

DEVELOPING A LOCAL CHURCH POLICY STATEMENT ON SEXUAL MISCONDUCT

Introduction

Churches must be proactive in addressing sexual misconduct (including sexual/gender harassment and sexual abuse). When sexual misconduct occurs in a congregation, the primary victim is not the only person harmed. Family members, friends, and colleagues are also harmed by harassment or abuse in local church settings. The entire congregation can be wounded: members may enter into conflict with one another and with the wider church; the congregation may become involved in a painful lawsuit; and people's faith may be shaken.

Since 1992, General Conference has upheld its directive that every United Methodist local church develop and maintain policies and procedures for the prevention of sexual harassment. In 1996, General Conference expanded the directive to the prevention of sexual misconduct and abuse. These General Conference resolutions also call for increased opportunities for education of local church leaders and congregation members.

A clear and concise policy statement is a key part of a congregation's plan to address sexual misconduct. Policy documents are intended to be used for prevention of, and education and guidance on appropriate responses to allegations of, sexual misconduct in the local church. The following information is designed to help local churches address this important topic.

Why Develop a Policy

There are five essential reasons why every local church must develop a policy regarding sexual misconduct and keep it updated each year.

1. **SAFETY.** A local church is a sanctuary. All persons should feel safe there. A policy statement is a strong pronouncement that the local church values all persons and will not tolerate or condone sexual misconduct, in any form.
2. **PREVENTING HARM.** A clear policy statement is the best initial step toward preventing sexual misconduct and thus can help the local church avoid these types of deeply painful and financially devastating problems.
3. **REDUCING LIABILITY.** In its recent jurisprudence, the Supreme Court of the United States has made it clear that policies are crucial in an organization's defense of a sexual harassment suit. Governments and courts of other nations have made similar decisions.
4. **CHURCH LAW.** General Conference has directed all local churches to develop a policy for the prevention of sexual misconduct.
5. **EDUCATION.** Policies serve as an educational tool. The process of developing, writing, and updating a policy provides a valuable opportunity for clergy, staff, and laity to learn about sexual misconduct as well as strategies for prevention and effective response. The dissemination of, and communication about, a policy can help educate people in the congregation about the seriousness of these issues.

Policy Overview

A local church policy should be clear, concise, and public. An effective policy will define prohibited conduct in language that is clear and understandable to laity and staff. It should be explained in theological and biblical terms, based on the language and definitions of General Conference, and updated regularly to reflect changes in church, state, and federal law. Active steps must also be taken to ensure the policy is being followed: worse than having no policy at all is to have a policy and not follow it. A policy statement on sexual misconduct should be written in conjunction with procedural protocols and other local church policies.

Key Components of an Effective Policy

A policy statement on sexual misconduct should include the following key components (as illustrated in Appendix A):

1. Clear purpose and purview
2. Scriptural and theological foundation
3. Definitions and descriptions of prohibited conduct based on the current *Book of Resolutions* and *Book of Discipline*
4. Investigation: A commitment to promptly and thoroughly investigate any and all allegations of harassment and misconduct
5. Reporting: A mechanism for reporting violations of the policy should be clearly stated.
6. Non-retaliation: The local church should affirm that persons who report harassment or misconduct of a sexual nature will not be retaliated against, that everyone with knowledge of alleged wrongs is expected to come forward, and that persons who give false information and/or false reports will be disciplined.
7. Information sharing: The policy should include a statement about how information will be shared, who has a need to know, and the limits of confidentiality. The policy should also note any applicable mandatory reporting statutes and which individuals or positions are covered by such statutes.
8. Justice and healing: The policy should affirm the local church's commitment to take appropriate corrective action upon completion of an investigation and to the goals of reconciliation and resolution, leading to justice and healing for all parties involved.
9. Reference to other policies and procedures: This policy statement may indicate the existence of other local church policy statements and procedures on related issues.
10. Name and date: The policy statement should include the name and address of the local church and date approved and/or revised.

