
Sexual Misconduct Policy and Procedures

I. Policy Statement

It is the policy of the Presbytery of the Northwest Coast, Presbyterian Church (U.S.A.) (“the Presbytery”) that all church members, church officers, non-member employees, and volunteers of congregations, councils, and entities of the church are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct damage the safety and trustworthiness of the church, are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a person serving in ordered ministry, church member, officer, employee, or volunteer to engage in sexual misconduct.

Distribution

This is a policy of the Presbytery (and not its churches), which governs and protects employees, persons serving in ordered ministry, volunteers and officers of the Presbytery and shall be available to them. It will be provided to persons who believe they have been sexually harassed or abused. Other councils of and entities in partnership with the Presbytery may use this policy as a guide to develop their own policies and procedures related to sexual misconduct.

II. Standards of Conduct

*... As [God] who called you is holy, be holy yourselves in all your conduct;
... Tend the flock of God that is in your charge, ... not under compulsion but willingly, ...
not for sordid gain but eagerly. . . not lord it over those in your charge, but be examples to the flock....
You know that we who teach will be judged with greater strictness. 1 Pet. 1:15; 5:2–3; Jas. 3:1, NRSV*

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel’s good news is conveyed. “Their manner of life should be a demonstration of the Christian gospel in the church and in the world” (*Book of Order*, G-2.0104a).

The basic principles guiding this policy are as follows:

1. We believe and proclaim that all people are created by God and bear the image of God. God values all human life and intends that everyone—men, women and children—have worth and dignity in all relationships.
2. As the church of Jesus Christ, we regularly invite people to place their trust, their life, death, and beyond in God’s care. This requires humans to take significant risks in turning over their lives to God’s care, leading and direction. Therefore, the relational, emotional, and psychological conditions of the people, who are the church, must be safe and trustworthy in order to make possible the invitation to place one’s life, death, and beyond in God’s care.
3. We further believe in justice for all persons. Sexual misconduct is an abuse of power and trust, therefore, unjust. Scripture asserts that religious leadership involves a covenant relationship that presumes the trustworthy exercise of power on behalf of those in our care. A betrayal of this trust is more than just a personal tragedy for the victim. It reflects a tragic

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breakdown in the character of the abuser that seriously threatens not only those immediately affected but the well-being of the church itself.

4. The Presbytery declares that the good of the Church can never be served by overlooking an abuse of power and trust, that sexual misconduct is wrong. We further declare that charges of misconduct must be dealt with promptly, fairly, thoroughly, and with compassion for both the alleged injured party and the alleged perpetrator. The purpose of this policy is to preserve the purity, unity, and purpose of the Church; to ensure fairness and justice for all involved, and when necessary and possible – to bring members to repentance and restoration. Church discipline is not a substitute for the civil judicial system, but rather is to build up and redeem the body of Christ.
5. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and care in a trust relationship. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
6. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure or gain in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
7. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

III. Definitions

Sexual Misconduct is the comprehensive term used in this policy to include:

Child sexual abuse: including, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen. Abuse can also occur between two children. It is still abuse, even if a child cooperates out of ignorance, innocence or fear.

Sexual abuse: as defined in the *Book of Order*: "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (*Book of Order*, D-10.0401c).

Sexual harassment: defined for this policy is as follows: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. [29 C.F.R. § 1604.11.](#)" and including, but not limited to:

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- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, requests for sex, or propositions;
- Repeated unwelcome requests for a romantic relationship;
- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- Graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies;
- The display in the workplace of demeaning, insulting, intimidating, pornographic, or sexually suggestive objects, pictures, calendars, or photographs; and
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, text messages, instant messaging, and internet materials, including social media and social networking sites).

Sexual harassment can occur between individuals of the opposite sex or of the same sex.

Gender Harassment or Abuse: Behavior that may or may not be “sexual” in character, which demonstrates discrimination, abuse of power, or harassment of an individual related to gender. This behavior has the effect of unreasonably interfering with an individual's work or volunteer performance by creating an intimidating, hostile, undermining, retaliating or otherwise offensive working environment and/or sabotage (negatively affects an individual's reputation with persons or groups other than the affected individual); Or otherwise adversely affects the individual's employment, volunteer and/or leadership opportunities.

