an assessor. Procedures for this must be in accordance with Norwegian law.³³
- c) Clarify the offender's need for professional counseling, and if wanted, provide it.

³¹ Cf. Part I, 4.2.2.3 a) Suspension

³² Cf. Part I, 1.3 Aids to Clarification, 3.2.2 Leadership responsibility and reinstatement, 4.2.2 The law

³³ Cf. Working Environment Act, www.lovdاتا.no.

- d) Ask the offender to refuse any request for elected office or ministry in Christian groups/organizations. Inform him/her about the mutual agreement between NLM, ImF, Normisjon and NMS (Norwegian mission organizations).³⁴
- e) Clarify who inside or outside the organization is to receive information about the case, and inform the offender accordingly.³⁵

12.3.2.3 Handling of a case that has been dismissed by the police, or a case that has not been reported to the police, when the accusations are denied.

- a) According to Norwegian law the police may dismiss a case either because the statute of limitations has expired, or because no criminal offence has been proven, or because of lack of decisive evidence. When a case is dismissed because of lack of decisive evidence, it means that the police consider the evidences insufficient for a conviction.³⁶ According to law it must be proven beyond any reasonable doubt in order to lead to a conviction. In case of sexual misconduct, the evidence situation is very demanding since there are usually no eyewitnesses, and the explanation of the exposed and the accused will often contradict each other.
- b) Dismissal of a case because of insufficient evidence settles the case legally. The accused is acquitted of criminal charges. The dismissal may imply that he or she is considered not guilty of the accusation, but a case may also be dismissed even though the police consider it likely that the person has done what he/she is accused of. (cf. 4.2.4)
- c) A Christian organization has a twofold mandate or mission. Firstly it has a mandate towards society to operate according to the law and current employment regulations. A Christian organization also has a theological/diaconal mandate which implies taking care of the offended, holding the offender accountable, and protecting the Christian fellowship against abuse of power. If a case is dismissed, the organization has a responsibility to look at the theological and diaconal aspects. An organization which is committed to Christian ethics cannot only ask whether or not employees and other representatives are convicted of criminal misconduct. Even if a case is dismissed, it must still clarify whether the values of the organization have been violated.
- d) The purpose of an independent assessment is to consider whether the organization as employer still can have confidence in the accused, or whether it must have consequences for his/her employment or position.³⁷
- e) When the organization considers the question of confidence, and thereby also whether he/she can maintain the position as employee or representative, this should be done within the arena of civil law. The organization must base its decision on civil law's principle of proof by clear and convincing evidence (as opposed to criminal law's principle of beyond reasonable doubt).
- f) If the coordination team concludes that they have confidence in the story told by the exposed, the procedure described in 12.3.2.2 shall be followed.

³⁴ Cf. Introduction, «Cooperative Agreement»

³⁵ Cf. Part II, 13 Procedures for handling information

³⁶ In Norway, such cases are dismissed about 80% of the time.

³⁷ See a resource document which is the basis of this document, «Grunnlag for troverdighetsvurdering»

- g) The accused can ask the General Secretary to consider asking an external authority to examine the Coordination Team's handling of the case in order to appraise the quality of the work and find out whether the team has overlooked important aspects.
- h) The accused has the right to sue the organization in a civil lawsuit if he/she feels wrongfully dismissed from his/her job.

12.4 Procedures for the Coordination Team in relation to Christian fellowships and Mission fields

12.4.1 Definition

With fellowship we understand mission groups, congregations and churches in the organization, or smaller groups like choirs and bible study groups, etc. The procedures are related to the fellowship where the misconduct took place or the fellowships to which the offended and/or the offender belong. Unless otherwise specified, mission fields are also included in this definition.

12.4.2 Objectives

- a) The leaders of fellowships shall receive help in dealing with the case in the best manner possible, according to the guidelines of the organization.
- b) The leaders of fellowships shall be assisted in making the fellowship function as caring, transparent and open fellowships and in caring for the parties involved and for the members of the fellowship.

12.4.3 Procedure

- a) When a case has reached the General Secretary, the Coordination Team immediately contacts the leaders of the fellowship in order to:
 - clarify the facts and the situation in the fellowship
 - agree on how to handle the case
 - decide which leaders in the fellowship and members of the Coordination Team are to be the contact persons and make sure that they handle the case in cooperation with each other.
- b) The leaders in the fellowship are to receive written information about normal reactions in Christian fellowships when sexual misconduct is revealed.³⁸
- c) *For fellowships in Norway:* The leaders of the fellowship shall be offered assistance concerning:
 - considerations of whether or not to report the case to the police. This shall be discussed with the exposed, and shall be decided by him/her, or the parents/guardians if the exposed is a minor.
 - handling of matters related to the accused's position in the Christian fellowship (as employed, volunteer or elected representative)
 - making arrangements to ensure that especially the offended, but also the offended's and the offender's families, are offered care and opportunities for fellowship.

