

The General Commission on the Status and Role of Women

# Responding Well to Sexual Misconduct Complaints

A Handbook for District Superintendents

Version 1.5

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## General Commission on the Status and Role of Women

THE UNITED METHODIST CHURCH



Dear Leaders across The United Methodist Church-

We, the members of the General Commission on the Status and Role of Women, are delighted to offer you a resource created by our Senior Director of Sexual Ethics and Advocacy, Becky Posey Williams. With the support of the agencies and annual conferences that comprise the Interagency Sexual Ethics Task Force, the IASETF's episcopal leader Bishop Sharma Lewis, and the Council of Bishops through its legal counsel, the Honorable Bill Waddell, Becky has masterfully compiled a new District Superintendent handbook to serve as a guide in the handling of sexual misconduct cases.

On behalf of our Board of Directors, the undersigned, Bishop Tracy Smith Malone, President, and Dawn Wiggins Hare, General Secretary, offer this resource as a "gift" to the church. All resources created and offered by GCSRW are free and downloadable from our websites: [www.gcsr.org](http://www.gcsr.org) and [www.umsexualethics.org](http://www.umsexualethics.org). We trust and pray that this resource and the trainings offered in conjunction with it will help us as a church to continue on this journey of treating everyone with integrity, respect, and value by acknowledging that all persons are created in the image of God.

Bishop Tracy Smith Malone  
President

Dawn Wiggins Hare  
General Secretary

## Contents

1. Key Paragraphs for Response to Sexual Misconduct.....	4
2. DS Response to Receiving a Complaint or Concern from an Alleged Victim .....	8
Complaint Process Flow Chart.....	9
3. Complaint Process Timeline – Supervisory Response .....	10
4. Committee on Investigation Process.....	15
5. Counsel for the Church Time Period .....	18
6. Checklist for Administrative Fair Process.....	20
7. Using Response Teams For Healing in Congregations and Staff .....	26
8. Pastoral Care for Congregations in the Aftermath of Sexual Misconduct .....	29
9. Disclosure.....	31
Sample Disclosure Statement/Letter to Congregations .....	32
10. The Importance of an Apology .....	34
Sample Apology from Bishop .....	35
Sample Apology from Perpetrator .....	36
Contact Details .....	37

## **Responding Well to Complaints of Sexual Misconduct in the Church**

Arriving to a new position such as Bishop, District Superintendent, or Minister is an exciting time in a career. You arrive with knowledge from studies, life experiences, and trainings. It is critical to keep up to date with continuing education and information to do your job well.

Oftentimes leaders find themselves unprepared upon receipt of a complaint of sexual misconduct happening within the life of our Church. For many District Superintendents, they have had no experience or specific training in dealing with cases such as these. The challenge is great and should not be taken alone. This work was never intended to be done alone.

The General Commission on the Status and Role of Women continues to provide trainings and consultation to clergy and judicatory leaders around the chargeable offense of sexual misconduct. These experiences have resulted in developing this resource of information and ideas about how to respond well to a complaint and/or concern of sexual misconduct brought to your attention. We hope this information will be a resource which helps you be more informed, less confused, and confident as you do this work.

You will find many resources, including policy samples and complaint reporting forms, on our website at [www.umsexualethics.org](http://www.umsexualethics.org) . Should you have any questions or need additional resources, please do not hesitate to contact Becky Posey Williams, Senior Director for Sexual Ethics and Advocacy at [bwilliams@gcsr.org](mailto:bwilliams@gcsr.org).

## 1. Key Paragraphs for Response to Sexual Misconduct

It is important that you familiarize yourself with the language in our Book of Discipline and Book of Resolutions.

### Chargeable Offenses (Book of Discipline 2016, ¶2702, pp. 788-790)

- **A bishop, clergy member of an annual conference, local pastor, clergy on honorable or administrative location, or diaconal minister may be tried when:**
  - charged (subject to the statute of limitations in ¶2702.4) with one or more of the following offenses:
    - Immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage
    - Practices declared by The United Methodist Church to be incompatible with Christian teaching, including but not limited to: being a self-avowed practicing Homosexual; conducting same-sex weddings or unions
    - Crime
    - Disobedience to the order and discipline of The United Methodist Church
    - Dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church
    - Relationships and/or behavior that undermines the ministry of another pastor
    - Child abuse
    - Sexual abuse
    - Sexual misconduct including the use or possession of pornography,
    - Harassment, including but not limited to racial and/or sexual harassment
    - Racial or gender discrimination
    - Fiscal malfeasance
  - When the appropriate body recommends involuntary termination
- **A professing member of a local church may be charged with the following offenses, and, if so, may choose a trial:**
  - Immorality
  - Crime
  - Disobedience to the order and discipline of The United Methodist Church
  - Dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church
  - Sexual abuse
  - Sexual misconduct
  - Child abuse
  - Harassment, including, but not limited to racial and/or sexual harassment
  - Racial or gender discrimination
  - Relationships and/or behaviors that undermine the ministry of persons serving within an appointment
  - Fiscal malfeasance

## Statute of Limitations (Book of Discipline 2016, ¶2702.4)

- No judicial complaint or charge shall be considered for any alleged occurrence that shall not have been committed within six years immediately preceding the filing of the original complaint, except in the case of sexual or child abuse and in the case of immorality or crime, when the alleged occurrence(s) include allegations of sexual abuse or child abuse, there shall be no limitation.

**Administrative Fair Process** is outlined in ¶361 – ¶363 and includes the following provisions:

¶361.1 – Conference Relations Committee responsibilities and requirements

¶361.2\*\* – The order of Fair Process Hearings for any involuntary status change request:

- Administrative Location
- Involuntary Leave of Absence
- Involuntary Retirement
- Involuntary Discontinuance of Provisional Membership (upon appeal of the provisional member)

¶362 – *Complaint Procedures* for a written and signed statement claiming misconduct as defined in ¶2702.1

- ¶362.1c (EFFECTIVE JANUARY 1, 2020) No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect.

¶363\*\* – Disposition for recommendation of involuntary status change

**\*\* NOTE:** [Judicial Council Decision 1383](#) has ruled that the current Administrative Fair Process is “unconstitutional, null and void”. The Church currently has no process in effect for processing requests for an involuntary status change. Pay attention to Judicial Council memos or decisions to see if this is rectified, or to General Conference legislation that will work to reinstate a constitutional Administrative Fair Process.

**Abeysance** – A complaint may be held in abeyance due to matter being litigated in civil court. (*Book of Discipline* 2016, ¶362.1g) Complaint must be reviewed every 90 days by the Bishop and the executive committee of the Board of Ordained Ministry to ensure that the involvement of civil authorities is still a valid impediment for proceeding with the resolution of a complaint. Abeysance may be terminated by either the bishop or the Board of Ordained Ministry...”

**Investigation, Trials, Appeals in Judicial Proceedings ¶2701-2719 and include:**

- The processes to be followed when a matter has been referred as a judicial complaint by the counsel for the Church to the Committee on Investigation.

**Sexual Misconduct within Ministerial Relationship (Book of Resolutions 2016, #2044, pg. 776)**

- Clergy are given a sacred trust. In this position, clergy have inherent power and a fiduciary responsibility to ALWAYS act in the best interest of those being served.
- Find definitions: Sexual Misconduct, Sexual Harassment, Sexual Abuse, Sexualized Behavior

**Mandate to provide for healing (Book of Discipline 2016, ¶362.1b, f; ¶2701.4c)**

- Three roles of bishop or designee (often a district superintendent) handling a complaint of clergy sexual misconduct:
  1. Administrative: Fair process, follow procedures, advocate for all parties
  2. Supervisory: Clergy accountability, pastoral appointment, disciplinary measures and/or behavioral covenant for clergy
  3. Pastoral: Promote healing for all parties
- *The Book of Discipline* also allows for the use of a Response Team to provide pastoral care when handling and following-up on a complaint: the Bishop may select “persons with qualifications and experience in assessment, intervention, or healing” to assist during the supervisory response. (¶362.1b)
- “The United Methodist Church commends the use of Response Teams in case of sexual misconduct by ministerial leaders and urges judicatory leaders to train and employ them.” (*Book of Resolutions*, #2043, pp. 110-113)
- Provide advocates/support person for alleged primary victim(s), for the accused, and for families involved.
- Use Response Team to facilitate congregational healing through processing feelings and thoughts.
- Provide visibility of Bishop or District Superintendent to convey official communications to congregation.
- Provide debriefing following a congregational intervention.

