

Keeping Our Sacred Trust: Sexual & Professional Misconduct Policy for Ministerial Leadership

Western North Carolina Conference of The United Methodist Church

I. Purpose

Those in ministerial leadership are in a position of power and authority, which is a sacred trust to maintain an environment that is safe for people to live and grow in God's love. Yet, people in ministerial leadership sometimes violate the trust given them. Sexual and professional misconduct within ministerial relationships inhibits the full and joyful participation of all in the community of God, hinders the mission of Jesus Christ, and is a betrayal of sacred trust.

Servants in ministerial leadership have the responsibility to avoid actions and words that hurt others as well as to protect the vulnerable against actions or words that cause harm. It is both the ethical and legal responsibility of the Annual Conference to establish procedures for making and responding to complaints in matters of sexual and professional misconduct. The Western North Carolina Conference will not condone or tolerate instances of sexual or professional misconduct. We are committed to making every reasonable effort to prevent any such incidents, to a fair and just process for victims, to authentic accountability for abusers, and healing for all persons involved.

This purpose of this policy is to provide a framework for the prevention of sexual or professional misconduct and to establish guidelines for reporting and responding to incidences of sexual or professional misconduct should they occur. (*Book of Resolutions 2016*, ¶2044).

Nothing herein is intended to change the procedures, processes or rights set out in *The Book of Discipline* relating to the complaints against clergy or laity. Where the provisions of this policy conflict with the provisions of *The Book of Discipline*, *The Book of Discipline* shall prevail.

II. Theological Foundation

We affirm that we are all created in the image of God and therefore possess sacred value, which must be respected in all relationships. We are one connected body, and when one part of the body is injured physically, emotionally, or spiritually, the whole body suffers.

Galatians 3:26-29 encourages us with these words: "you are all God's children." United Methodists support equity among all persons without regard to ethnicity, situation (age, physical, mental or emotional ability, economic status, etc.) or gender. We seek to create environments of hospitality for all persons that are free from misconduct. We encourage respect, equality, and kinship with Jesus Christ.

Sexual and professional misconduct is an abuse of power and authority, and are not only an act against one person, but an act against fellow ministerial leaders; members in the local congregation; the church at large, and God (*Book of Resolutions 2016*, ¶2044).

The foundational theological principle of The United Methodist Church is connectionalism. (*The Book of Discipline*, Episcopal Greetings). Our [The United Methodist Church] connectional system performs at least three essential tasks: embracing God's mission for the church as making disciples for Jesus Christ; organizing our whole Church to enable local congregations, the primary arena for mission, faithfully and fruitfully to make disciples for Jesus Christ; and ensuring that all components in the connection carry out their appropriate responsibilities in ways that enable the whole United Methodist Church to be faithful in its mission." (*The Book of Discipline*, 701 (2)). A key element of the connectionalism of The United Methodist Church is the itinerant system of ordained clergy, and the authority and discernment of the presiding bishop and their cabinet to screen, select, and appoint ordained clergy to different ministries and local churches on an annual basis in the Wesleyan tradition, this includes disciplining them. (See, *The Book of Discipline* §§ 338, 342, 425; also, *Discipline*, a Brief History of the United Methodist Church).

III. Definitions

The definitions below are not intended to be exclusive but are intended to be illustrative and instructive.

- A) "Sexual Misconduct" within ministerial relationships is a betrayal of sacred trust. It is unwanted sexual or gender directed behaviors by either a lay or clergy person within a ministerial relationship. It includes, but is not limited to, child sexual abuse, adult sexual abuse, harassment, rape or sexual assault, sexualized verbal comments or visuals, unwelcome touching and advances, use of sexualized materials including pornography, stalking, sexual abuse of youth or those without capacity to consent, or misuse of the pastoral or ministerial position using sexualized conduct to take advantage of the vulnerability of another. (See, *Book of Resolutions 2016*, ¶2044). Additionally, "the use of pornography in church programs, on church premises or with church property by persons in ministerial roles (lay and clergy) is a form of sexual misconduct." (*Book of Resolutions 2016*, ¶2081)
- B) "Sexual Harassment" includes, but is not limited to, any unwanted sexual comment, advance, or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating, or coercive. This may include innuendos, written or verbal. Sexual harassment may include physical contact such as touching or hugs. Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. [Sexual harassment can include, but is not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender. (See, *The Book of Discipline 2016*, ¶161.1).] Often, it may involve repeated incidents of conduct which occur over a period of time. Conversely, sexual harassment may consist of a single, overt act depending upon the circumstance. "It [sexual harassment] can create a hostile, offensive environment that can include unwanted [inappropriate] sexual jokes, repeated advances, touching, displays, or comments that insult, degrade, or sexually exploit women, men, elders, children, or youth." (*Book of Resolutions 2016*, ¶2045).
- C) A complaint is a written, signed, and dated report alleging sexual or professional misconduct.
- D) "Professional Misconduct" includes, but is not limited to: abuse of pastoral authority, breaches of clergy confidentiality, mismanagement or misappropriation of church property or money, dishonesty, plagiarism, improper dual relationships and giving or receiving excessive or inappropriate gifts. Complaints alleging misconduct include violations of Section 2702.1 of *The Book of Discipline* (2016 Ed.).
- E) A "complainant" is a person who submits a [written], signed, and dated complaint that alleged incident of sexual or professional misconduct.
- F) A "respondent" is a person against whom a complaint is made.
- G) "A just resolution is one that focuses on repairing any harm to people and communities, achieving real accountability by making things right in so far as possible and bringing healing to all the parties." (*The Book of Discipline 2016*, ¶362)