³⁸ Cf. Part 1, 3.2.4 Reactions in the Christian fellowship and how to meet these

- clarifying the offender's relationship to the local Christian fellowship when the accusation is verified
 - clarifying what kind of information is to be given to whom, both within the Christian fellowship, but also to the local community and media³⁹
- d) *For the mission fields*: The Coordination Team gives the General Secretary advice on what has to be done in relation to the questions mentioned above.
- e) People responsible for the local/regional handling of the case, are to be offered follow-up and help to handle the emotional stress such cases may create, both during the process and after.

12.5 Procedures for the Coordination Team in relations to schools, institutions, etc.

12.5.1 Definition

With schools and institutions we understand those wholly or jointly owned by the organization or those that in any way have a formal relation to the organization.

12.5.2 Objectives

- a) Leaders of the schools/institutions shall receive help in dealing with the case in the best manner possible, according to the guidelines of the organization.
- b) The leaders of the schools/institutions where the misconduct has taken place shall be assisted in making the school/institution function as a place of caring, transparent and open fellowships where the individuals involved are taken care of.

12.5.3 Procedure

- a) When a case has reached the General Secretary, the Coordination Team immediately contacts the leaders of the school/institution in order to:
 - clarify the facts and situation at the school/institution
 - agree on how to handle the case
 - decide which leaders of the school/institution and members of the Coordination Team are to be the contact persons and make sure that they handle the case in cooperation with each other.
- b) The leaders of the school/institution are to receive written information about normal reactions in Christian fellowships when sexual offenses are revealed.⁴⁰
- c) The leaders of the school/institution shall be offered assistance concerning:
 - considerations whether or not to report the case to the police. This shall be discussed with the exposed, and is to be decided by him/her or the parents/guardians if the exposed is a minor.
 - handling of matters related to the accused's position at the school/institution (as employed, volunteer or elected representative)
 - making arrangements to ensure that especially the offended, but also the offended's and the offender's families, are offered care and opportunities for fellowship.

³⁹ Cf. Part II, 13 Procedures for handling information

⁴⁰ Cf. Part I, 3.2.4 Reactions in the Christian fellowship and how to meet these

- clarifying the offender's relationship to the local Christian fellowship when the accusation has been verified
 - clarifying what kind of information is to be given to whom, both within the Christian fellowship and also to the local community and media⁴¹
- d) People responsible for the local/regional handling of the case, are to be offered follow-up and help to handle the emotional stress such cases may create, both during the process and after.

⁴¹ Cf. Part II, 13 Procedures for handling information

13 PROCEDURES FOR HANDLING INFORMATION

13.1 Objectives

- a) The responsible people shall give correct and truthful information about the case to the involved groups and individuals, and if necessary to the media.
- b) The different units in the organization or other organizations involved shall receive necessary information.
- c) The organization shall be prepared and pro-active with regards to information to the media.

13.2 Reason for giving information

Information about sexual misconduct is only to be given to the parties affected by the case. Based on the legal framework for information, the following aspects are to be taken into account when considering which individuals or groups need information:

- a) preventing the spread of rumors by giving brief and truthful information to the community which will inevitably have some knowledge about the case.
- b) making it possible for others who might have experienced sexual misconduct to come forward.
- c) making sure that those who are responsible for enforcing possible sanctions, receive information about the case (for example employers and/or those who have had the offender as a leader or volunteer).

13.3 Procedure

13.3.1 Internal information

- a) The units in the organization that need information during the handling and after the termination of the case must be clarified (e.g. who at the head office, regional office, the institution, the congregation, etc. are to be informed).
- b) Adequate information must be given at the right time.
- c) The content and extent of the information given to the different groups and individuals must be clarified.
- d) In the case of suspension, the individuals or units in the organization who make decisions regarding recruitment to various types of ministry must receive sufficient information to make the suspension effective in the whole organization.
- e) The Executive Board is to be informed about all cases regarding sexual misconduct committed by employees when a case is finalized.

13.3.2 External information

- a) Make sure that all involved organizations and other involved parties (e.g. external employer) receive necessary information.

13.3.3 Information to the media

- a) If the case is serious and there is a risk that information will be leaked, the organization must be prepared to face the media. They should prepare a press release.
- b) If the case is not linked to the head office, a person at the local level (in the Christian fellowship, institution, regional office etc.) may be appointed as the contact person for the press. All statements must be coordinated with the head office.