

followed. In accordance with accepted professional ethical practices in an itinerant appointive system financial relationships shall not extend beyond the tenure of appointment to a particular charge.

J. HOUSING FOR CONFERENCE STAFF:

1. Housing for District Superintendents shall be on the same basis as for local church pastors. (Reference Section H.6.)
2. Each District shall provide a District parsonage under the authority of the Conference Trustees to be maintained as the Conference Trustees deem advisable.
3. In the event the available district parsonage is not well-suited to the needs of the current District Superintendent, each district may come to an agreement with the District Superintendent regarding the rental of the parsonage with the proceeds of the rent acting as a housing allowance for the District Superintendent to provide for his/her own housing. Provisions should be made for adequate supervision of the rented parsonage to ensure its good condition is maintained. Any agreement for such an arrangement established by the Conference Trustees shall be reviewed by the Council on Finance and Administration at the time of its inception. (*Conference Rule IV.D.5.f.(4)*)
4. Housing for other conference staff will be by housing allowance only. The Annual Conference will not provide parsonages.
5. Housing allowances, where applicable, will be established yearly by Conference Finance and Administration in consultation with the Cabinet.

**H. POLICIES AND PROCEDURES FOR
DEALING WITH CLERGY SEXUAL MISCONDUCT**

Preamble:

All clergy¹ are responsible for maintaining the credibility, integrity and practice of the Christian faith. The best solution to the problem of clergy sexual misconduct is self-discipline and responsible behavior by each clergy person. Such conduct takes Christian standards and ordination vows seriously. Personal integrity and mature and professionally responsible conduct must be brought to all relationships by every clergy in the Annual Conference. Every professional counseling practice prohibits inappropriate behavior. All clergy, single or married, should develop healthy personal relationships. The goal of married clergy must be to develop and maintain healthy marriages. When relational and sexual difficulties are present in one's personal and/or professional life, counseling should be sought. Mature professionals recognize that they are, by nature, of their role as well as by the esteem they are held in by parishioners or clients, in a position of power; and furthermore, this power can be exercised for self-interest as well as in the interest of those who trust them.

When sexual misconduct occurs, there are many victims: the spouses, children and other members of the family of the persons who are involved are victims; congregations who must live with the interpersonal and community impact of inappropriate sexual behavior are victims. All these victims are not part of the disciplinary and restorative procedure of the ordained ministry; yet all are hurt when sexual misconduct has occurred. Those who take the connectional covenant seriously and who value the vows of ordination, assume responsibility for the whole church in the way they live with their sexuality.

Clergy who serve in parishes where their predecessor has been sexually irresponsible find themselves living with the consequences arising from the misconduct of a brother or sister. When friends in the ministry conduct themselves inappropriately, there is a tension between caring for a personal friend involved in sexual misconduct and caring for the health and authenticity of the clergy person. All clergy are responsible for maintaining the integrity of the covenant we share together.

I. Introduction and Background

A. Ordination, consecration and membership in an Annual Conference in the United Methodist Church is a sacred trust and a position of power and responsibility. The qualifications and duties of diaconal ministers, local pastors, associate members, probationary members, and full members are set forth in the *Book of Discipline* of the United Methodist Church², and we believe they flow from the gospel as taught by Jesus Christ and proclaimed by his Apostles. Whenever a person in any of the above categories, including those on leaves of all types, honorable or administrative location, or retirement, is accused of violating this trust, the membership of their³ office shall be subject to review. [2012 *Book of Discipline* ¶ 362] The intent of this policy is to provide for the safety of parishioners, protect the special relationship between pastor and parishioner, and ensure the health and authenticity of the ordained ministry.

B. Definition of Clergy Sexual Misconduct

Sexual misconduct is an abuse of power and a breach of professional and pastoral ethics. Sexual misconduct may include sexual harassment, contact activity, (not limited to sexual intercourse), in which the clergy person violates the free choice or takes advantage of the vulnerability of any person.

Sexual misconduct breaks the sacred trust inherent in ordination.⁴ Any such misconduct shall be considered to be an offense by the clergy person who then bears the responsibility of their behavior. Sexual misconduct often is not an outwardly forceful misuse of power, but may include behavior meant to induce a parishioner, client, church staff person, or colleague into a consensual sexual relationship. It, in fact, may include participating in sexual behavior instigated by a parishioner, etc.

C. Standards for Clergy Conduct

The following are standards which underlie this policy and its definition of sexual misconduct by clergy.

1. Clergy are responsible for the emotional, spiritual, and physical health of themselves and of those persons who come to them for help or over whom they have any kind of influence. Breach of this protective relationship is unethical and can become abusive.
2. Because clergy often deal with individuals who are emotionally and psychologically fragile or personally vulnerable, it is imperative that:
 - a. the clergy themselves be healthy psychologically, emotionally and spiritually;
 - b. they have adequate preparation and education for helping those individuals under their care and have continued supervision to deal with the inherent risks caused by dependency and/or transference.