**#2043 Response Team Ministry for Sexual Misconduct (Book of Resolutions 2016, p. 110)**

- Response Team: a group of persons with expertise in specific areas of trauma to facilitate healing mandated by *The Book of Discipline*.
- The Response Team is not called to judicial or disciplinary processes

**Social Principles: The Nurturing Community (Book of Discipline 2016, ¶161.F, I, J, P, Q)**

*F) Women and Men* – We affirm with Scripture the common humanity of male and female, both having equal worth in the eyes of God. We reject the erroneous notion that one gender is superior to another, that one gender must strive against another, and that members of one gender may receive love, power, and esteem only at the expense of another. ....

*I) Sexual Abuse* – Violent, disrespectful, or abusive sexual expressions do not confirm sexuality as God’s good gift. We reject all sexual expressions that damage the humanity God has given us as birthright, and we affirm only that sexual expression that enhances that same humanity. ....

*J) Sexual Harassment* – We believe human sexuality is God’s good gift. One abuse of this good gift is sexual harassment. We define sexual harassment as any unwanted sexual comment, advance, or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating, or coercive. Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. ....

*P) Sexual Assault* – Sexual assault is wrong. We affirm the right of all people to live free from such assaults, encourage efforts of all people to live free from such assaults, encourage efforts of law enforcement to prosecute such crimes, and condemn rape in any form. It does not matter where the person is, what the

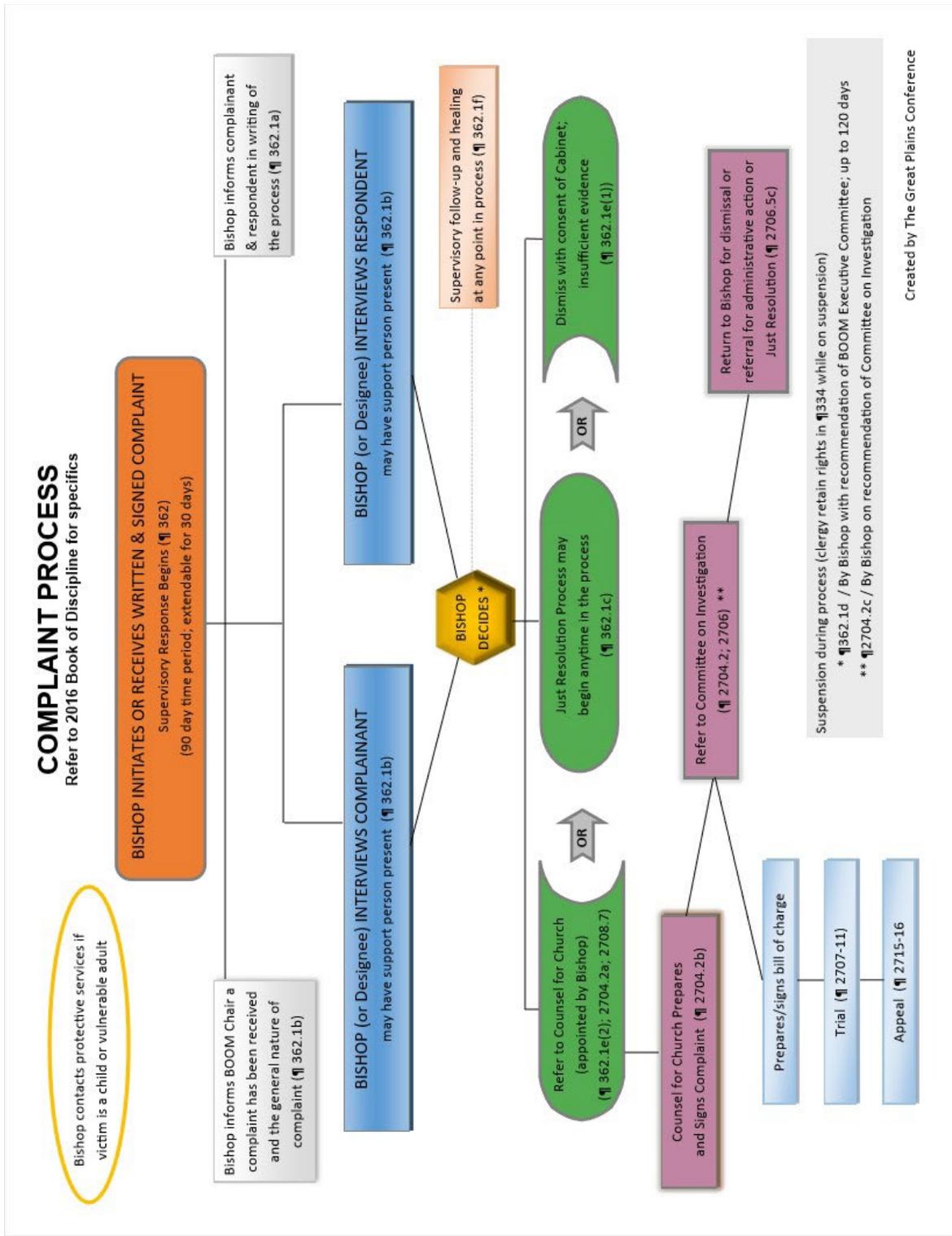
person is wearing, whether or not he or she is intoxicated, if he or she is flirtatious, what is the victim's gender, or any other circumstance.

*Q) Pornography* – Scripture teaches that humans are created in God's image..... We oppose all forms of pornography and consider its use a form of sexual misconduct. Pornography is sexually explicit material that portrays violence, abuse, coercion, domination, humiliation, or degradation for the purpose of sexual arousal. Pornography sexually exploits and objectifies both women and men.....

## 2. DS Response to Receiving a Complaint or Concern from an Alleged Victim

*When allegations of misconduct are reported in The United Methodist Church, we are asked to respond in ways which encourage restorative justice, by promoting accountability and healing, in every situation. The following checklist will provide help in preparation to receive a complaint or concern.*

1. Be **open** to receiving the complaint. Stay aware of any resistance you may have and understand its source.
2. Set aside **undistracted time** to hear the individuals' stories. **Show up** fully and listen attentively. Be able to tell the person what you have heard disclosed.
3. Explain the option and importance of having a **support person** walk alongside and support the parties throughout the process. Offer to give names of trained persons for consideration and **follow up** to encourage this assignment.
4. **Affirm** the person's decision to come forward with the complaint and/or cooperation in the process. Say "thank you for bringing this information to me."
5. Ask the alleged victim what she/he would like to see happen now that they have shared this information.
6. **Explain the process. Give a written outline of what to expect.**
7. **Encourage and offer resources for professional counseling. Explain how payment will be managed on behalf of the church.**
8. The person can expect to be informed that retaliation of any kind will not be tolerated.



**Question to Consider:**

Have I clearly and accurately explained the process to all parties in a manner that is easily understood by persons who are not familiar with the UMC judicial process? Have I advised the parties named in the complaint of her/his rights?

### **3. Complaint Process Timeline – Supervisory Response**

**A Presentation at Do No Harm 2018 By Bill Waddell and Meg Lassiat**

#### **Who Does What and How Long Do They Have to Do It?**

Day 1 – Day 90 (unless extended by 30 days)

¶362: “The supervisory response shall begin upon receipt of a formal complaint. The response is pastoral and administrative and shall be directed toward a just resolution among all parties. It is not a part of any judicial process.”

¶362.1e: “Upon receiving a written and signed complaint, the Bishop shall, within 90 days, carry out the supervisory response process outlined above.”

¶362: “All original time limitations may be extended for one 30-day period upon the consent of the complainant and the respondent.”

#### **Who is involved in the supervisory response?**

¶362: “The supervisory response shall be carried out by the bishop or the bishop’s designee in a timely manner, with attention to communication to all parties regarding the complaint and the process.”

¶362: “When a complaint is received by the bishop, both the person making the complaint and the person against whom the complaint is made will be informed in writing of the process to be followed at that stage.”

