

## **F. SEXUAL MISCONDUCT**

### **1. POLICY STATEMENT FOR DEFINING SEXUAL MISCONDUCT**

The North Texas Conference of the United Methodist Church affirms the *2016 Book of Resolutions*, *Sexual Abuse Within the Ministerial Relationship and Eradication of Sexual Harassment in the United Methodist Church and Society*, which states that sexual abuse within the ministerial relationship and sexual harassment within the Church are incompatible with biblical teachings of hospitality, justice and healing. In accordance with the current *Book of Discipline*, ¶161(F), we affirm that all human beings, both male and female, are created in the image of God, and thus have been made equal in Christ. As the promise of Galatians 3:26 states all are one in Christ, we support equity among all persons without regard to ethnicity, situation or gender.

Sexual abuse within the ministerial relationship occurs when a person within a ministerial role of leadership (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, co-worker or volunteer. (*2016 Book of Discipline* ¶161(I)).

Sexual harassment is any unwelcome sexual advance or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating or coercive. 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 abuse within the ministerial relationship involves a betrayal of sacred trust, a violation of the ministerial role and exploitation of those who are vulnerable. Similarly, sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue.

Misconduct of a sexual nature within the life of the Church interferes with its moral mission. The North Texas Conference stands in opposition to the sin of misconduct of a sexual nature in the Church and society at large and commits itself to fair and expedient investigation of any charge of sexual misconduct within the Church and to take action deemed appropriate and in compliance with the *Book of Discipline*. Further, the Conference bears affirmative responsibility to create an environment of hospitality for all persons, male or female, which is free of misconduct of a sexual nature and encourages respect, equality and kinship in Christ.

Because experiencing sexual abuse or harassment, and reporting such misconduct, can be difficult and frightening, we believe that the availability of trained advocates or support teams to assist victims of sexual misconduct is important, and we are committed to continuing support for the training and availability of such advocates or support teams.

We recognize that in any incident of sexual misconduct there may be many victims, including the family, friends, and congregation of the direct victim and of the person who

has engaged in the misconduct. We therefore affirm as continuing goals for the Conference not only the resolution of complaints and the reconciliation of persons directly involved, but also the healing of all such indirect victims of the misconduct.

Sexual misconduct involving a clergy person should be reported to the clergy person's district superintendent or the presiding bishop. Misconduct involving paid staff, volunteers or other non-clergy persons should be reported to the pastor-in-charge, if any, or to other appropriate persons in accordance with guidelines and procedures that may be adopted by the Conference, by local churches or by other appropriate bodies within the Church.

The North Texas Conference is committed to the continuing, broad dissemination of this Policy Statement and of any guidelines and procedures adopted by the Conference, and to the continuing education of clergy and lay persons within the Conference for the purpose of preventing sexual misconduct and increasing awareness and understanding of the Conference's relevant policies and procedures.

## **2. PROCEDURES FOR REPORTING CLERGY SEXUAL MISCONDUCT INTRODUCTION**

The North Texas Conference will not tolerate and is committed to the eradication of sexual misconduct by its clergy. The ministerial office is a position of great trust, power and responsibility, offering the opportunity for unique relationships of grace and caring. Sexual misconduct is one of the gravest violations of this trust.

These Procedures provide a process for reporting incidents of clergy sexual misconduct within the North Texas Conference. They seek to create a safe, non-threatening environment in which aggrieved persons will feel comfortable revealing allegations of sexual misconduct. It is a continuing goal of these Procedures to provide an opportunity for a reconciliation and resolution that respects and protects the rights of all parties and that acknowledges the sacred trust between clergy and the persons they serve. They are not intended to supplant or substitute for the formal complaint process set forth in the 2016 *Book of Discipline*. The use of these Procedures is voluntary, and the failure to utilize or follow them is not a chargeable offense nor can it be used as grounds for an appeal of the result of any formal complaint, review, investigation, or trial process.

The implementation of these Procedures shall be under the supervision and control of the Bishop and District Superintendents, who shall have the authority to interpret and apply the Procedures.

## **STANDARDS OF PASTORAL CONDUCT**

Pastors are accountable for their behavior with respect to the emotional, spiritual and physical well-being of persons who come to them for help or over whom they have any kind of authority. Breach of this pastoral relationship through sexual misconduct is unethical and abusive, even when sexual activity is initiated by the person to whom the

pastor is ministering. Because of the trust and imbalance of power in such relationships, the person being ministered to must be presumed to be unable to give meaningful consent to any sexual activity with the pastor.

