

**A POLICY ON ETHICS RELATING TO SEXUAL MISCONDUCT FOR
THE NORTHWEST TEXAS CONFERENCE OF
THE UNITED METHODIST CHURCH**

I. PURPOSE OF THIS POLICY

The following document serves to guide and instruct persons in matters related to incidents of sexual harassment and sexual abuse. Persons who are related to the Northwest Texas Annual Conference of The United Methodist Church and its constituent churches and ministries fall under the guidance of this policy. Those persons include clergy (appointed or assigned), diaconal ministers, lay employees, and laity. Guidance is given in this policy for all persons variously affected by sexual harassment or sexual abuse. Incidents of this nature cast people into various roles. These roles include persons who are victims, persons who are accused, and persons who are called on to help bring resolution and healing. This policy addresses each of these roles of persons.

The following policy is intended to *complement* and *supplement* the provisions of the 2004 Book of Discipline (most recent publication). Nothing in the policy may contradict the provisions of the 2004 Discipline in matters of clergy/lay conduct and complaint resolution (See 2004 Discipline ¶¶362 and 2702). In addition to the disciplinary provisions, the policy is meant to provide practical guidance that is not addressed in the Book of Discipline to all parties involved in such cases.

The objective of the following policy is to provide the kinds of practical guidance that are effective to reach a just resolution as well as the reconciliation and healing of all parties. Even in cases of formal complaint, reasonable efforts will be made to bring healing to the various parties.

Church officials of the Annual Conference will be expected to use this policy. Failure to do so may jeopardize the due process of the persons involved. Two fundamental principles are assumed throughout this policy: (1) All allegations and claims of sexual harassment or sexual abuse warrant appropriate response and investigation; and (2) the presumption of innocence shall be maintained.

II. THEOLOGICAL BASIS

The church has inherited the gifts of Christ in order to pursue the mission and vision of Christ. Christ's gifts include his example of holy living, his defense of justice, and his teachings about abundant living that begins and ends with love. In addition, Jesus gave us the opportunity to experience eternal life, an experience that is guaranteed and made possible by the ever-present Holy Spirit.

The Church has received these gifts with a commission to follow Christ in building God's kingdom. The kingdom is where God is in charge, where love rules, where justice reigns, and where people are willingly submitting more and more to God's will and less and less to their own. Jesus' vision was nothing less than when that kingdom becomes completely established on earth as it is in heaven. But evil has its way of disrupting that mission in the Church.

Sexual harassment and abuse are two forms of human behavior that are evil in nature. They not only contradict the will of God and the principles of love and justice, but they also have an explosive nature to them. Sexual harassment and abuse destroy what God seeks to preserve, namely the human soul's capacity to receive and give love. Not only are the recipients of such evil behavior victimized, but the ripples of the scandal move outward through those connected to the situation.

When sexual harassment and sexual abuse occur in the context of the church, there are further problems with deeper roots. Jesus dealt with a similar systemic problem of abuse in the temple of Jerusalem. He had been in the temple before this occasion. He was quite aware of all the goings on, but this time he had had enough. With an intentional and prophetic fervor, Jesus overturned all the "business" booths in the temple, and he exposed the evil system for what it was--an abuse of religious authority, financial oppression and cheating, people living in denial that there was a problem, others feeling helpless to do anything about it, and (perhaps most of all) a loss of the real purpose of the temple itself.

What does Jesus do? He responds quickly and deliberately to confront the oppression, he returns their focus back to God ("my father's house"), he refers to the real purpose of the temple (prayer), he throws out the icons of the sin, and he turned the mess into a place of healing ("and the blind and the lame came to him, and he healed them" Matt. 21.14).

The theological task implied by this policy is to confront situations of sexual harassment and abuse in the Church and to work toward justice and healing. The larger picture is the hope that God's love might prevail in such destructive situations and in the lives of those involved. Justice must be experienced through appropriate confrontation, investigation, and action. Love that both restores and protects human dignity and hope for healing must drive all proceedings. The Church must be restored to its place as a sanctuary for kingdom work, not a haven for destructive behavior.

Mercy is an essential element to any response of the Church. Mercy has no limits but justice has its boundaries. The Church cannot tolerate its use by persons (clergy or lay) as a place for sexual harassment or abuse. Neither can the church tolerate false accusations toward persons (clergy or lay) regarding the same. But the Church can seek to overturn such situations, right them, and apply mercy that leads to healing.