#### **Who should be involved in the supervisory response?**

- Alleged victim (complainant)
- Alleged victim’s support person
- Accused (respondent)
- Accused’s support person
- Bishop
- Another person such as the bishop’s executive assistant to listen and give advice

¶362: “The bishop also may consult with the committee on pastor-parish relations for pastors, the district committee on superintendency for the district superintendents, appropriate personnel committee, or other persons who may be helpful.”

#### **Who else might need to be a part of the supervisory response?**

- Cabinet
- Conference Chancellor
- Conference Treasurer

- Conference Insurance Manager

**What considerations regarding confidentiality should be agreed to by the primary parties and third parties?**

**Should anyone else know about the complaint or supervisory response?**

¶362: "When the supervisory response is initiated, the bishop shall notify the chairperson of the Board of Ordained Ministry that a complaint has been filed, of the clergyperson named, of the general nature of the complaint, and, when concluded, of the disposition of the complaint."

**May the chairperson of the Board of Ordained Ministry notify the other members of the board of the complaint or provide any other information about the complaint?**

**Does the answer change if the complainant or respondent have publicly disclosed the complaint or the facts on which it is based?**

**Does the answer change if the bishop seeks to suspend the clergyperson?**

¶362.1f: "The bishop and cabinet shall provide a process for healing within the congregation, annual conference, or other context for ministry if there has been significant disruption by the complaint. This process may include sharing of information by the bishop or the bishop's designee about the nature of the complaint without disclosing alleged facts, which may compromise any possible forthcoming administrative or judicial process... When facts are disclosed, due regard should be given to the interests and needs of all concerned, including the respondent and complaint who may be involved in an administrative or judicial process. This process for healing may include a process of a just resolution, which addresses unresolved conflicts, support for victims, and reconciliation for parties involved..."

**What should happen in the supervisory response?**

¶362: "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 his or her ministerial office shall be subject to review."

"This review shall have as its primary purpose a just resolution of any violations of this sacred trust, in the hope that God's work of justice, reconciliation, and healing may be realized in the body of Christ."

"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. In appropriate circumstances, processes seeking a just resolution as defined in ¶362.1c [mediation] may be pursued."

**What are the possible resolutions in the supervisory response?**

- surrender of credentials
- dismissal of the complaint as having no basis in fact or law
- achieving a just resolution by agreement
- no resolution but holding the complaint in abeyance pursuant to ¶362.

### **What happens if there is no resolution in the supervisory response?**

¶362: “...if within 90 days after the receipt of the complaint resolution is not achieved, the bishop shall either:

- (1) Dismiss the complaint with the consent of the cabinet giving reasons therefore in writing, a copy of which shall be placed in the clergy person’s file; or
- (2) Refer the matter to the counsel for the church as a complaint.”

### **Suspension of the Clergy person**

¶362: “When deemed appropriate, to protect the well-being of the person making the complaint, the congregation, annual conference, other context for ministry, and/or clergy, 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 form an appointment, for a period not to exceed ninety days.”

“With the agreement of the executive committee of the Board of Ordained Ministry, the bishop may extend the suspension for only one additional period not to exceed thirty days. During the suspension, salary, housing, and benefits provided by a pastoral charge will continue at a level no less than on the date of suspension. The person so suspended shall retain all rights and privileges as stated in ¶334. The cost of supply of a pastor during suspension will be borne by the annual conference.”

### **Seek Involuntary Leave of Absence**

¶354.2a: “An involuntary leave may be requested by the bishop and the district superintendent. The request shall be referred to the Board of Ordained Ministry and follow procedures for a fair process hearing as set forth in ¶ 361.2 when: (a) A written and signed complaint is not resolved through the supervisory (¶ 362.1b, c), complaint (¶ 362.1e), or trial process within 90 days, or clearly cannot be resolved within 90 days.”

¶354.5: “Between sessions of the annual conference, the bishop and cabinet may request that an involuntary leave of absence be granted or terminated by the executive committee of the Board of Ordained Ministry. This interim action shall be subject to the approval of the clergy session of members in full connection with the annual conference at its next session.”

### **When should the bishop request involuntary leave of absence?**

- As soon as the bishop knows it will be needed
- Fair Process Hearing must be set up at least 20 days after notification of hearing (¶361.2b)
- Think backward from end of suspension date- Fair Process Hearing notification comes no later than Day 69
- Hearing must occur in time for the conference relations committee to report to the Board of Ordained Ministry Executive Committee and for the Board of Ordained Ministry Executive Committee to decide about involuntary leave request before the suspension time period ends

**What happens if the request for involuntary leave of absence is not acted upon before the suspension ends?**

The only option when the 90 days is up is to extend the 90 days (for one 30-day period.) Conferences really need to make this timeline work.

**Role of BOM after Involuntary Leave of Absence is granted**

- Send the Fair Process files to the Administrative Review Committee who reviews the process and reports to the clergy session before a final vote is taken.
- Present the interim change of status to the clergy session pursuant to ¶354.5 for clergy session approval (Judicial Council 1355, BAC Q. 50 b) (2)).
- Annually review and seek continuing approval of the involuntary leave of absence status if district superintendent so recommends pursuant to ¶354.4 (BAC Q. 50 b) (1)).
- Work with Cabinet when an involuntary leave of absence is coming to the three-year expiration to ensure the clergy is moved to the correct status at the end of the involuntary leave of absence (¶354.9 or ¶354.10)
- If complaint is held in abeyance, monitor the abeyance every 90 days

**Role of Bishop after referral of complaint and obtaining status of involuntary leave of absence for clergyperson:**

- Present the interim change of status to the clergy session pursuant to ¶354.5
- With district superintendent, annually review and seek approval of the involuntary leave of absence status by the clergy session
- If complaint is held in abeyance, monitor the abeyance every 90 days
- Be available to serve as witness before the Committee on Investigation

**Process Timeline – Committee on Investigation**

Submission of Judicial Complaint to Committee on Investigation (¶2704.2a) – Day 1

Deadline for respondent to submit response to complaint – Day 31

**Interim Dates:**

Preliminary meeting to address procedural issues (¶2704.2b)

Preliminary witness interviews (¶2704.2b)

Deadline for convening Committee on Investigation (¶2704.2b) – Day 60

Send bill of charges and specifications to respondent and others (¶2706.5b (2)) – 5 days after vote.

## **Summary of Timelines**

### **Initial Complaint**

Day 1: Original complaint is received; supervisory response begins

Day 90: Unless extended by 30 days pursuant to ¶362.1 or a just resolutions has been achieved or the complaint is held in abeyance if civil authorities are involved, supervisory response ends and complaint must either be dismissed with the consent of the cabinet or referred to the counsel for the church as a complaint. ¶362.1e

### **Referral of Complaint to Counsel for the Church**

Day 1: Matter is referred to counsel for the church to investigate and prepare a judicial complaint. ¶2704.2

There is no deadline for the counsel for the church to complete his or her work and refer the matter to the committee on investigation.