State and Federal Law Considerations

Ordained and licensed ministry is considered a helping profession. In some states, this means laws prohibiting sexual relationships between doctors and their patients, social workers and their clients, etc., also apply to clergy and their parishioners. Clergy sexual misconduct is a crime in some states. In addition, clergy are mandatory reporters of child abuse and neglect in some states (see <http://www.gcfa.org/child-sexual-abuse-statutes>). Workplace harassment guidelines are provided by

the Equal Employment Opportunity Commission (<http://www.eeoc.gov/policy/docs/currentissues.html>). It is important to consult local legal counsel to ensure compliance with state laws and regulations.

Dissemination of the Policy

The U.S. Supreme Court and Equal Employment Opportunity Commission (EEOC) have made it clear that simply creating a policy is not enough. Organizations, including local churches, must take active steps to communicate the policy and make it known within the community. Simply posting the policy on a bulletin board is not adequate! Active steps must be taken to ensure all staff and leaders have the policy (now and in the future) and understand it. Some examples of ways to ensure adequate dissemination of the policy are:

- Post it on the local church's website
- Put it in the congregation's newsletter at least once a year
- Post it on a bulletin board
- Include it in your local church personnel manual /handbook
- Give it to all leaders and volunteers
- Give it to all new staff on their first day of employment
- Have all staff acknowledge in writing their receipt of the policy

Education

Ongoing and repeated education of local church leaders, members, and staff is important in conjunction with the development and adoption of a policy statement and to help assure ongoing compliance in the years to come (see Appendix B). Education also helps local church leaders, members, and staff gain awareness of, and sensitivity to, behaviors that might be viewed as harassing or abusive. Education helps local church leaders understand how to prevent harassment and misconduct, how to respond appropriately to complaints and allegations, how to investigate, and how to follow up appropriately. An important educational component is to update and review the policy.

Update and Review

A policy must be reviewed and updated on a regular basis to remain effective and relevant.

- **Annually:** The policy should be reviewed by staff, leaders and volunteers and also at charge conference and church council meetings.
- **Periodically:** The policy should reviewed by local legal counsel for compliance with state laws and regulations and by the local church's insurer.
- **Quadrennially:** Every four years, when General Conference mandates changes to denominational law and policies, the local church policy statement should be reviewed and updated to reflect the current *Book of Resolutions* and *Book of Discipline*.

From Policy to Procedures

Policy statements are for everyone all the time. Procedures are for those in positions of responsibility when the need arises. Local churches will need to address procedures for responding to allegations of misconduct, keeping in mind that there are already procedural requirements set forth in the *Book of*

Discipline. We recommend detailed procedures be handled in a document that is separate from the policy statement, for four primary reasons:

1. **Keep it simple:** Policy statements that include detailed procedures are more difficult to read and understand.
2. **Keep it legal:** Policy statements which include detailed procedures are more likely to be overturned by the Judicial Council.
3. **Keep it updated:** Procedures should be more fluid than a policy statement, with opportunity for easy revision to meet the evolving needs of the congregation.
4. **Keep it relevant:** The purpose of procedures is to give a set of guidelines on the “how to” for those who have responsibility for addressing complaints of sexual misconduct.

Related Policies

Each local church should also develop policies and procedures on related issues. The GCFA Legal Manual’s Personnel section (<http://www.gcfa.org/gcfa-legal-manual>) and GCSRW’s website (www.umsexualethics.org) provide resources. Here is a list of examples:

- ministry with children and youth (e.g., *Safe Sanctuaries*)
- personnel and screening
- training of parents and children in child safety
- reporting procedures
- investigative and follow-up procedures
- electronic communications
- ministry with registered sex offenders (*Book of Resolutions 2012*, pp. 900 – 902)

Conclusion

We hope this information is helpful to you in your ministry within the local church. We urge you to provide a copy of this memorandum and its various enclosures to other leaders in your local church who have responsibilities related to the prevention of sexual misconduct.

Even if your local church already has a policy statement, we hope this packet has inspired and encouraged you to review existing policies, to prepare or update basic policy statements, to develop guidelines and procedures for prevention of harassment and misconduct, to develop response and intervention procedures specific to your ministerial settings (such as children and youth ministries), and to provide educational opportunities in your local church.

For further assistance and guidance with your local church policy, please contact:

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