D. The Expectations of the Covenantal Relationship of Clergy with the Church.

As Clergy, our covenant with the church is to:

1. Nurture and cultivate spiritual disciplines and patterns of holiness;
2. Be committed to and engage in leading the ministry of the whole church in loving service to humankind;
3. For the sake of the mission of Jesus Christ in the world and the most effective witness to the Christian gospel, and in consideration of (our) influence as a minister, be willing to make a complete dedication of (ourselves) to the highest ideals of Christian life;
4. Be persons in whom the community can place trust and confidence;
5. Be accountable to the United Methodist Church, accept its discipline and authority, abide by the demands of the special relationship of its ordained ministers, and be faithful to (our) vows as ordained ministers of the Church of God. (2012 *Book of Discipline* ¶ 304)

II. Procedures

A. Assumptions Underlying Reports of Alleged Misconduct

1. When an aggrieved person reports to a clergy person an incident of sexual misconduct it is our responsibility to do our utmost to encourage and support aggrieved persons, and to urge the person to submit their complaint directly to the District Superintendent or the Bishop. In no case is the clergy person to judge the validity of the reported complaint.
2. When bringing incidents of clergy misconduct into the appropriate forum, the greatest possible care should be taken to assure that the least possible additional harm is done to the complainant and to the accused.
3. Persons accused of sexual misconduct are to be considered innocent until the accusation has been substantiated beyond a reasonable doubt.
4. The protection of those involved, including the complainant or complainant's family, the accused and the accused's family, the congregation or institution, always shall be maintained.

B. When Sexual Misconduct is Alleged - Supervisory Response

When sexual misconduct is alleged, the following procedures shall be followed (2012 *Book of Discipline* ¶ 363):

1. A written and signed complaint shall be brought to a District Superintendent, or the Bishop, by the offended party, or by someone who has verifiable knowledge, and is willing to pursue a resolution;
2. All parties, including the complainant and the respondent, shall be encouraged to bring a support person to any meeting or hearing at any point in the process;
3. A District Superintendent shall promptly:
 - a. share the complaint with the Bishop;
 - b. clarify and explain to the person bringing the complaint the process that will be followed in response to the complaint;
 - c. request permission from the complainant to use the written complaint, and their name in discussion

with the accused. If the complainant is unwilling to be named, the superintendent shall share the complaint with the accused while protecting the anonymity of the complainant;

- d. go to the clergy person, with the complainant's knowledge, and share the allegations with the clergy person:
 - 1) present them with the written complaint;
 - 2) explain the process to be followed, emphasizing the presumption of innocence and the right to due process;
 - 3) receive their response to the complaint;
 - 4) seek to substantiate the accusation or ascertain sufficient reason for pursuing the accusation further;
 - 5) keep a written record of all meetings with all persons involved in the complaint process.
4. A complaint brought against a District Superintendent shall be submitted to the Bishop. (2012 *Book of Discipline* ¶ 363)
5. In case of a complaint against the Bishop, the process for investigation, as outlined in 2012 *Book of Discipline* ¶ 413, will be followed.
6. The Bishop and the District Superintendent shall consider the appropriateness of informing the Staff-Parish Relations committee or the proper personnel supervisory body of the nature of the charges and the process being followed.
 - a. In sharing the nature of the complaints, care shall be taken to protect the rights of all people involved;
 - b. Any explanation to the congregation of the complaint involved shall be sufficiently complete to provide a clear understanding of the complaint and to protect persons from further misconduct.
7. In order to protect the rights of the respondent and to protect the aggrieved person(s) and congregation from possible harm, the Bishop, with the recommendation of the Executive Committee of the Board of Ordained Ministry may suspend the person from all clergy responsibilities, but not from an appointment, for a period not to exceed sixty days. [2012 *Book of Discipline* ¶ 363.1d]
8. The respondent is encouraged to use due process accorded to them by throughout the supervisory and judicial process; however, throughout the process the respondent may withdraw from membership of the Annual Conference under the 2012 *Book of Discipline* ¶ 361.3. The credential will be inscribed "withdrawn under complaint of sexual misconduct" by the Bishop and deposited with the Secretary of the Annual Conference. This action is reported to the Board of Ordained Ministry for confirmation by the Executive Session of the Annual Conference at its next session.

C. Determination of Sufficient Cause

The Bishop will determine if there is sufficient cause for a complaint of sexual misconduct. If there is substance to the accusation, and resolution is not achieved through the supervisory process, the Bishop will refer the complaint as a judicial complaint in accordance with the 2012 *Book of Discipline* ¶ 363.1e(2).

D. The Judicial Process of the United Methodist Church

1. The Counsel for the Church
 - a. Elder in full connection appointed by the Bishop.
 - b. Receives referral of complaint
 - c. Signs and forwards complaint as a judicial complaint to the Committee on Investigation;
 - d. Represents Church in any proceedings of the Committee on Investigation (2012 *Book of Discipline* ¶ 363.1e(2))

The Committee on Investigation

The investigation procedure is the first step in the judicial process. The duties and procedures of the committee are outlined in the 2012 *Book of Discipline* ¶ 2706.