### **Submission of Complaint to Committee on Investigation**

Day 1: Counsel for the Church refers judicial complaint to chair of COI ¶2704.2a

Day 31: Deadline for respondent to submit response to complaint

Interim Dates: Preliminary meeting to address procedural issues ¶2706.4b

Preliminary witness interviews ¶2704.2b

Day 60: Deadline for convening COI ¶2704.2b

5 days after vote: Send bill of charges and specifications to respondent & others ¶2706.5(2)

### **Appointment of Presiding Officer & Trial of Respondent**

There is no deadline for the resident bishop to appoint a bishop to be the presiding officer. ¶2713.2

Once appointed, there is no deadline for the presiding officer to convene the trial, but the trial cannot begin less than 20 days from the time that the presiding officer is appointed. ¶2708.2

## 4. Committee on Investigation Process

### Roles and Duties of the Committee on Investigation

1. *The COI's Principal Role and Duty:* "The role of the committee on Investigation is to conduct an investigation into the allegations made in the judicial complaint and to determine if reasonable grounds exist to bring a bill of charges and specifications to trial. If so, it shall prepare, sign, and certify a bill of charges and specifications. The committee's duty is only to determine whether **reasonable** grounds exist to support the charges. It is not the committee's duty to determine guilt or innocence." (§2706.1)
2. *If COI determines that there are no reasonable grounds for charges:* "If the committee on investigation determines that there are no reasonable grounds for charges, it may dismiss the judicial complaint. When deemed appropriate, it may also refer matters of concern to the proper referring Church official...for administrative or other action..." (§2706.5(c)(1))
3. *If COI determines the judicial complaint is not based on chargeable offenses:* If the committee of investigation determines that the judicial complaint is not based upon chargeable offenses, or for good cause, the committee may refer the complaint to the proper referring Church official...for administrative or other action." (§2706.5(c)(2))
4. *Referral for Just Resolution:* "Upon recommendation of the Counsel for the Church and the counsel for the respondent, the committee may refer the matter to the Resident bishop as deemed appropriate for a process seeking a just resolution..." (§2706.5(c)(3))
5. *Special Investigations:* "In the event that jurisdiction in a judicial proceeding is ended as a result of the death, or surrender of credentials by, the respondent in cases where the chargeable offense includes those listed in § 27032.1(h) [sexual abuse], (i) [sexual misconduct, including the use or possession of pornography], or (j) [harassment, including but not limited to racial and/or sexual harassment], the committee on investigation may be convened at the request of the presiding bishop to make a pastoral inquiry into the charges. The inquiry shall: (a) not be judicial in nature; (b) be empowered to receive witnesses and to consider evidence; and (c) make a report of the inquiry to the body where the respondent's membership was held, including recommendations if any." (§2706.5(c)(6))
6. *Suspension:* "If five or more members of the committee on investigation so recommend, the bishop may suspend the person charged from all clergy responsibilities pending the outcome of the judicial process..."
7. *Implementation, Monitoring of Compliance, and Certification of Completion of Just Resolutions:* "If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for readmission. The Committee on Investigation shall retain jurisdiction for the period of time stated for the implementation of the resolution agreement. The committee shall periodically monitor the progress of the completion of the terms and conditions of the resolution agreement and shall certify when the terms and conditions of the agreement are completed. When the terms and conditions of the agreement are completed, the committee on Investigation shall report its certification, and the status of the respondent as a result of completing the terms and conditions of the resolution agreement, to the resident bishop. If the process does not result in resolution, the matter shall be returned to the committee on investigation for further consideration. Also, decision(s) of a trial court that call for certification as to the completion of terms and conditions of the trial court's decision(s) after the end of a trial are to be assigned to the

committee on investigation for monitoring and certification of completion of the decision, the committee shall notify the presiding officer of the trial, who may reconvene the trial court for its further consideration. (§2706.5(c)(3))

**Convening of Committee on Investigation Hearing:**

- (a) “The chairperson of the conference Committee on Investigation shall have sixty days to convene the Committee on Investigation after receiving the judicial complaint.” (§2704.2(b))
- (b) “If possible, the respondent and the person(s) bringing the original complaint shall be brought face to face, but the inability to do this shall not invalidate an investigation. Notice of the hearings shall be given to all parties, and the person(s) bringing the original complaint and they all shall be permitted to be present during testimony, but not deliberations.” (§2706.49a))

**Secure a Court Reporter to Create a Verbatim Record:** “There shall be a verbatim record of all proceedings of the committee on investigation, except when the committee meets in executive session. The term *executive session* shall mean the committee meeting alone or with its legal counsel. If the complaint is dismissed or returned to the bishop, no verbatim record need be transcribed and the record that exists will be sent to the conference secretary for retention.” (§2706.4e)

**Arguing Procedural Issues in the Preliminary Meeting:** “Basic procedural decisions shall be made in a preliminary meeting. During this meeting, the respondent and the respondent’s counsel, the person making the original complaint, and the counsel for the Church shall have the right to argue procedural points before a decision is made by the chair. All advance procedural decisions and such anticipated decisions as may come in the course of the meeting of the Committee on Investigation *shall be rendered in writing* so as to be available for consideration in all further possible stages of the case.” (§2706.3)

**Right to Notice and to be Present:** “Notice of the hearings shall be given to all parties, and the person(s) bringing the original complaint and they all shall be permitted to be present during testimony, but not during deliberations.” (§2706.4(a))

**Pre-Hearing Witness Interviews:** “The chairperson shall have power, whenever appropriate in the committee’s own discretion, to appoint a member(s) of the committee to interview any witness(es), provided that all parties may be present (without voice) and that three days’ notice of the time and place of such interview shall have been given to all parties. The person(s) so appointed shall create a verbatim record of the interview and certify the record by signature for transmittal to the chairperson.” (§2706.4(b))

**The Committee on Investigation Hearing:**

- (a) *General Provision:* Proceedings in the investigation shall be informal. No oaths shall be taken. All procedural decisions shall be made by the chairperson.” (§2706.4(a))
- (b) *Examination of Witnesses:* “The Committee on Investigation may call and question such persons or request such written information, including but not limited to materials from the supervisory process, as it deems necessary to establish whether or not there are reasonable grounds for formulating a charge or charges. The committee may receive from the counsel’s suggested lists of persons to be questioned, sources of written material or questions. There shall be no right of cross-examination by either the respondent or the person(s) bringing the original complaint.” (§2706.4(c))

(c) *Evidentiary Issues*: “The committee should only consider testimony or evidence which is relevant and reliable. The chairperson or presiding officer, after consultation with counsel for both parties, shall rule on challenges to relevance and reliability. The introduction of any material relating to events barred by the statute of limitations (§2702.4) as evidence, as preface to evidence, or as build-up for evidence in the procedures of the Committee on Investigation or the trial proceedings shall be permitted when the presiding officer, after consultation with counsel for both parties, rules that such material is relevant and reliable.” (§2706.4(d))

**Voting on Charges and Specification in the Judicial Complaint:**

- (i) **Separate Votes on Each Charge**: “A vote on each charge and each specification shall be taken separately. It is incumbent on each member on the committee to base his or her vote solely on whether reasonable grounds exist to support the charges. If there are members who are unwilling to uphold the *Discipline* for reasons of conscience or otherwise, such members must step aside in this matter and either alternate members or others who are willing to uphold the *Discipline* must be appointed to the Committee to enable it to complete its responsibility.” (§2760.5)
- (ii) **Required Vote and Disclosure of Bill of Charges and Specification**: “A vote to adopt any charge of specification shall require five votes. Any bill of charges and specifications adopted by the Committee on Investigations shall be sent by the chairperson within five days to the respondent, the person making the complaint, the secretary of the annual conference, the Counsel for the Church, and the resident bishop.” (§2706.5(b)(2))
- (iii) **Drafting Bills of Charges and Specifications**: “A charge is one of the chargeable offenses listed in §2702. A charge shall not include more than one such chargeable offense. More than one charge against the same person may be presented and tried at the same time. Each charge must be written, with specifications that support the charge. Each charge must be accompanied by one or more specifications of fact. Each specification, standing alone, must allege a factual occurrence that, if found to be true, would support a finding of guilty on the related charge. The specifications should be as specific as possible with information such as date, place, and specific events alleged to have occurred.” (§27016.5(a))

§2706.7: “At the conclusion of the investigation process, all documents used by the Committee on Investigation, including transcriptions of its hearings, shall be sent to the secretary of the annual conference...who shall keep them in custody. Such documents are to be held in a confidential file and shall not be released except for the purposes of trial and then only to counsels for the Church and the respondent and to the presiding officer of the trial court...”

## 5. Counsel for the Church Time Period

[assuming involuntary leave of absence is granted and there is no abeyance of the complaint]

### Referral of Complaint to Counsel for the Church

#### Day 91

There is no deadline for the counsel for the Church to submit a complaint to the Committee on Investigation. Some counsel, with encouragement from others, “park” the complaint at this stage, effecting an official abeyance.

¶2704.2a: “...The Counsel for the Church shall draft and sign a judicial complaint, attaching as exhibits all relevant written materials, including but not limited to information from the supervisory process and a suggested list of witnesses as deemed appropriate, forward the judicial complaint to the Committee on Investigation and represent the Church in the judicial process.”