Because pastors often deal with individuals who are emotionally fragile and vulnerable, it is imperative that pastors:

1. be healthy psychologically, emotionally, and spiritually themselves;
2. have adequate preparation and education for helping individuals under their care;
3. have continued supervision in dealing with the inherent risks caused by dependency and/or transference; and
4. have the information necessary to make appropriate referrals.

Pastoral self-discipline requires self-awareness and takes the Christian standards and ordination vows seriously. Personal integrity and mature professional conduct must be brought to all relationships by every pastor in the North Texas Conference. The highest ethic of the pastor similarly prohibits any sexual behavior with a parishioner entrusted to his or her sacred care.

All clergy, single or married, have the responsibility of developing healthy personal relationships. Married clergy have covenanted to nurture and maintain their marriage relationship. When relational or sexual difficulties are present in a pastor's life, appropriate measures to address the difficulties should be taken.

Pastors who are appointed to parishes where there has been alleged sexual misconduct of their predecessor find themselves burdened with the inevitable consequences arising from the misconduct of a colleague. There is a tension between caring for a colleague and caring for the covenant of the pastoral ministry. By "protecting" a colleague, we risk perpetuating a relationship or pattern of abuse and victimization. This compromises the credibility and practice of Christian faith and ministry. Thus the present pastor should take immediate steps, consistent with these Procedures, to address the alleged misconduct.

The procedures for dealing with clergy sexual misconduct place an unfair and unavoidable burden on the victim of such misconduct. It is in the best interest of the church to empower the laity through education and open discussion about what standards of conduct they may expect from their pastors.

## **DEFINITIONS**

For purposes of these Procedures, the following definitions shall apply:

"Sexual misconduct" includes sexual abuse and sexual harassment, as such terms are defined in the Policy Statement. Sexual misconduct may include inappropriate physical contact or verbal behavior, including, for example, behavior that creates a hostile or intimidating environment and the explicit or implicit use of power or authority to coerce

someone into sexual contact. Because of the imbalance of power inherent in ministerial relationships, sexual contact between a pastor and someone with whom he or she has a ministerial relationship constitutes sexual abuse even if the other person consents to or initiates the contact. More subtle behavior not involving physical contact may also constitute sexual misconduct. Further discussion and examples of sexual misconduct are included in the brochure entitled “Maintaining Healthy Relationships: What You Should Know About Clergy Sexual Misconduct,” prepared and distributed by the Division of Conference Relations of the Board of Ordained Ministry of the North Texas Conference.

An ‘allegation’ is an initial report, either verbal or written, of an alleged incident of clergy sexual misconduct.

A ‘complaint’ is a written and signed statement claiming misconduct, as set forth in ¶362 of the *2016 Book of Discipline*.

An “aggrieved person” is a person who has experienced sexual misconduct by a pastor.

The terms “clergy” and “pastor” shall refer 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.”

A “Resource Person” is 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.

The Congregational Assessment, Response and Transformation (CART Crisis Team) is the group given responsibility by the bishop to maintain the Resource Person program and lend guidance and accountability to the North Texas Conference in regards to abiding by the Sexual Misconduct Policies and Procedures.

## **CONFIDENTIALITY AND REPORTING**

Allegations of sexual misconduct should be kept in the strictest of confidence and disclosed only at the times and under the circumstances specifically provided in these Procedures. The spread of such allegations or accusations between colleagues in ministry or within congregations is harmful to the aggrieved person, the accused and to the integrity of the processes outlined in these Procedures and in the current *Book of Discipline*.

However, when clergy sexual misconduct occurs, the protection of victims, both past, present, and potential, requires that the misconduct be reported. Because of the covenant with the church which is an integral part of the pastoral office, it is a pastor’s responsibility to call an offending pastor into account by immediately reporting

information about sexual misconduct to his or her District Superintendent, the District Superintendent of the accused or the Bishop.

Pastors who become aware of an alleged incident of sexual misconduct by another pastor are to do their utmost to encourage and support aggrieved persons and to assist in the initiation of an allegation as provided in these Procedures. Every allegation of sexual misconduct must be taken seriously, and in no case should a pastor judge the validity of the allegation.

The requirement of confidentiality shall not prevent the Bishop or the District Superintendents from discussing allegations and related information with affected congregations, Staff Pastor-Parish Relations committees or others to whom it is necessary to make such disclosure, in accordance with the Book of Discipline, in order to protect actual or potential victims, to promote healing or for other appropriate purposes.

