



Definitions and Terms: Sexual Ethics and Misconduct

Abuse of Power- “The abuse of power occurs when we use power to gratify our own needs rather than to carry out God’s sacred trust. It happens when we refuse to own the responsibility of guardianship that comes with the privilege of power. “Ann Smith, *Alive Now*.”

Confidentiality vs. Secrecy- *Confidentiality* refers to the duty to protect privileged information and share entrusted information responsibly. *Confidentiality* serves purposes such as protecting all victims (we have a legal as well as ethical responsibility to protect children) from exposure and further harm and protecting an accused person from harm that comes from the spread of information unless guilt is found. *Secrecy* refers to hiding or concealing information that would possibly put others in harm’s way or interfere with justice.

Sexualized Behavior- All human interaction has a sexual dimension. The choice to make that sexual dimension overt sexualizes the interaction, therefore sexualizing the relationship. *Sexualized behavior* includes a range of behavior physical, verbal, nonverbal, that communicates sexual interest and/or content. Examples include but are not limited to: displaying sexually suggestive visual materials, use of pornography in church programs, making sexual comments or innuendo about one’s own or another person’s body; touching another person’s body/hair/clothing; touching or rubbing oneself in the presence of another person; kissing; and sexual intercourse.

Sexualized behavior can be a form of sexual misconduct when this behavior is unwanted by the recipient or witness, is a violation of society’s or the Church’s law, breaks the sacred trust in the ministerial role, or violates the vows taken at membership or ordination.

Sexual Misconduct- A betrayal of sacred trust. *Sexual misconduct* is an umbrella term describing the sexualizing of behavior and communication: verbal, nonverbal, or physical. It is a continuum of unwanted sexual or gender-directed behaviors by either a lay or clergy person within a ministerial relationship (paid or unpaid). The term includes but is not limited to sexual abuse (child or adult), sexual harassment, sexual assault, sexual exploitation, sexual violence, pornography (adult and child), or misuse of the pastoral or ministerial position using sexualized conduct to take advantage of the vulnerability of another. *Sexual Misconduct Within a Pastoral* (eg. Clergy with member of a congregation) or *Professional* (eg. counselor with client, lay employee with a church member) *Relationship-* sexual advances, requests for sexual favors, and verbal or nonverbal conduct of a sexual nature. This does not apply to healthy relationships between spouses. Includes criminal behaviors in some nations, states, and communities.

Sexual Abuse- A form of sexual misconduct and occurs when a person within a ministerial role of leadership (lay or clergy, pastor, educator, counselor, youth leader, or other position of leadership) engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, coworker, or volunteer (1996 Book of Resolutions, p. 130). It can include coerced or forced sexual contact (including those unable to give informed consent).

Sexual Harassment- A form of sexual misconduct and occurs when any unwelcome sexual advance or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating, or coercive; and should be understood as an exploitation of a power relationship rather than as exclusively sexual. *Sexual harassment* includes but is not limited to the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender (2016 Book of Discipline ¶161(J)).

Sexual Assault- A form of sexual misconduct that occurs when there is forced sexual act against one’s will.



Sexual Exploitation- A form of sexual misconduct and occurs when sexual activity or contact (not limited to sexual intercourse) in which a minister engaged in the work of the church takes advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the minister. Any sexual contact with a parishioner is considered an exploitation of the professional role and the clergy's responsibility to his or her laity. Consent by the layperson is not a legal defense for sexual exploitation.

Sexual Violence- Refers to harmful behaviors that use sex or sexuality to control, intimidate or violate others. Behaviors can include harassing jokes and comments, inappropriate touching, rape, stalking, incest, assault, date rape, sexual exploitation. *Sexual violence* is not about sex; it is about violence that misuses sex and sexuality to exert power over others. (*What You Need to Know About Sexual Violence, FaithTrust Institute, 2003, Used with permission.*)

Pornography including **Child Sex Abuse Material-** Sexually explicit material that portrays violence, abuse, coercion, domination, humiliation, or degradation for the purpose of arousal. This includes any explicit material that depicts children which is now referred to as **Child Sexual Abuse Material**. The Book of Discipline Social Principle ¶161 states, "We deplore all forms of commercialization, abuse, and exploitation of sex."

Clergy and pastor- refers to all persons described in ¶362 of the 2016 *Book of Discipline*, which includes "local pastors, associate members, provisional members, and full members" of the North Texas Conference, "including those on leaves of all types, honorable or administrative location, or retirement."

Laity/Lay person/Congregant – a word used to describe members (and attendees such as visitors for the purposes of protecting all) of a congregation or parish.

Lay Leader- any non-clergy person performing ministry services for or on behalf of the conference, district, or local church.

Ministry Staff- within a church or ministry setting, any paid or nonpaid volunteer or professional staff, full-time or part-time, who may carry a title such as but not limited to: Leader, Director, Administrator, Assistant, Coordinator, Minister, Counselor, Pastor of...

United Methodist Terms Regarding the Filing of Complaints

Allegation- initial documented report of an alleged incident of misconduct. *An allegation is not a formal complaint. A just resolution is possible at this stage depending on circumstances and willingness of both parties to participate.*

Complaint without formal charges- a grievance filed without formal charges that are set forth in ¶362.1 of the 2016 *Book of Discipline*.

Formal complaint- a written and signed statement claiming misconduct, as set forth in ¶362.1 of the 2016 *Book of Discipline*.

Aggrieved person or complainant- a person who has experienced sexual misconduct by a pastor, a staff person, or lay person serving in a ministerial or leadership role.

Accused or alleged offender- the person against whom the allegations of misconduct have been made and are presumed innocent until admission of guilt or proven guilty.



Offender- someone who has admitted guilt or guilt has been proven. This includes anyone who has been legally convicted of any form of sexual misconduct.

Crisis Response and Care Team- under the supervision of the Director of The Center for Leadership development, this group is given responsibility by the Bishop to maintain the Resource Person program, lend guidance and accountability to the North Texas Conference for compliance regarding Sexual Misconduct Policies and Procedures, and providing education, training, and resources for congregational crisis prevention and crisis response for the purposes of individual and congregational healing. BOD ¶362.1.b,f, ¶2701, BOR ¶2043

Resource Person- a trained lay volunteer person made available by the North Texas Conference to assist and support aggrieved persons in bringing an allegation or complaint of sexual misconduct, as more fully described in the North Texas Conference Procedure for Reporting Incidents of Clergy Sexual Misconduct. BOD ¶362.1.f, ¶2701, BOR ¶2043

Book of Discipline, The (BOD)- The fundamental book outlining the law, doctrine, administration, organizational work and procedures of The United Methodist Church. Every four years, the General Conference amends The Book of Discipline. Often referred to as the Discipline.

Book of Resolutions, The (BOR)- The book containing all valid resolutions, adopted by the General Conference, reflecting the United Methodist Church's official stance on current social issues.

Social Principles, The- A document setting forth the basic position of The United Methodist Church on important social issues. The Social Principles document is reviewed by each General Conference and is printed in full in *The Discipline*.