The Right to Trial

Those against whom complaints are brought are innocent until proven guilty. The 2012 *Book of Discipline* ¶¶ 2707 through 2714 outlines the trial procedures.

E. The Rights and Responsibility for the Victim(s)

If the respondent remains under ecclesiastical authority, they may be expected to pay for counseling for the victim(s) as part of the rehabilitative process. This will be assigned at the discretion of the Bishop. The Board of Ordained Ministry may choose to provide financial assistance. A list of qualified therapists shall be provided to the victim(s) of the misconduct. It is the Bishop's and District Superintendent's responsibility within thirty days to:

1. Work with the present and/or new pastor to minimize further victimization by the attitudes and actions of

the congregation;

2. Initiate a process to seek healing and restoration for all of the victims including the abused persons, families, and the congregations involved.
3. In order to facilitate the healing and restorative process, the respondent's District Superintendent and a District Superintendent chosen by the Bishop shall meet with the respondent's Staff-Parish Relations Committee or the appropriate Personnel Committee.

F. Records

When credentials have been surrendered the Executive Session of the Annual Conference shall receive a report and a brief description of the charges or complaints and the disposition of them.

Full information of substantiated sexual misconduct and subsequent actions taken shall be kept in the clergy person's permanent record in the Bishop's office.

Information of sexual abuse shall be shared with the respondent's successor and with the Staff-Parish Relations Committee or the appropriate personnel body as is wise and necessary. Confidentiality among all those concerned is expected.

¹ For the purposes of this policy, "clergy" refers to all persons ordained, commissioned, licensed or consecrated.

² All references to the *Book of Discipline* are for the 2012 *Book of Discipline*

³ The pronoun "their" is used as a gender-neutral singular pronoun.

⁴ For the purpose of this policy, "ordination" refers to ordination, commissioning, licensing and consecration.

GLOSSARY

Sex discrimination is disparate treatment based on gender. Both sexual harassment and gender harassment are forms of sex discrimination.

Sexual harassment is defined by the Equal Employment Opportunity Commission as any unwelcome sexual advance, request for sexual favors, or other verbal or physical contact of a sexual nature when:

1. Submission to the 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 the individual; or
3. The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.

Gender harassment is unwelcome or unwanted conduct which is gender specific. Although not specifically "sexual", gender harassment may be recognized in patterns of behavior creating hostile or abusive working environments. Both sexual harassment and gender harassment are exploitations of power, and considered discrimination by law.

Sexual exploitation refers to unethical and, in some instances, unlawful behavior by a therapist or counselor through sexual contact with a client. Any sexual contact with a client or counselee is considered an exploitation of the professional role and the counselor's/therapist's responsibility to their client. Consent, or even initiation by the client is not a defense for sexual exploitation.

Clergy/Ministerial misconduct is a violation of sacred trust and the fiduciary responsibility of an ordained minister, local pastor or diaconal minister. When this violation involves sexual contact or "sexualized behavior", it may be called **clergy sexual misconduct**. Some relationships between so called "consulting adults" within the context of the Church may be clergy misconduct.

Sexual abuse is one form of sexual misconduct. While all forms of clergy sexual misconduct are unethical and a violation of our sacred trust, not all forms of sexual misconduct are necessarily abusive; e.g., an adulterous relationship between consenting adults who are not in a counseling relationship. Sexual abuse is a sexual invasion of the body. It may include verbal threats or physical assault. Sexual abuse may be: rape, sexual assault, incest, indecent exposure, statutory rape, involuntary or voluntary sexual intercourse with a child, promotion of prostitution, pornography with children, indecent assault, and aggravated indecent assault. Sexual abuse is also an internal assault, a deliberate violation of emotional integrity; a hostile, degrading act of violence.

Other terms used in policy:

Complainant: Person who initiated the complaint; person against whom the alleged offense occurred.

Respondent: Person against whom the complaint is lodged, i.e.-the accused.

Victim: When a complaint has been substantiated, all who have been adversely affected by the offense are considered to be victims.

I. YOUTH WORKER GUIDELINES

A "Worker with Youth" is an adult volunteer or staff person who works with youth in 6th grade through graduated 12th grade. This includes local church, District, Conference, and Camping events.

Guidelines for a "worker with youth" are:

- A.** Must be a high school graduate to work with junior high youth; must be at least 22 years of age to work with senior high youth OR if younger than the required age, they may be personally appointed by the adult coordinator of the event OR must be at least 4 years older than the oldest youth the event is designed for OR is a paid staff person of a local church who has been approved for the event by the Conference Youth Coordinator and the Conference Staff Person relating to Youth Ministries.
- B.** Must have completed a local church, District, or Conference sponsored training event dealing with risk management.
- C.** Must have completed any required training for the specific event.

These guidelines shall become effective on January 1, 2001.