Although truth-telling is essential, respect must also be given to the role of pastors in receiving confessions and the sanctity of confidential relations. Nothing in these Procedures shall be deemed to require or permit a pastor to report or reveal information received in confidence as contemplated by ¶341.5 of the *2016 Book of Discipline* and relevant decisions of the Judicial Council.

## **PROCEDURES**

When sexual misconduct is alleged against a pastor, persons bringing allegations will be received in a respectful and caring manner. All allegations will be considered worthy of full investigation, with due respect for the presumption of innocence. Care will be taken to deal fairly and promptly with all those involved. This includes the aggrieved and his/her family, the accused and his/her family and the congregation or other institution.

The following procedures are established to facilitate the reporting of allegations of clergy sexual misconduct:

1. Aggrieved persons are encouraged to contact a District Superintendent, the Bishop or the designated representative of the CART Crisis Team. Any of these contacts may refer the aggrieved to a Resource Person. An allegation may be brought by the aggrieved person or by anyone who has verifiable knowledge or reasonable indication of sexual misconduct and is willing to pursue a resolution. This may include, for example, a pastor or lay person in whom the aggrieved person has confided or who has reliable information from other sources about the misconduct.
2. The District Superintendent, the Bishop to whom the allegation is brought or the Resource Person to whom the aggrieved has been referred shall explain these Procedures to the aggrieved person or other person bringing the allegation and advise them that use of the Procedures is not a prerequisite to an aggrieved person's ability to bring a formal complaint.

3. If an allegation is brought initially to a District Superintendent, the District Superintendent shall advise the Bishop that the allegation has been received. If the aggrieved person has not requested a Resource Person and desires one, the Bishop may assign one to assist and support the aggrieved person.

4. The Resource Person assigned shall provide full assistance to the aggrieved person throughout the process, including the following:

1. confirming that the aggrieved person understands these Procedures and the procedures contained in the *Book of Discipline*;
2. verifying and clarifying the allegation with the aggrieved person; and
3. requesting the aggrieved person to prepare, with the assistance of the Resource Person as needed, a written statement of the allegation, which shall include a description, in reasonable detail, of the alleged sexual misconduct and related events, circumstances, and dates.

5. If a complaint is forwarded to the Bishop or a District Superintendent, ¶363 of the *2016 Book of Discipline* shall determine the process to be followed. These Procedures are not intended to limit in any way the actions the Bishop or District Superintendents may take in connection with their supervisory response to a complaint of sexual misconduct or to impose any duties on them inconsistent with the *2016 Book of Discipline* or relevant decisions of the Judicial Council. The Resource Person may continue to assist and support the aggrieved person throughout the complaint process and may attend all meetings held in connection with the process.

6. Strict confidentiality shall be maintained before, during and after the conduct of the process outlined in these Procedures, and information regarding allegations shall be disclosed only in such manner and to such persons as specifically provided herein.

7. Because of the pain and disruption that necessarily accompany sexual misconduct, it may be necessary for certain actions to be taken following the conclusion of the processes outlined in these Procedures and in the *2016 Book of Discipline*. The Bishop and District Superintendents are encouraged to take or require such actions as they deem necessary and appropriate in their best judgment, which actions may include, for example, processes for healing within the affected congregation or institution, further resolution of unresolved conflicts and support or counseling for aggrieved persons or accused pastors.

These Procedures establish a process for reporting incidents of sexual misconduct by any pastor (as defined above). They are not designed to address allegations or complaints of sexual misconduct by the Bishop or a District Superintendent. Persons who believe they have been affected by sexual misconduct by the Bishop or a District Superintendent may contact one of the Resource Persons for information and assistance in bringing a complaint in accordance with procedures contained in the current *Book of Discipline*.

## **RESOURCE PERSONS ON THE ISSUE OF SEXUAL MISCONDUCT**

Resource Persons are volunteer laypersons who have been trained to provide assistance to persons who believe they have been victims of clergy sexual misconduct. Resource Persons represent the interest of aggrieved persons at all times and shall support the aggrieved persons throughout the process. Resource Persons are expected to work cooperatively with the Bishop, the district superintendents and the CART Crisis Team.

Resource Persons shall be the initial point of contact with those procedures for any persons who desire to use them. A Person who believes that she/he may have been the victim of clergy sexual misconduct need not register an allegation or complaint and does not have to identify her/himself when requesting a Resource Person and making an initial contact.