### The Essentials to Drafting a Judicial Complaint

- Investigation of the facts
- Preserving evidence and exhibits so that they meet the standard of relevant and reliable evidence
- Reference guides and training as to drafting in conformity with the *Discipline* and to assist the work of the Committee on Investigation

### Tips for Counsel for the Church

- Counsel for the Church should remember that a thorough investigation and proper documentation of the result of the investigation will likely make Counsel’s job much easier going forward.
- A thorough investigation takes time
- A thorough investigation requires careful thought as to how the information obtained will be considered and evaluated by the Committee on Investigation and the Trial Court, most of whom are peers of the Counsel for the Church and the clergy respondent
- Starting with the original complaint and the information developed during the bishop’s supervisory response, Counsel for the Church should prepare an outline of each potential charge and the potential proof as to each charge.
- This outline and the list of potential proof may ultimately become the charge and specifications in the judicial complaint
- Upon investigation, are there other potential charges in the case?
- In determining proof, will additional witnesses need to testify?

### Additional Tips for Counsel for the Church

- When meeting with a witness, it is important to tell the witness that you may use what is being said unless the witness says you cannot attribute the information to the witness.
- You cannot compel a person to testify, so counsel should always be prepared to explain why it is important for the witness to cooperate in the church process, including testifying.

- If there is an indication that the witness will not testify, it may be important to have a third person present during the conversation with the witness to provide the information. [The UMC does not have a hearsay exclusion but all evidence has to be relevant and reliable.]
- Asking a witness to write a statement that counsel can later use (or to sign a statement written by the counsel) is helpful in case the witness becomes unavailable.
- Some witnesses are comfortable with the counsel taping the conversation with the witness. Counsel should be careful to tell the witness that the conversation is being recorded and ask at the beginning of the recording whether the witness has agreed to the recording.
- If official records (e.g., marriage licenses) are obtained during the investigation, it is best to obtain certified copies of the records to avoid claims that the records are not authentic.

¶2705: “The judicial complaint shall be prepared and signed by the Counsel for the Church. The complaint should explain to the Committee on Investigation the alleged events surrounding and relating to one or more chargeable offenses(s)...”

In drafting the complaint, each charge should be stated separately and should be followed by one or more factual specifications that support the charge.

¶2705: “...All relevant documents and other exhibits supporting the judicial complaint may be attached; and a true copy of the complaint and reproducible documents and exhibits shall be sent by counsel for the Church to the respondent and his or her counsel at the same time as they are sent to the Committee on Investigation. The judicial complaint should include the appropriate chargeable offense(s) based on the list in ¶2702 and proposed specification.”

¶2704.2a: “The Counsel for the Church shall draft and sign a judicial complaint, attaching as exhibits all relevant written materials, including but not limited to information from the supervisory process and a suggested list of witnesses as deemed appropriate...”

Counsel’s work will be used by the Committee on Investigation, so it should be clear, complete, and user-friendly.

## 6. Checklist for Administrative Fair Process

### Disposition of Recommendations of Involuntary Status Change and Fair Process Hearings as Defined in ¶361 and ¶363 in the 2016 Book of Discipline

*Approved by GCFA Legal Services Department and GBHEM Division of Ordained Ministry – 2016*

**Purpose:** For use in the disposition of a request for Administrative Location, Involuntary Discontinuance of Provisional Membership, Involuntary Leave of Absence, Involuntary Medical Leave, or Involuntary Retirement.

**Note:** For disposition of Judicial Complaint, see the Administrative and Judicial Procedures Handbook posted by the General Council on Finance and Administration ([www.gcfa.org](http://www.gcfa.org)).

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Clergy named in request: \_\_\_\_\_

Birth date (MM/DD/YYYY): \_\_\_\_\_ Annual Conference Membership: \_\_\_\_\_

#### Disposition of Recommendations of Involuntary Status Change (¶363)

- A. The Board of Ordained Ministry (BOM) receives a request for an involuntary status change (¶361.1). The bishop typically makes the request. In the case of an end to Involuntary Leave of Absence, the BOM may request Administrative Location (¶354.9). Additionally, the BOM may recommend Involuntary Retirement (¶357.3).

Date request received by the BOM: \_\_\_\_\_

Requested status change to:

\_\_\_\_\_ Administrative Location

\_\_\_\_\_ Involuntary Leave of Absence

\_\_\_\_\_ Involuntary Medical Leave

\_\_\_\_\_ Involuntary Retirement

\_\_\_\_\_ Involuntary Discontinuance of Provisional Membership

Person/Group making request: \_\_\_\_\_

Nature of request: \_\_\_\_\_

- B. The BOM shall refer any request for an involuntary status change to the Conference Relations Committee (CRC) (¶361.1, ¶363). The procedures for a Fair Process Hearing shall be followed whenever there is a request for administrative location, involuntary leave of

absence, involuntary medical leave, involuntary retirement, or discontinuance of provisional membership (when appealed by the provisional member) (§361.2, §356.4).

C. Procedure for a Fair Process Hearing (§361.2):

**NOTE:** See page 6 of this document for details of each status change.

1. The bishop or the bishop's designee and the respondent shall have a right to be heard before any final action is taken (§361.2a).
2. Notice of any hearing for an involuntary status change shall advise respondent of the reason for the proposed procedures with sufficient detail to allow the respondent to prepare a response. Notice shall be given not less than 20 days prior to the hearing. Notice should be sent receipt able mail (§361.2b).

Date mailed: \_\_\_\_\_ Date received: \_\_\_\_\_

3. A hearing will be held with the members of the CRC (§361.1, §363).

Date hearing held: \_\_\_\_\_

4. The respondent may choose a deacon or elder who is a member in full connection of the respondent's annual conference to accompany him/her to any hearing. The person who accompanies the respondent has the right to voice (§361.1, §363).

Full connection clergy member accompanying the respondent: \_\_\_\_\_

5. The bishop or the BOM, as appropriate, shall designate the person to present the request to the CRC (§363.1).

Who presented: \_\_\_\_\_

6. Others may be invited to present as determined by the CRC Chair (§363.1).

Other presenter(s): \_\_\_\_\_

7. One party shall not discuss substantive issues with members of the pending hearing body, without the other party being present (§361.2d).

8. Questions of procedure may be raised with the presiding officer of the hearing body (§361.2d).
9. The respondent shall have access, at least seven days prior to the hearing, to all records relied upon in the determination of the outcome of the process (§361.2e). Judicial Council Decision 974 requires that the respondent possess the written request and any supporting material.

Date of respondent's access to all records: \_\_\_\_\_

10. In the event that a clergyperson fails to appear for supervisory interviews, refuses mail, refuses to communicate personally with the bishop or district superintendent, or otherwise fails to respond to supervisory requests or requests from official administrative committees, such actions or inactions shall not be used as an excuse to avoid or delay any Church processes, and such processes may continue without the participation of such individual (§361.2f).

11. Agenda for a Fair Process Hearing (§363.1)

- a. Presentation by the bishop, or the bishop's designee, or BOM's designee
- b. Questions by the CRC
- c. Presentation of the clergy person (respondent) in question, with assistance by the accompanying full member deacon or elder
- d. Questions by the CRC
- e. Presentation(s) by others as determined by the chair of the CRC
- f. Questions by the CRC
- g. All except CRC members depart for deliberations

12. The CRC makes a recommendation to the BOM (§363) that either affirms or dismisses the request.

Date of CRC report and recommendation to the BOM: \_\_\_\_\_

CRC Recommendation:

\_\_\_\_\_ Affirms the request listed in Step A, p. 1 to change the respondent's status to:

\_\_\_\_\_

\_\_\_\_\_ Dismisses request (no status change recommended)

13. The BOM may affirm or reverse the recommendation of the CRC (§363).

Date of BOM vote: \_\_\_\_\_

\_\_\_\_\_ Affirms CRC's recommendation in Step 12 above

\_\_\_\_\_ Reverses CRC's recommendation in Step 12 above

Final recommendation of BOM:

\_\_\_\_\_ Involuntary Status Change as listed in Step A, p. 1

\_\_\_\_\_ Dismissal of request (no status change recommended)

14. Respondent is to be notified in writing of BOM decision and the recommendation that the BOM will make to the Clergy Session.