III. DEFINITIONS OF TERMS

Sexual harassment is any unwanted sexual advance or demand, either verbal or physical, which is reasonably perceived by the recipient as demeaning, intimidating or coercive (including stalking a person). Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. Sexual harassment also includes the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender, ethnicity, sexual orientation, or handicapping conditions.

Sexual abuse is an assault of a sexual nature (not limited to sexual intercourse) in which a person given authority in the church (clergy or laity) takes advantage of the vulnerability of another person connected with the church by causing or allowing them to engage in sexual behavior within that church established relationship. In this context, sexually abusive behaviors include (but are not limited to) sexual intercourse with consent, sexual assault (rape), incest, indecent exposure, promoting prostitution, or sexual or sexualized behavior with children.

Pornography is "sexually explicit material that portrays violence, abuse, coercion, domination, humiliation, or degradation for the purpose of arousal. In addition, any sexually explicit material that depicts children is pornographic. Pornography is inextricably linked to the oppression of women. Pornography is also fundamentally linked to racism; women of color are invariably portrayed in the most violent and degrading ways. The destructive power of pornography lies in its ability to ensure that attitudes toward sexuality will continue to be influenced by images that negate human dignity, equality, and mutuality. Pornography contributes to alienation in human relationships and distorts the sexual integrity of both women and men." (2004 Book of Resolutions, pp 166-169)

Pornography is a form of sexual abuse and will be dealt with in accordance with all procedures related to sexual abuse as outlined in this policy and in the 2004 Book of Discipline (Par. 362 and 2702).

Clergy/diaconal, (appointed or assigned) sexual misconduct is when any person in a ministerial role of leadership or pastoral counseling (clergy or lay) engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, etc. (adult, teen, or child) in a professional or pastoral relationship. Such misconduct is a violation of the ministerial relationship in which a person in a position of religious leadership takes advantage of, instead of protecting, a vulnerable person. Clergy/diaconal, (appointed or assigned) sexual misconduct is a violation of sacred trust involving sexual contact or sexually explicit behavior.

Complaint is a written and signed statement claiming misconduct or unsatisfactory performance of ministerial duties. (Par. 362.a, 2004 Book of Discipline)

Allegations/Accusations are concerns about inappropriate behavior of a sexual/suggestive nature that have been brought to the attention of the supervisor of the person, but are not filed in a formal manner. The supervisor is responsible for following up on such matters and taking the appropriate steps to determine if an official complaint should be filed.

Supervisors are persons with the authority to oversee church leaders (lay and clergy). For instance, a church staff person's supervisor would be the senior pastor of that church (and may include staff/parish relations committee or pastor/parish relations committee); a pastor's supervisor would be the district superintendent; a district superintendent's supervisor would be the Bishop; a Bishop's supervisor would be the Jurisdictional Committee on the Episcopacy (par. 2703.1 in the 2004 Book of Discipline), and a lay person's supervisor would be the pastor or appropriate staff person.

IV. PROCEDURES FOR REPORTING SEXUAL MISCONDUCT

A. SEXUAL HARASSMENT

If you are sexually harassed

1. Describe the unwanted behavior to a trusted friend or colleague. Determine if what you are experiencing is sexual harassment. If you determine that it is, document those experiences and proceed with the following steps. Documentation includes dates, times, and descriptions of incidents. Record the names of any witnesses to the harassment. Keep copies of all written materials you complete in reference to the harassment. If you receive any cards, letters, memos of a suggestive nature from the harasser, keep them. Note the date received and how received (mailed to your home, left on your desk, email, cell phone or other electronic media forms).
2. Inform the individual whom you feel has engaged in harassment. If you choose, take another person with you for support. If the person can be reasoned with, tell him/her firmly and clearly that you do not want the behavior. Attempts at informal resolution may or may not work.
3. If informing the individual does not stop the behavior, continue documentation of all incidents of sexual harassment.
4. If the incident is not resolved, contact the person's supervisor. The supervisor will make a response. See section VI. In an employment situation, sexual harassment is a violation of civil rights. (Code 42 U.S.C.2000e-16 (b) prohibits discrimination on the basis of sex in all terms, conditions, or privileges of employment.)
5. Ministers experiencing sexual harassment should report to the appropriate supervisor at the first instance of experiencing sexual harassment.