Rape: sexual contact by force, threat, or intimidation.

Sexual Malfeasance: is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship. Mutual seduction resulting in mutual victimization is also considered misconduct.

Sexual Impropriety: Sexual advances toward those for whose spiritual welfare one is responsible by one's position in the church. Such behavior can be verbal or physical conduct of an inappropriately sexual nature (e.g. risqué jokes, innuendoes, insults, ingratiating and overly solicitous behavior, including sexually inappropriate visits/phone calls/texts/posts, seductions and fondling).

Misuse of technology; use of technology that results in sexually harassing or abusing another person, including texting, emailing or posting suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.

IV. Response to Allegations of Sexual Misconduct

A. Principles & Jurisdiction

In responding to allegations of sexual misconduct, persons serving in ordered ministry, members, officers, volunteers and employees of the church should seek to uphold the dignity and safety of all

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persons involved, and when possible, the privacy of persons should be respected and confidentiality of communications should be maintained. For a full listing of expected ethical behavior please see *Life Together in the Community of Faith: Standards of Ethical Conduct in the PCUSA* (1998).

1. Minister members and commissioned pastors – If an allegation of sexual misconduct is received, the Presbytery will follow the Book of Order, Rules of Discipline, which includes an immediate decision regarding administrative leave, an investigation, possible mediations and if necessary a trial and censure.

2. Employees & Volunteers (who may be members of congregations) – If an allegation of sexual misconduct is received against such person, the presbytery will follow the process below, which includes an immediate decision regarding administrative leave, an investigation, possible mediation, and if necessary, a hearing, discipline or dismissal.

3. Ex-Members, Employees or Volunteers – If the person accused of sexual misconduct is no longer engaged in service to the presbytery, and the presbytery lacks jurisdiction ecclesiastically or as an employer its duty remains to receive and hear the allegations of offense and to take the necessary measures to prevent future occurrences.

B. Process

The process for responding to an allegation of sexual misconduct is the same for all categories of those accused. It is the intent of this policy that both accusers and accused be afforded the process and rights provided by the Rules of Discipline for Disciplinary Cases even though they may not directly apply in the case of employees or volunteers serving the presbytery. The status of the accused – employee, volunteer, minister member, or commissioned pastor – determines the entities that are responsible administrating the following process:

1. A complaint is received and stated in writing.
2. The complaint is immediately referred to an investigative body.
3. A determination is made regarding administrative leave.
4. The investigative body establishes whether there is probable grounds or cause to believe an offense was committed. If probable cause is established,
5. The accused is formally charged.
6. A hearing or trial is conducted to establish guilt or innocence.
7. A censure or employment action is decided and implemented by the appropriate body.

1. Reporting Sexual Misconduct

a. Persons who believe they are being harassed should firmly notify the offender that his or her behavior is unwelcome.

b. A person who believes he or she has been sexually harassed or abused, or a person who believes he or she has witnessed an incident of sexual misconduct, or a person who believes he or she has received an account of sexual misconduct from an employee, member, officer or volunteer of the presbytery shall notify the Executive Presbyter, Stated Clerk, Presbytery Moderator or Moderator of the Personnel Committee.

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c. Form of Complaint – Sexual misconduct complaints should be stated in writing. The person receiving the report may assist the complainant state the complaint in writing. If the complainant cannot or prefers not to state the complaint in writing, the person receiving the report must document in writing what was reported, when, and where, ask the complainant to review the document, and agree to it by signature.

d. Confidentiality, Sensitivity, Good Faith – Complaints and any subsequent investigation will be held in confidence as is practical and appropriate. Persons receiving complaints will make no judgements or conclusions, and shall investigate no further. They may share information with Presbytery officers or commissions on a need to know basis. All reports of sexual harassment shall be received in good faith with no retaliation, retribution, or reprisal against a reporter regardless of the results of an investigation.

2. Investigation Conducted By. If the accused is . . .

a. . . . A minister of the Word and Sacrament, or a commissioned pastor, the investigation is conducted according to the Rules of Discipline.

b. . . . An employee who is not a minister of the Word and sacrament, the investigation is conducted by an investigative committee appointed by the Personnel Committee.

c. . . . A volunteer church member serving on any entity of the Presbytery, the investigation is conducted by an investigative committee appointed by the Executive Board.