Date written notification mailed: \_\_\_\_\_ Received: \_\_\_\_\_

15. Administrative Review Committee (§636)

The purpose of the Administrative Review Committee is to ensure that the disciplinary procedures for discontinuance of provisional membership (§327.6), involuntary leave of absence (§354), involuntary medical leave (§356.4), involuntary retirement (§357.3), or administrative location (§359) are properly followed. The Administrative Review Committee will notify the parties of the review process.

Who was notified:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

The entire administrative process leading to the action for change in conference relationship shall be reviewed by the Administrative Review Committee, and it shall report its findings to the clergy session of members in full connection with the annual conference prior to any action of the annual conference.

Prior to its report, if the Administrative Review Committee determines that any error has occurred, it may recommend to the appropriate person or body that action be taken promptly to remedy the error, decide the error is harmless, or take other action (§636).

Date of report: \_\_\_\_\_

Committee members present: \_\_\_\_\_

16. A vote must be made by the Clergy Session before any recommendation for a status change is final. The BOM presents the recommendation to the Clergy Session.

The required approvals are:

Administrative Location – majority approval (§359)

Involuntary Medical Leave – majority approval (§ 356)

Involuntary Leave of Absence – 2/3 majority approval (§354.3)

Involuntary Retirement – 2/3 majority approval (§357.3)

Involuntary Discontinuance of Provisional Membership – majority approval (§327.6)

Date of Clergy Session Vote: \_\_\_\_\_

Status voted on by Clergy Session: \_\_\_\_\_

Approval by required percentage: \_\_\_\_\_ Yes \_\_\_\_\_ No

**Administrative Location (§359) – Requires majority vote of Clergy Session**

- Before requesting Administrative Location, the bishop shall complete the procedures outlined in §334.3 and §359.1.
- Upon the request for Administrative Location, the provisions of §361.2 shall be followed.
- For ad interim action, see §359.2. Involuntary Leave of Absence (§354) Requires 2/3 vote of Clergy Session • The provisions of §354 shall be followed. • The procedures for a Fair Process Hearing shall be followed (§354.1, § 354.2). • For ad interim action, see §354.5.

**Involuntary Medical Leave (§356) – Requires majority vote of Clergy Session**

- The provisions of §356 shall be followed.
- If there are unresolved issues, the Fair Process Hearing procedures shall be followed (§356.4). • For ad interim action, see §356.2.

**Involuntary Retirement (§357.3) – Requires 2/3 vote of Clergy Session**

- The provisions of §357.3 shall be followed.
- The proceedings for a Fair Process Hearing (§361.2) shall be followed.
- The cabinet may make a request to the BOM for the involuntary retirement of the clergy member, or the BOM may make the recommendation upon its own motion.

- Written notice of the intended action shall be given to such member by the BOM at least 180 days prior to annual conference.
- Written notice should also be given to the chair of the Administrative Review Committee.
- Any clergy member placed in the retired relationship under this subparagraph shall be entitled to receive his or her pension for the number of approved years served and such other benefits as the final conference may provide, payment begins the first of any month after the ordained minister attains age 62.

**Involuntary Discontinuance of Provisional Membership (§327.6) – Requires majority vote of Clergy Session**

- The provisions of §327.6 shall be followed.
- The provisional member shall be advised of the right to a Fair Process Hearing and upon his/her request, the proceedings for a Fair Process Hearing (§361.2) shall be followed.
- Ministerial functions cease when the relationship is discontinued and credentials shall be returned to the district superintendent for deposit with the conference secretary.
- The BOM may approve the provisional membership to continue as a local pastor after discontinuance of provisional membership (§320).

## **7. Using Response Teams for Healing in Congregations and Staff (Materials from GCSRW and Great Plains Conference)**

### **Response Team Policies and Procedures**

When boundaries are violated and sexual misconduct happens, its effects are felt throughout the local ministry settings. Congregations, staff, and lay leadership need resources to address the trauma and lead toward healing. The Church has the responsibility of intervening on behalf of parties named in a complaint and the faith communities.

### **The Ministry and Purpose of the Response Team**

The ministry of the Response Team is to facilitate care and healing for congregations, staff, and other ministry settings that have been affected by misconduct, crisis or critical incident so that they may experience God's healing grace and once again focus on their mission to make disciples for Jesus Christ for the transformation of the world. Often, we think that sexual misconduct is the reason for a crisis in a church, but there are many other events in the life of a congregation that could be considered a crisis, and the Response Team may be able to provide a ministry of healing.

The crisis could be one of the following:

- Sudden death of a pastor or prominent lay person in the congregation
- Embezzlement or misuse of funds by pastor or lay person
- Ministerial or clergy sexual misconduct
- Laity sexual misconduct directly involving the congregation
- Sudden sabbatical by a pastor
- Church closures
- Sexual abuse of a church member at a church camp or other church event
- Any other instance as requested by the Bishop or the Bishop's representative

The purpose of the Response Team is to be a caring ministry of trained individuals from the Annual Conference to respond at times of crisis in a congregation to promote the possibility of healing for the congregation and the individuals involved. The use of the Response Team is one option for the Bishop and Cabinet to "provide a process for healing within the congregation" or other ministry context as mandated in the *2016 Book of Discipline*, ¶1362.f Through the team, support may be offered to: person(s) making the complaint, the respondent accused of abuse, misconduct and/or harassment, the family of the complainant, the family of the respondent, and the congregation.

### **The Role of the Response Team**

The role of the Response Team includes but is not limited to the following:

- Creating a safe and open atmosphere where healing can take place
- Providing a caring presence for a multitude of individuals, including staff, and a congregation affected by an incident of sexual misconduct (victim/survivor and family, accused individuals and their families, congregation members, leaders, and staff)

- Striving to be a non-anxious presence and an advocate for Shalom
- Offering leadership in large and small groups that facilitate dialogue and encourage healthy group process
- Listening and responding with support to concerns, distress and questions
- Leading appropriate worshipful experiences and providing personal devotional materials
- Being available to meet with individuals and staff as needed over a period of weeks or months
- Empowering the congregation to continue their own healing process
- Evaluating and reporting to the Bishop/Cabinet
- Identifying ways to continue support of the congregation and the pastor(s) that follows
- Caring for the victims/survivors by:
  - Providing supportive presence by believing the individual's story and affirming the right to be taken seriously
  - Assisting in providing resources and referrals to help the victim/survivor understand the dynamics of what has occurred and link them with needed community helpers

The Response Team does not perform any investigative function, nor does it offer disciplinary, judicial, legal counsel or opinion. The team will focus on healing and is not a substitute for professional counseling.

### **Deployment of Response Team**

The Response Team is deployed by and is accountable to the Bishop and Cabinet of the annual conference.

When requested by the Bishop or Cabinet, the Response Team for Congregations Coordinator will convene a team to respond to a congregation or ministry setting considering factors such as geographical location, racial/ethnic/cultural concerns, rural or urban settings, gender balance, lay/clergy balance and the skills of specific team members.

The Coordinator will select a team leader for the deployed team and will be in consultation and communication with the team leader throughout the deployment and follow-up.

### **Responsibilities of the Response Team**

1. Response Team for will provide care, support and healing ministry to individuals and groups and do not investigate or offer legal, disciplinary or personal opinions.
2. Response Team will only respond when contacted by the bishop or district superintendent and do not act on their own, individually or as a team, and will coordinate all their work with the D.S. and/or Bishop.
3. Response Team will maintain strict confidentiality in their work with individuals and local churches. Discussion of specific information (names of individuals, local church, specifics of incident) about the

case may only take place among members of the Response Team actively assigned to the case, the district superintendent and the Bishop.

4. Response Team may assist the Bishop or D.S. with any of the following after being deployed:

- meeting with the SPRC
- meeting with church staff
- meeting with the church council
- composing the letter to the congregation
- being present for the Sunday morning worship service where disclosure is made
- assisting with the congregational crisis meeting
- leading small groups for processing of emotions and concerns
- care and support for individuals involved
- follow-up meetings or contact with the congregation and/or individuals involved

Where possible, a letter should be sent to church members preceding the first Sunday or as soon as possible following the pastor's removal.