B. SEXUAL ABUSE

1. **Child Sexual Abuse** (Under 18 years of Age) at a church or church sponsored event. Texas law requires that suspected abuse or neglect of a child must be reported immediately. Failure to do so within 48 hours is a crime punishable by fine, imprisonment or both. The requirement to report applies without exception to an individual, whose personal communication may otherwise be privileged, including . . . a member of the clergy.
 - a. If you witness abuse, Texas Family Code Ann. §261.001 ET seq. (Vernon 2002) states that you **MUST** call the 24 hour Child Abuse Hotline at 1-800-252-5400 or the nearest TFPRS (Texas Department of Family and Protective Services) Child Protective Services office or any local or state law enforcement agency.
 - b. If abuse is reported to you, you **MUST** call the above number.
 - c. If you suspect abuse, you **MUST** call the above number.
 - d. For the safety of the child, **DO NOT** confront or discuss with the alleged abuser.
2. **Adult Sexual Abuse**
 - a. If you believe that you have been sexually abused, contact the supervisor of the abuser. The district superintendent or bishop may also be contacted. Avoid contact with the accused. Do not attempt to resolve the matter on your own. The supervisor will make a response. See section VI.
 - b. Laws change. Sexual abuse may be a criminal offense. If you have questions about what you have experienced, you may contact the police, the Northwest Texas Director of Mission and Administration at 806-762-0201, and /or the Bishop at 505-255-8786.

3. **Sexual Abuse or Misconduct Within the Clergy Family**

If there is abuse within the clergy family, the district superintendent or bishop should be contacted. Remember that if abuse of a child is involved, Texas state law requires that you report it. See Section 1 above.

United Methodist Clergy and others in leadership are called for the sake of the mission of Jesus Christ in the world and the most effective witness to the Christian gospelto fidelity in marriage and celibacy in singleness. (Par. 311.3f; 324.8e; 330.4a6; 335.6; 2004 Book of Discipline). Infidelity that involves a church parishioner is a form of abuse of power and will be handled as outlined in this document for all forms of sexual abuse. (See Paragraph 362, 366, 2702 in 2004 Book of Discipline.)

Infidelity in marriage or the lack of celibacy in singleness is a chargeable offense and will be dealt with in accordance with the procedures outlined in the 2004 Book of Discipline (Par. 2702).

4. **Clergy/Ministerial Sexual Abuse**

If you believe you have been sexually abused by a clergy person (assigned or appointed), contact the person's district superintendent or the bishop. They will make a response. See section VI.

5. **Avoid acting on the temptation to retaliate.**

Retaliatory actions will not be tolerated and may, in themselves, be chargeable offenses in the church or state.

C. **PROCEDURES FOR SOMEONE OTHER THAN THE VICTIM TO REPORT**

1. If you suspect abuse of a child under 18, you are required by Texas State Law to report. See Section IV, B, 1.
2. If sexual harassment or sexual abuse is reported to you
 - a. Listen objectively, take it seriously.
 - b. Help the person follow the steps outlined above.
 - c. Remember, if you are a pastor or in a supervisory position in the local church or conference agency and an employee is being harassed you are legally required to take immediate and corrective action. (29 C.F.R. part 1604.11; 45 F.R. 25024)
 - d. If someone comes to you immediately following a sexual assault, help him or her get medical attention. Call the local rape crisis phone line, and/or take the person to a hospital emergency room.
 - e. Contact the appropriate church authority, e.g. pastor, executive director of the church camp, district superintendent, supervisor)

V. **PROCEDURES FOR THE ACCUSED**

A. **If You are Accused of Sexual Harassment**

1. Immediately inform your supervisor of the accusation made against you.
2. If you accept responsibility for the harassment claim, some form of corrective action may be necessary to reach resolution. Document the actions taken to resolve the situation and be sure that each of the parties sign and date any recorded resolution.
3. If you deny the allegation, attempt to meet with your supervisor (or his/her delegate), the accuser and his/her support person (in case of juveniles, this includes parents) to reach a resolution. Do not meet with the person alone.
4. If the issue cannot be resolved, you may request the intervention of the supervisor. See section VI.

B. **If You are Accused of Sexual Abuse**

1. Immediately inform your supervisor of the accusation made against you. The supervisor will respond. See Section VI.
2. Avoid acting on the temptation to retaliate. Retaliatory actions will not be tolerated and may, in themselves, be chargeable offenses in the church or state.
3. If the clergy/diaconal minister (appointed or assigned) admits to the allegation, the district superintendent or bishop and the cabinet shall take reasonable action to protect members of the local church or district from further acts of sexual abuse/harassment/exploitation. Such action shall include, but is not limited to, one or more of the following: counseling, making restitution, requesting the Executive Committee of the Board of Ordained Ministry to suspend the clergy/diaconal minister (appointed or assigned) from their duties up to sixty days, encouraging withdrawal of the clergy/diaconal minister, referral to Committee on Investigation and disclosure of the offense to the

members of the PPRC/SPRC of the local church, Personnel Committee or Committee on District Superintendency.