3. Administrative Leave. Administrative leave for any or all of the involved parties may be needed to ensure a safe working, meeting, or congregational environment. The accused or accuser may attempt to influence the narrative surrounding allegations and unfairly influence perceptions of themselves and others outside of due process. While the use of administrative leave is a sensitive matter that has the potential for reputational damage of either party, and it should be undertaken with due caution and concern, the primary importance is for the safety and protection of all. If the accused is . . .

a. . . . A minister of the Word and Sacrament, or a commissioned pastor, administrative leave is determined according to the Rules of Discipline. If an alleged offense is received from a minister member against another minister member, the Commission on Ministry, in consultation with the congregation, may decide to place the complainant on administrative leave as well. The presbytery alone (not a session) has the authority to determine administrative leave for a minister of the Word and Sacrament or commissioned pastor serving a congregation in a pastoral relationship.

b. . . . An employee who is not a minister of the Word and sacrament, administrative leave is determined by the Personnel Committee.

c. . . . A volunteer church member serving on any entity of the Presbytery, administrative leave from the areas of service is determined by a committee appointed by the Executive Board.

4. Process. All investigations, regardless of the responsible body will be conducted according to the Rules of Discipline, “Investigating Committee Responsibilities,” including the use of alternative forms of resolution (D-10.0202 at the time of writing).

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5. Charges. If the investigation determines that there is probable cause that an offense was committed, charges are filed. If the accused is . . .

a. . . . A minister of the Word and Sacrament, or a commissioned pastor, charges are filed according to the Rules of Discipline.

b. . . . An employee who is not a minister of the Word and sacrament, charges are filed with the Personnel Committee.

c. . . . A volunteer church member serving on any entity of the Presbytery, charges are filed with the Executive Board.

d. In the cases of an employee who is not a minister (a) or a volunteer (b), the following applies:

- i) If the investigating body has decided to file charges, it shall promptly inform the accused in writing of the charges it will make, including a summary of the facts it expects to prove trial to support those charges. It shall ask the accused if that person wishes to plead guilty to the charges to avoid a hearing and indicate the censure or form of discipline it will recommend.
- ii) If no charges are filed, the investigating body shall file a written report of that fact alone with the stated clerk of the presbytery, and notify the person who submitted the written complaint.
- iii) Each charge shall allege only one offense.
- iv) Several charges against the same person may be filed with the responsible body at the same time.
- v) Each charge shall be numbered and set forth the conduct that constituted the offense. Each charge shall state (as far as possible) the time, place, and circumstances of the commission of the alleged conduct.
- vi) Each charge shall also be accompanied by a list of the names and addresses of the witnesses and a description of the records and documents to be cited for its support.
- vii) Several charges against the same person may, in the discretion of the responsible body, be tried together.
- viii) Every charge shall be prepared in writing and filed with the clerk of the responsible body.

6. Trial or Hearing

a. If the accused is a minister of the Word and Sacrament or a commissioned pastor, a trial is conducted according to the Rules of Discipline.

b. If the accused is an **employee** who is not a minister of the Word and sacrament, a hearing is conducted by the personnel committee. If he accused is a **volunteer** serving the presbytery who is not a minister of the Word and Sacrament, the hearing is conducted by the Executive Board.

- i) The only parties in the case are the investigative committee and the accused.
- ii) Each of the parties is entitled to appear and may be represented by counsel.
- iii) The moderator shall read aloud sections D-1.0101 and D-1.0102, and shall enjoin the members to recollect and regard their high character as judges of a body of the Church of Jesus Christ and the solemn duties they are about to undertake.

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- iv) The charges are read and the accused shall be called upon to plead “guilty” or “not guilty” to each charge. The plea shall be entered on the record. If the accused declines to answer or pleads “not guilty,” a plea of “not guilty” shall be entered on the record.
- v) The parties shall be given an opportunity to present their cases.
- vi) After deliberation, the body shall vote on each charge separately.
- vii) Once guilt or innocence has been determined, a second phase to determine the censure, discipline, or employment status shall be held. Evidence may be offered by either party. The person who was directly harmed by the offense may submit a victim impact statement and shall not be subject to cross-examination. The body shall then meet privately to determine the degree of censure, discipline, or employment status.