*Purpose:* (1) Explain the pastor's suspension of absence from the church. (2) Where possible, explain how pastoral services and care will be continued in the absence of the removed pastor. (3) Announce when the Bishop and/or District Superintendent and/or the Response Team will be present for scheduled meetings to help the congregations through the crisis. (4) Give people assurance of how things will be done including services of the Response Team.

*The five main components of the congregational healing process to be used when adjudication happens and it becomes possible to share the news with the congregation are (1) truth telling, (2) sharing and the validation of feelings, (3) education, (4) spiritual reflection, (5) answering the question "Where do we go from here?" The meeting, or meetings, will ideally happen one to two weeks after a letter has been sent out informing members of the situation and inviting them to a meeting which the Response Team for Congregations will help to facilitate. It is not advisable to have the meeting in the context of regular worship. People all need to know in advance what the meeting is about and to be able to self-select in or out of the process. They should be told the meeting may last up to four hours and that they will be expected to stay the whole time. (Nancy Myer Hopkins, *The Congregational Response to Clergy Betrayals of Trust*, The Liturgical Press, 1998, pg. 35-36).*

The Congregational Meeting may be scheduled when the Bishop (or Bishop's designee) and/or District Superintendent meets with the Staff and the Staff Parish Committee. The time, place and an explanation of what will take place at the meeting will be announced in the letter to members, if one is sent. A context of spiritual reflection and commitment to pastoral care, hope and healing are essential. Purposes of the meeting include: (1) tell the truth, (2) share what can be shared about what the church can expect, (3) give people opportunities to express grief, and (4) begin the healing.

## 8. Pastoral Care for Congregations in the Aftermath of Sexual Misconduct

*The Rev. Canon Chilton Knudsen  
Episcopal Diocese of Chicago*

### General Guidelines

- 1) If congregations do not go through an intentional, sensitively planned healing process, they are likely to suffer significant impairment to their community in the months and years to come. They will probably experience some or all of these symptoms:
  - a) Misdirected anger at church staff, at judicatory staff members, at “after-pastors” (those who follow an offender), at lay leadership.
  - b) Reactivity in the form of making unwise or hasty decisions.
  - c) Ongoing divisions within the congregation.
  - d) Depression and malaise-people unwilling to spend energy on the day-to-day life of the congregation.
  - e) Excessive preoccupation with caring for the offending pastor (and pastor’s family) with less regard for other injured parties.
  - f) Loss of members/income which does not resolve in the usual “recovery period:” (6-12 months) for these losses.
  - g) A climate of anxiety, gossip and conjecture resulting from understandable attempts to find out “what happened?”
  - h) Conscious or unconscious embarrassment, leading to isolation from the surrounding community and from other congregations.
  - i) “Sexualization” of the congregation, in which undue attention is given to matters of human sexuality.
  - j) Congregational conflicts which symbolize the pain; for example, conflicts about the priority of children’s ministries,
  - k) Nostalgia and mourning about times past-an earlier era long before this recent problem emerged or the idealization of a previous pastor.
  - l) Suspicion about new ideas, new programs, new forms of ministry.
  - m) Despair about the future of the congregation: and the resultant fear of making commitments or taking risks.

It just doesn’t work to attempt to gloss over/sidestep the healing process. Symptoms such as those listed above may persist for years.
- 2) **Even if congregations resist an intentional healing process, they will complain later that “nothing was done to help us” if no healing process is inaugurated.**
- 3) The congregation needs to know as much as possible about the situation in which they find themselves. Of course, there are obvious limits (especially regarding the privacy of those who have reported the misconduct), but congregations can be told SOMETHING. Where this cannot happen because of the REAL threat of legal action (not the imagined threat), they can be told precisely that.
- 4) Congregational pastoral care in this circumstance is a TEAM EFFORT. The team may include mental health/addictions professionals (especially of those with family systems expertise), denominational personnel, clergy from nearby congregations, religious education specialists, attorneys and (as appropriate) law enforcement professionals.

- 5) It is VITAL that the team include both men and women; both lay and ordained persons; people of varying ages and socio-cultural perspectives (reflecting the nature of the congregations' membership).
- 6) A "Trauma De-Briefing Model" should be used as a guide for the congregational disclosure. Make sure to have "caring listeners" available at such an event, and see that the congregation's leadership plays a role in planning/presenting this initial session.
- 7) Be prepared for the possibility of media coverage. See the attached suggestions regarding media relations. It is important that a spokesperson be appointed and all media contacts be referred to the spokesperson.
- 8) Post or distribute a list of resources in your local community for people to contact if they have need for individual consultation or counseling. Alert those resources about the situation.
- 9) To assure the congregation that fairness and justice concerns have been addressed, make available to them all Policy and Procedure materials which detail the processes of investigation and intervention in matters of sexual misconduct.
- 10) Congregations may need some focused education on the ethics of ministry (including the issues of the power invested in the ministerial office, issues of fiduciary trust, issues of Christian community life, etc.)
- 11) Educate the congregation about the healing process itself: the stages of grief, the variety of responses, the kinds of feelings and fears they might expect within the congregation.
- 12) Plan at the beginning for follow-up. Never assume that the work is done just because there has been one meeting. It is the time AFTER the information is communicated to the congregation that is most critical to their healing process. It is the INFORMATION they receive which constitutes the crisis, whether the misconduct is recent or in the past history. Crisis moments provide a "window of opportunity" for healing and transformation.
- 13) No congregation that I know of has ever complained that "too much was offered to us" for their healing process. Err on the side of offering more rather than less opportunity to discuss, process and accept/integrate the experience.
- 14) Lay leaders who have lived through sexual misconduct experience in other congregations can sometimes be useful resource people in working with newly informed churches. Of course, such resource people need to have moved through their own healing and integration if they are to be helpful and clear.
- 15) Church leaders who are committed to a healing process will continue to need consultation as the process continues. This consultation should be funded and supported by both the congregation and the judicatory as a shared commitment.

## 9. Disclosure

Our natural tendency is often to hide all information from the congregation and staff when sexual misconduct happens. Without appropriate disclosure, justice cannot be served and healing cannot begin. We now know hiding this uncomfortable information is not in the best interest of anyone. We know congregations want to know what will happen to their minister and what will happen to their church.

What is Disclosed?

- ❖ The fact that the bishop received a formal complaint of the chargeable offense of sexual misconduct.
- ❖ The fact that the pastor has been accused of, and/or admitted to, and/or been found guilty of clergy sexual misconduct.

--OR--

- ❖ The fact that allegations have been investigated and deemed credible and worthy of further disciplinary action

--AND--

- ❖ If the pastor denied or admitted the allegations, that will be disclosed
- ❖ The status of the allegations, any disciplinary action pending or completed, or that the pastor resigned after being informed of the allegations and learning of the decision to file formal charges based on information from the investigation and/or the recommendation of an Investigation Committee is disclosed
- ❖ Whether the complainant(s) was/were a minor or an adult at the time of the offense
- ❖ Whether the offense occurred recently, or several or many years ago
- ❖ Whether there is one or more complainant
- ❖ Whether criminal charges are pending or have been filed
- ❖ Whether the complainant(s) is/was a member of the congregation served by the pastor or a person for whom the pastor was providing pastoral care, at the present appointment or a previous appointment
- ❖ State that the victim(s) is receiving care of an appropriate nature
- ❖ The safety of the victims is intended, including refraining from gossip or speculation about their identity. **UNDER NO CIRCUMSTANCES IS THE VICTIMS NAME DISCLOSED.**
- ❖ The pastor is receiving care of an appropriate nature
- ❖ An announcement about **what will happen next within the congregation**, such as who will handle pastoral care needs, worship leadership, administrative tasks, and care related to the crisis at hand

The Conference policy is distributed and information concerning the Response Team and grief work, as well as other helpful handouts on power in clergy sexual abuse.