4. If the clergy/diaconal minister, (appointed or assigned) denies the allegation, the district superintendent or bishop shall notify both the person making the allegation and a support person (of the accused choice) of the denial and of the complaint process. At this point, the support person shall review with the person making the allegation all possible courses of action.

VI. PROCEDURES FOR A SUPERVISOR TO RESPOND

A. Attitudes and Assumption

The attitudes and assumptions of the supervisor are critical to the process of resolving any sexual harassment/abuse accusation. The supervisor must balance many concerns which seem conflicting, but are necessary to a healthy resolution. The basic attitudes and assumptions are:

1. Respect for all involved. Throughout the process, the supervisor should respond appropriately with care and concern for the accuser and their family, the accused and their family, and the congregation or agency.
2. All allegations and claims of sexual harassment/abuse are to be taken seriously and warrant immediate response and investigation. The person making their report shall be fully apprised of the process for response to the allegations.
3. The presumption of innocence shall be maintained.

VII. PROCEDURES FOR THE PERSON ACCUSING

A. Filing A Written Complaint

1. The supervisor shall meet with the person making the accusation to discuss the situation and the options available. The person shall receive a written copy of these policies and of the pertinent Disciplinary paragraphs. The supervisor shall not discuss the accusation with anyone until the person making the accusation has determined the course of action they wish to follow. See Section V.
2. If the person making the allegations chooses to work through the procedures of the church she/he may have the Supervisor contact a person to provide support during the process. The Supervisor together with the person shall determine an appropriate support person, preferably from a list of trained victim/survivor advocates. The Supervisor shall make the necessary contacts to secure a support person who is suitable.
3. The Supervisor shall be solely responsible for making the contacts to set-up all meetings to begin the process of filing the formal accusation and any meetings with local church committees.
4. If the allegation would constitute a chargeable offense, the supervisor shall inform the person making the allegation of the right to file a written complaint. The written complaint shall be forwarded to the Bishop who shall take appropriate disciplinary action.

B. Refusal to File a Written Complaint

1. If the person making the allegation will not file a written complaint and chooses to stop the process at that point the support person shall continue to offer counsel and referral, if appropriate, until a time when either person determines the contact should be terminated.
2. Even though the person making his/her allegation will not file a written complaint, the supervisor may initiate a meeting with the accused to discuss the information with him/her. The accused may bring a support person to the meeting but should not discuss the matter further.

VIII. SUPERVISOR'S RESPONSE TO THE ACCUSED

A. Supervisor's Response to the Accused

1. The supervisor shall meet with the accused to discuss the situation and the options available. The person shall receive a written copy of these policies and of the pertinent disciplinary paragraphs.
2. If the accused is under the authority of the Board of Ordained Ministry, then the supervisor will consult with the accused and appropriate board to determine a jointly agreeable pastoral support person. This pastoral support person's sole responsibility will be to express pastoral care to the accused and his/her family. The pastoral support person shall not disclose his/her own interpretations of the case. This support person shall maintain strict confidentiality.

3. If the accused is a staff member or member of the local church, the pastor will find them a support person. Upon receiving a written and signed complaint, the Bishop shall, within 45 days, either dismiss the complaint after consultation with the cabinet, as having no basis in law or fact, or shall initiate the supervisory response process. If within 120 days after the initiation of the supervisory response, resolution is not achieved, the bishop shall either:
 - (1) Refer the matter to a 3rd party mediator(s) if this has not been attempted: or
 - (2) Dismiss the complaint with the consent of the cabinet giving the reasons therefore in writing; or
 - (3) Refer the matter as an administrative complaint (Par. 362.2) or judicial complaint (Par 2704).All time limitations may be extended for 30 days upon consent of the complainant and the respondent.

IX. PROCEDURES FOR THE LOCAL CHURCH

A. Local Church Policies

Local church personnel policies should include policies on sexual misconduct including a policy about employees accessing pornography online from church computers, cell phones or other electronic media. (A sample of such a policy is available from your District Superintendent or from GCFA.org.)