C. Civil Authority.

Councils and entities must cooperate with civil authorities. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed. All records of church proceedings are subject to subpoena

D. Renunciation of Jurisdiction or Resignation

If a church member renounces jurisdiction during this process, or if an employee resigns, the need for appropriate disclosure, truth-telling, counseling, healing, and reconciliation may remain. Presbytery officers will ensure that all matters are addressed to achieve resolution and reconciliation.

E. Council or Entity Record Keeping

The council or entity will keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. In Case # 208-6, the General Assembly Permanent Judicial Commission (GAPJC) interpreted the Rules of Discipline to say that a council or entity may share the contents of inquiry reports with other councils or entities of the PC(USA) when necessary. The clerk of the council or director of the entity will maintain the records while the inquiry is in process.

F. Pastoral Response Team

When a complaint is received, a response team or person shall be appointed by Presbytery staff or COM to provide pastoral care as a neutral third party, to all involved, ensuring that all parties are protected from any form of reprisal or retaliation. The team shall consult with the investigative body to ensure it does not in any way interfere with or participate in the investigative and hearing process. Members of the team must make no judgements about the truth or falseness of alleged facts nor the guilt or innocence of the accused. Responsibilities:

1. Assist a reporter to state a complaint in writing and refer it to the proper authority if this has not already occurred (see procedure above).
2. Consult with the Stated Clerk regarding the informing the accused and accusers of this policy and the procedures that will be used to administrate the complaint.
3. Provide a member of the team or another person to serve as an advocate for the accused or accuser in meetings with the investigators and at hearings if counsel is not present.

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4. Contact with the session and congregation (if a congregation is involved), based upon need-to-know decisions, in order to help the session and congregation care for the people involved and address what has happened. (If a Disciplinary case is involved the Stated Clerk will be the contact point for the Pastor and Session).
5. Contact others affected. (This may include other persons in the Presbytery or an agency. Contact persons will be determined by the RT and Presbytery Officers and Staff).

IV. Prevention and Risk Management

A. Implementation

The Book of Order requires that all councils adopt and implement a sexual misconduct policy (G-3.0106). All councils and other church entities must inform members, employees, volunteers, and constituents of their sexual misconduct policies and the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct.

B. Liability and Insurance

A council or entity can be held liable for harm caused by sexual misconduct of an officer, minister of the Word and Sacrament, commissioned pastor, employees or volunteers based on a number of legal theories. Councils and church entities must consider potential liability when establishing hiring and supervisory practices. They should regularly inform their insurance carriers of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. Insurance policies must carry endorsements for camps, day-care operations, shelters, or other programs. Congregations and other ministries of the Presbytery must carry insurance coverage for all forms of sexual misconduct, harassment, abuse, involving a child or adult.

C. Employment Practices

1. *Record Keeping* – Every council and entity must maintain a personnel file on every employee, including ministers of the Word and Sacrament and commissioned pastors, including, but limited to, the application for employment, any employment questionnaires, background checks, references responses, and all other documents related to an employee's employment.

2. *Prescreening Applicant Members and Employees*

a) The Presbytery will obtain a background check for all employees, ministers of the Word and Sacrament members, and Commissioned Pastors that includes a criminal history for sexual abuse or other crime, sexual harassment or abuse. Reference checks will include screening for previous complaints of sexual misconduct and their outcomes. Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

b) The person within the council or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

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c) Providing false or misleading information by an applicant, or withholding relevant information is grounds for disqualification or if discovered after employment (paid or volunteer), dismissal.

V. Sexual Misconduct Prevention and Training in the Presbytery

1. **Acknowledgment:** All candidates, ministers, and employees of the Presbytery of the Northwest Coast are required to sign a written acknowledgment indicating that they have received a copy of this Sexual Misconduct Policy, the Presbytery Child Protection Policy, the PCUSA Sexual Misconduct Policy, and Ethical Standards in the PC(USA) and that they understand that these are the procedures that will be followed should there be any accusation of sexual misconduct. Acknowledgments shall be kept in file.