IV. Procedures for Reporting and Responding to Complaints of Misconduct

- A) Anyone who desires to discuss a concern regarding sexual or professional misconduct may contact their pastor, another United Methodist clergyperson or the district superintendent for their district.
- B) While this policy may seem to address laity who are victims of abuse by clergy, we realize that clergy may also suffer abuse by a layperson. Should a clergyperson experience sexual abuse, harassment or a violation of boundaries, it is recommended that he/she discuss this incident with the district superintendent.
- C) Persons may contact a confidential hotline, staffed by the Commission on the Status and Role of Women of the UMC, by calling 1-800-523-8290.
- D) The two aforementioned processes are first steps toward making a formal complaint. However, in order for a complaint to be formally acted upon, it must be in [writing], signed and dated by the complainant. The Report of Clergy Sexual or Professional Misconduct Form is a standardized form used for reporting concerns of clergy misconduct in writing. The

form can be obtained by contacting any United Methodist clergy person, District Superintendent, or the form can be downloaded from the conference website at wncumc.org

- E) Clergy may also make formal complaints when experiencing sexual or harassing misconduct from laity. Upon consultation with the District Superintendent, a complaint must be written, signed and dated by the complainant. All steps below will be followed for such complaints just as they are for clergy misconduct.
- F) When an allegation of misconduct is subject to mandatory reporting requirements by the state (as in the case of a minor or an adult incapable of self-reporting), it shall be reported to the Bishop, and to the appropriate authorities and agencies.
- G) The provisions of ¶361, ¶362, and ¶2702-¶2714, as well as any other relevant paragraphs of *The Book of Discipline 2016* shall determine the procedure for responding to the complaint and rights of the parties involved.
- H) Legitimate complaints are encouraged and will be taken seriously. Retaliation against anyone who reports an act of ministerial misconduct in good faith will not be tolerated and will be handled through appropriate discipline. However, individuals who make false, frivolous, or malicious complaints will be held accountable.
- I) Upon receiving a written, signed and dated complaint, immediate action will be taken in accordance with the provisions of the current Book of Discipline of The United Methodist Church for just resolution, real accountability and healing for all parties.
- J) The Bishop or any District Superintendent may receive or initiate complaints about the performance or character of a ministerial leader, clergy or laity. Confidentiality will be preserved, and general information will only be shared on a need to know basis. However, a certain degree of transparency is essential for the process of just resolution, real accountability, and healing for all parties.
- K) Where multiple complaints are submitted involving the same respondent and the same conduct, the Bishop may, in their discretion, consolidate the multiple complaints into one complaint for disposition pursuant to *The Book of Discipline*.

V. Cyberspace and Social Media Guidelines

Social Media is comprised of a variety of online services, activity, and anything posted online remains accessible, even if it has been deleted. Sexual and professional boundaries can be violated in cyberspace. Messages or posts that contain threatening, obscene, offensive, vulgar, profane, pornographic, racist, sexist, hurtful, tactless, demeaning, bullying, libelous, defamatory, sexually explicit or suggestive, sexual innuendo, and the like, even though no hurt or harm is intended, are inappropriate and could be considered sexual misconduct. Anyone who participates in this form of misconduct is subject to discipline. Care should be taken to be wisely selective about sites visited, social media platforms used, and messages that are posted online. Nothing herein shall be intended to curtail or punish political discourse, religious discourse, or discussion of social issues.

In addition, clergy should exercise reasonable, professional judgment in who they “friend” or message with on social media platforms like Facebook, Snapchat or Instagram. For example, it may not be appropriate for ministers to message unrelated minors in their congregation or community without parents of the teen being part of the message chain.

VI. Dating Between Clergy and Parishioners

The question of whether or not it is acceptable for a clergyperson to date a parishioner continues to be the subject of much debate. Despite varying opinions, the Judicial Council asserts that dating, romantic or sexual relationships between clergy and their parishioners “are never appropriate because of imbalance of power.” (*Judicial Council Decision 1228*). Therefore, dating between clergy and their parishioners cannot be considered a situation of two consenting adults entering into a relationship.

It is an act of misconduct for a clergy person to enter into a dating relationship with a parishioner. For the sake of maintaining healthy boundaries and preventing a betrayal of sacred trust, a clergy person who has a genuine desire to date a parishioner must contact their District Superintendent, and in consultation with the District Superintendent, determine a reasonable course of action for discontinuing the pastor/parishioner relationship before beginning a dating relationship.

VII. Sexual and Professional Misconduct Response Teams

A) The purpose and function of the response teams:

1. To provide objective support, compassion, direction, just resolution, and healing for the complainant, the accused, their families, the congregation, and any others affected by allegations or incidents of sexual or professional misconduct.
2. To provide the complainant with a safe, non-threatening environment in which he/she can reveal allegations of sexual or professional misconduct and receive support, compassion, direction, just resolution and healing.

B) The response team members:

1. The team is led by a coordinator and is comprised of approximately twelve members with an inclusive focus in regards to: gender, ethnicity, age, geography, lay and clergy, who may have experience in areas such as counseling and social work, and are objectively supportive and compassionate.
2. The members of the team will receive specialized training focused on responding to incidents of sexual and professional misconduct with objectivity and compassion.
3. When an incident of sexual or professional misconduct takes place, the coordinator will deploy team members based on the particular needs of the situation with explicit permission from the victim(s) and in consultation with the Bishop's Office and the District Superintendent