B. Resources for healing

1. In the face of ethical violations, merciful, just, and timely interventions are crucial for the most effective healing to take place within the congregation including staff, elected officials, all members and constituent members.
2. The response to ethical violations may need to be different at different times for various persons involved in or affected by the sexual abuse. The district superintendent will refer churches to appropriate trained counselors to assist in necessary healing ministries.
3. Recommended resources are available through the Area Resource Center.

C. Long term support

1. As resolution of the issue of ethical violation takes place, the district superintendent will work with the congregation, pastor(s), appointed support persons, PPRC/SPRC to assist with the healing process. If a pastor has been removed, part of the healing process will involve training the new pastor in congregational dynamics which have occurred in other congregations in similar situations.
2. Long term support may involve counseling and other care for individuals involved.

X. STRATEGIES FOR EDUCATION

A. Introduction

To enable the implementation of this policy, the Bishop and Cabinet in consultation with the chairperson of Board of Ordained Ministry and in cooperation with COSROW shall develop strategies for education, which may include creation of a Task Force. Members of the Task Force shall be responsible for explaining the procedures in this policy and for providing education for clergy/diaconal ministers and laypersons on issues relating to sexual ethics. They shall assist the board and Cabinet to sponsor training events for clergy/diaconal ministers, local church PPRC/SPRC committees, trustee committees, and related laity annually. The task force shall meet annually to review the policy and to receive further training.

B. Education about the Policy

To educate clergy/diaconal ministers (appointed and assigned) and laity about this policy, a representative from the Conference Board of Ministry and/or COSROW in cooperation with the District Superintendent shall review this policy at clergy gatherings in their respective Districts. Local church PPRC/SPRC's shall be expected to attend this portion of the District Meeting in order to inform the congregation about the function of the policy. Within the first year after approval of this policy, all clergy/diaconal ministers shall attend a training event that shall include a review of this policy and issues related to sexual misconduct. At the beginning of each new quadrennium, the Conference Board of Ministry and COSROW, in consultation with the Cabinet, shall provide a day apart for all clergy (appointed or assigned) to provide further education and spiritual formation as it relates to the sacred trust which clergy hold within their respective areas of ministry and review this Sexual Ethics policy.

The District Committees on Ordained Ministry, the Conference Board of Ordained Ministry, and Mentors shall inform those persons who are in the process of preparation for ordained/consecrated/assigned ministry within or transferring into the Northwest Texas Conference about this policy.

C. Prevention Education

To be effective in preventing sexual misconduct, education must be a priority for The United Methodist Church. Such education shall include: in-service training, growth in self-awareness, a disciplined spiritual life and the understanding of one's role in relation to the community of faith, and current bibliography of resources.

1. Clergy and Diaconal Ministers (appointed or assigned)

The clergy/diaconal minister bears primary responsibility for one's own spiritual growth, health and stewardship of sexuality. The clergy/diaconal minister is responsible for discovering resources that shall assist in this journey.

Clergy/diaconal ministerial gatherings (such as Minister's Week, Spiritual Life Retreats, Executive Sessions, Joint Meeting of Cabinet and Diaconal Ministers, etc.) are opportunities for training and reflection on matters of sexuality such as boundary issues, stress management, and support systems.

Persons seeking membership in the Northwest Texas Conference shall evidence an understanding of the issue of sexuality and clergy/diaconal ministerial ethics.

2. Local Church

The PPRC/SPRC shall inform the congregation about ethical sexual conduct in the clergy/diaconal (appointed or assigned) ministerial relationship. Therefore, the PPRC/SPRC is responsible for seeking out resources, such as members of the Conference Board of Ministry or COSROW and other resources by which it can inform itself about the issues surrounding clergy/diaconal ministerial ethics and sexual conduct.

3. Northwest Texas Conference

The Northwest Texas Conference program agencies, professional personnel and lay leadership are responsible for providing continuing education for the laity about sexuality and ethics. Traditionally laity gatherings such as Annual Conference, Cluster events, District events, Women's Retreats, Men's Retreats and Laity gatherings are opportunities for such training and reflection.

XI. SEVERABILITY

If any provision of this policy is held invalid by rulings of the Judicial Council, then such provision *shall be inoperative and all other provisions contained herein shall continue in full force and effect.

If any of these provisions shall be altered by action of the General Conference, such alteration shall be implemented as enacted, and the policy shall continue in full force and effect.

Northwest Texas Conference Committee: George Butler, Craig Curry, Betsey Heavner, Pug Parris, Dixie Robertson (convener), Jarrell Sharp, and Margie Titus (1996)

Revised November 2006: Ava Berry

Approved at the 2007 Annual Conference Session of the Northwest Texas Conference.