2. **Seeking a Call within the Presbytery's Bounds:** All ministers seeking new calls within the Presbytery of the Northwest Coast shall complete the Personal Information Form currently being distributed by the Call Referral Services of the PC(USA), including Part IV, Sexual Misconduct Information or its successor form. Presbytery employees and volunteers other than ministers will complete an Employee/Volunteer Questionnaire.

3. **Employer Responsibility:** The employing body is responsible for contacting references for prospective ministers, employees, or volunteers.

4. **Adherence:** The Presbytery of the Northwest Coast and all its agencies, committees, and affiliates shall adhere to this policy, including its standards, procedures, and practices.

5. **Distribution:** This policy shall be distributed to all ministers, employees, volunteers, and entities of the Presbytery of the Northwest Coast. The policy shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

6. **Education and Its Content:** The Presbytery of the Northwest Coast shall provide ongoing educational programs and training aimed at identifying and preventing sexual misconduct, and require such training of all ministers of the Word and Sacrament, commissioned ruling elders/commissioned pastors, certified Christian educators, and employees of the Presbytery. The goals of such education and training will include material on healthy boundaries in the professional relationship, recognition of the inherent power imbalance in our ministries, the challenges faced by the unique circumstances of ministry, the policies/procedures for the reporting of misconduct, and an encouragement of ongoing self-care. This same training is strongly recommended for ruling elders.

7. **Frequency of Training**¹. All ministers of the Word and Sacrament, commissioned pastors, and certified Christian educators are accountable to the Presbytery and are required to complete approved training **annually**:

- Those with no previous training must complete it before beginning service;
- Members transferring from other presbyteries must provide documentation of the content and attestation of completion of equivalent training which will satisfy the initial requirement if approved by COM at the time of joining the presbytery.

¹ Revised by Commission on Ministry, 12/2/2021.

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- Chaplains & Counselors. Training required to maintain the position or credentials of chaplains, pastoral counselors or other presbytery members serving outside the jurisdiction of the church *may* satisfy the presbytery's requirement with their employer's requirements, if submitted and approved by COM. Request may be made to the Stated Clerk and must include a certification of completion and a summary of content.

Ministers of the Word and Sacrament and commissioned pastors not in compliance with this policy are "persisting in a disapproved work as delineated by G-2.0509: "When a minister of the Word and Sacrament persists in work disapproved by the Presbytery having jurisdiction, the Presbytery shall consult with the minister of the Word and Sacrament and shall be given notice of its disapproval. If after having been provided opportunity for consultation and upon written notice of its disapproval, the minister of the Word and Sacrament persists in the work, the Presbytery may then conclude that he or she has renounced the jurisdiction of the church. Renunciation of jurisdiction shall remove the minister of the Word and Sacrament from membership and ordered ministry and shall terminate the exercise of that ministry. . . The Presbytery . . . shall . . . delete his or her name from the appropriate roll, and take such other administrative actions as may be required by this Constitution, including public communication of such a renunciation."

8. Currently Approved Training:² Praesidium Academy Online Courses:

<https://www.praesidiumacademy.com/learn/dashboard>

Required of ALL Teaching Elders and CREs to engage in any kind of ministry:

1. Promoting a Safe Environment: Employee Sexual Harassment Training
2. Duty to Report: Mandated Reporter.
3. Preventing Abuse and Exploitation in Pastoral Ministry.

Additionally required of those working with or exposed to children, youth, or vulnerable adults (ordain/nonordained)

1. Abuse Risk Management
2. Keeping Your Church Safe
3. Preventing Sexual Activity between Adolescents
4. Preventing Sexual Activity between Young Children
5. Social Media Safety

Additionally Required of Pastors Head of Staff (recommended for all Ministry Leaders)

1. Promoting a Safe Environment: Supervisor Sexual Harassment Training.

9. Honorably Retired Exception. The good standing of honorably retired ministers of the Word and Sacrament who are incapacitated and/or who are no longer engaged the work of any kind of ministry normally conducted by ministers of the Word and Sacrament according to the Constitution is not affected by this policy, however no minister of the Word and Sacrament, regardless of status, may engage in the work of ministry without complying with this policy.

² Revised by COM 12/2/2021.