## Sample Disclosure Statement/Letter to Congregations:

Dear Members and Friends of \_\_\_\_\_ U.M. Church(es)

Grace and peace to you in the name of Jesus our Lord: As you may already be aware \_\_\_\_\_ has *(withdrawn from ministry, surrendered his/her credentials, taken voluntary/involuntary leave of absence – state whichever is the case)* following a complaint of sexual misconduct *(or, if the pastor or congregational leader is facing criminal or civil charges state instead that he/she is facing a charge(s) of \_\_\_\_\_)* *(involving an adult/minor) (from this congregation/not from this congregation)*

**Comment:** *If criminal charges have indeed been filed against the removed pastor, add a statement that in our nation and in our church, accused persons are presumed innocent until proved guilty and will be regarded as such although steps have been taken to give her/him time and energy to mount a defense.*

On behalf of Bishop \_\_\_\_\_ and the \_\_\_\_\_ Conference of the United Methodist church, we are so sorry that these circumstances exist.

United Methodist clergy make a covenant to serve Jesus Christ and his Church as examples of Christian service. Sexual contact between any person in a ministerial role of leadership and a congregant, counselee, employee, student, staff member, co-worker, or volunteer, (other than a spouse), is unethical and unprofessional behavior and an abuse of power.

I want to emphasize that the goals of the United Methodist Church's response to clergy sexual misconduct are biblical and seek justice, mercy, reconciliation and restoration.

**Comment:** *the above 2 paragraphs are not necessary if a criminal charge is the reason for the pastor's removal – that speaks for itself.*

In order to provide the congregation with an opportunity to face this issue as a community of faith, there will be an opportunity to meet with members of the Response Team for Congregations from the Great Plains Conference of the United Methodist Church on (date) at *(give location(s))*. The Response Team for Congregations consists of trained laity and clergy prepared to assist a congregation to recover from a traumatic experience like that of your church.

**Comment:** *In a criminal case, the police might ask to appear at the meeting to invite persons with any information to speak to them as well. One would hope the police would then leave the meeting. Press should be directed to speak to the Conference Communication Director. Members of the congregation who are members of the press should be asked to choose their role – press or congregant.*

The purpose of the Team's coming to be with you is to hear from anyone who feels the need to talk about any issue surrounding *(insert name of individual)*'s ministry and their feelings about what has been reported.

The Response Team for Congregations will be here to listen to your needs and minister to you as best they can. It is likely this process will involve dividing into several small groups of four or five in a group to prevent anyone from feeling intimidated about speaking what's on his or her mind or heart.

The invitation to attend this congregational meeting is open to adults.

***Comment: Use this in the version mailed to the congregation invited to a meeting – modify for oral statement use:***

So that we can appropriately plan for these meetings, please indicate your interest in attending on the enclosed self-addressed, stamped postcard, and return it immediately, Or, if you prefer, you may call \_\_\_\_\_(*insert #*) and leave a message indicating your desire to attend. Your cooperation in this way will help us design and prepare for this event in a way that is meaningful for everyone.

I hope you will take advantage of this opportunity. Your Pastor Parish Relations Committee and the Response Team for Congregations of the Great Plains Annual Conference are committed to help you.

You should also be aware that the Conference offers its services of care and concern to the various parties affected in these situations: the accused and his or her family, victim/s of ministerial misconduct and their families, affected congregations and those who are placed in a ministerial role following a pastor or congregational leader's exit. Please see me or a member of the Response Team for Congregations if you feel you require additional services to assist you in developing a plan to heal the brokenness that has resulted. *Might need to modify this statement, if this were a criminal charge – i.e., to avoid appearance of presumption of guilt.*

The Conference strives to help all who are affected yet hold persons accountable and keep them on track with facing the issues. We believe that a comprehensive approach like this can eventually lead to healing and reconciliation.

Although this is a difficult time in the life of this congregation, be assured that God is with you, just as in our personal lives it is often during the most challenging periods, we experience the grace of God, may it also be for your congregation. You and all who are involved are being held in prayer by Bishop \_\_\_\_\_and me. The Bishop and I will work with you to provide continuity in pastoral leadership. Please keep Pastor \_\_\_\_\_in prayer as s/he ministers among you.

I ask you to keep everyone affected by this situation in your prayers. Again, I am so sorry this has happened. Be assured that while we as Christians often fail to serve each other as we should, God's love never fails us.

A servant of Jesus,

*(spoken/signed by DS)*

## 10. The Importance of an Apology

*The first step to making a good apology is making sure you are sincere. In your apology make sure you acknowledge what you did was wrong, accept responsibility for your action, make attempts to atone for the wrong you committed, and give assurances that the transgression will not happen again.*

*Some people make the mistake of thinking they are apologizing, and yet not really apologizing for the act they are accused of. You can see this in examples such as, "I'm sorry if what I said upset you," or "I'm sorry you took it the wrong way," or "I'm sorry that you didn't understand what I was trying to say." You're not apologizing for the other person's feelings or for "making" them feel bad. You're apologizing for your own behavior or things you said. It may seem like an unimportant distinction, but it goes back to sincerity. The receiver of your apology has to hear that you are taking responsibility for your actions.*

*Specific apologies are best. Apologizing for all the past hurts you've caused another person, or for all your previous transgressions has a lot less impact than apologizing for the specific behavior or situation you're taking responsibility for.*

*Don't over-apologize or generalize the behavior you're apologizing for. People want to be reassured that this was a specific issue that can be fixed.*

- John M. Grohol, Psy.D.

<https://psychcentral.com/blog/how-to-make-an-adept-sincere-apology/>

*See samples of apology letters on next page.*

## Apology from Bishop

Dear \_\_\_\_\_(complainant)

On behalf of The \_\_\_\_\_ Conference of The United Methodist Church I write to express my appreciation for your decision to come forward with the information contained in your formal complaint of sexual misconduct against \_\_\_\_\_. I offer my sincerest apology for what you have experienced. You did nothing wrong. It is spiritual violence when sexual misconduct is committed by a ministerial leader. It is a clear violation of sacred trust. The abuse of inherent power in the leadership position will not be tolerated. And, again I say “thank you” for your willingness to report this conduct to our office.

In my position as bishop, I am responsible for the development of policy which provides preventative and corrective measures around the chargeable offense of sexual misconduct. Today, I offer a recommitment to this work. My office will review our policy to ensure it is clear regarding what constitutes sexual misconduct and precisely how and where to report incidences. We will make sure each local ministry setting receives the policy along with education about sexual misconduct and best practices for receiving information from an alleged victim. The policy will also be easily available through our conference website.

The United Methodist Church states our response to sexual misconduct will be one which hold persons accountable for behavior and offers healing for all affected. Resources will be provided for parties named in complaints as well as for staff and congregations within the local ministry setting where the offense took place. Funding will be made for each of these priorities.

If you have any questions after receiving this letter please contact my office. You remain in my prayers as I give God thanks for you, your witness, and pray that you experience deep, deep, peace in your life.

## Apology from Perpetrator

Dear (Survivor),

I am writing this letter to tell you how very sorry I am for my decision to violate my boundaries as a ministerial leader and perpetrate sexual misconduct. As your spiritual leader, I had a sacred trust which I dismissed when I engaged in these actions toward you. I am sorry. You did nothing wrong. Your decision to reach out to me during your personal life challenges (or for whatever reason) was the right thing to do. I chose to misuse and abuse the power I had as a leader, hurt you, and disrupt your spiritual foundation. For that, I am deeply sorry.

I know I have much work to do. And I know this apology will not mean much unless I am willing to do the long, hard work ahead of me. It is important for me to fully understand how I allowed myself to become a person who would commit such acts. If, at some time in the future, I am in a position to help people understand the sin of sexual misconduct, I am hopeful I will hold myself responsible to do so.

I pray that at some point in your healing you will be able to forgive me. I know for certain I may not receive it and may not be entitled to it. But I know I want to ask you for it.

If you have chosen to read this letter, I am appreciative.

## **Beatitudes of Reconciliation**

Blessed are those who are willing to enter into the process of being healed, for they will become healers.

Blessed are those who recognize their own inner violence, for they will come to know nonviolence.

Blessed are those who can forgive self, for they will become forgivers.

Blessed are those who are willing to let go of selfishness and self-centeredness, for they will become a healing presence.

Blessed are those who listen with compassion, for they will become compassionate.

Blessed are those who are willing to enter into conflict, for they will find resolutions.

Blessed are those who know their interdependence with all of creation, for they will become unifiers.

Blessed are those who live a contemplative life stance, for they will find God in all things.

Blessed are those who strive to live these beatitudes, for they will become reconcilers.

## **Contact Details**

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