Functions performed by Resource Persons shall include:

1. Explaining the church's processes and procedures
2. Providing resources and referrals
3. Helping the aggrieved person prepare a written summary of the allegation and if necessary, a formal complaint when requested by the aggrieved person.
4. Accompany the aggrieved person to meetings held in connection with the Procedures or in connection with the complaint process as allowed in the current *Book of Discipline*.
5. Calling to attention of the Bishop and the CART Crisis Team any hostile, vindictive, or insensitive situations that arise during the process or any failure to properly follow the Procedures or the complaint process outlined in the current *Book of Discipline*.
6. Giving feedback to the CART Crisis Team regarding the process.

## **CART CRISIS TEAM**

Under the direction of the Bishop or persons acting at the Bishop's direction, the CART Crisis Team shall have the authority and responsibility for administering the Resource Person Program, to recruit volunteers to serve as Resource Persons, to provide training and continuing education for Resource Persons, to provide annual training for the chairpersons of Staff Parish Relations Committees of the North Texas Annual Conference, and to broadly disseminate and make readily available information about the Resource Person Program.

## **RECRUITING AND TRAINING OF RESOURCE PERSONS**

The CART Crisis Team recruits individuals to become Resource Persons who are known to have the qualities needed for this sensitive volunteer role. The CART Crisis Team delegates one of its members to speak with the District Superintendent of the applicant's home church prior to discussing the invitation with the individual. Then the CART Crisis Team invites the individual to complete an application form, which includes education,

work history and an authorization for a criminal background check. All applicants are interviewed by a subcommittee of the CART Crisis Team prior to being recommended to the Bishop, who writes a letter appointing the Resource Person.

The North Texas Conference is committed to the continuing education and proper training of Resource Persons. Initially, Resource Persons shall attend training recommended and planned by the CART Crisis Team, which will include the following areas:

1. roles and expectations of the Resource Person(s);
2. local organization of the United Methodist Church;
3. leaders and their leadership positions in the North Texas Conference;
4. church and community resources;
5. the North Texas Conference Policy Statement on Sexual Misconduct and Procedures for Reporting Incidents of Clergy Sexual Misconduct; and
6. The *Book of Discipline* and relevant Judicial Council rulings.

The CART Crisis Team will maintain contact with the Resource Persons and offer periodic education and training.

### **3. EDUCATION WITHIN THE CONFERENCE RELATING TO SEXUAL MISCONDUCT**

#### **DISSEMINATION OF POLICIES AND PROCEDURES**

The Bishop, District Superintendents, and Resource Person(s) shall each have a copy of and thoroughly know the Policy Statement on Sexual Misconduct, Procedures for Reporting Clergy Sexual Misconduct in the North Texas Conference and be responsible for distributing such Policy and Procedures to clergy and local church chairs of Staff Parish Relations Committees, Administrative Councils, United Methodist Men, and United Methodist Women annually as these persons are elected. The clergy and the chair of the Staff Parish Relations Committee of every local church in the North Texas Conference shall have a copy of and be familiar with the Policy Statement on Sexual Misconduct, Procedures for Reporting Clergy Sexual Misconduct in the North Texas Conference and the complaint process outlined in the current Book of Discipline.

The Policy and Procedures of the North Texas Conference will be available to anyone who requests a copy.

Local churches will make available to their congregations copies of the brochure entitled “Maintaining Healthy Relationships: What You Should Know About Clergy Sexual Misconduct” and publish the name and telephone numbers of the District Superintendents and Core Leadership Team contact (s). Throughout the year, copies of the brochure will be placed in accessible locations within local churches. (An electronic copy of the brochure can be found on the North Texas Conference website at <http://www.ntcleadership.org/#/spprc-tool-kit>.)



## **TRAINING AND EDUCATION**

The North Texas Conference shall provide training to educate the clergy and laity about the complaint process in the event of allegations of sexual misconduct and to heighten awareness of the clergy and laity about the seriousness of the problem of sexual misconduct, thereby aiding in the prevention of this problem in our local churches.

The goals of the training include the following:

1. to explain the abuse of power and dynamics of trust in abusive relationships;
2. to provide behavioral definitions of sexual abuse and sexual harassment;
3. to describe the impact on the victim, the perpetrator, the families, and the church;
4. to explain the Policy and Procedures of the North Texas Conference and the United Methodist Church regarding sexual misconduct;
5. to explain legal responsibilities regarding minors;
6. to introduce the Resource Person(s) and clarify their role;
7. to define the risk to church vitality, attendance and giving, liability to individuals, congregations, and the annual conference;
8. to discuss the importance of healing and how the church is an agent in the healing process;
9. to explain the need for preventative measures;
10. to discuss the importance of local church policies and procedures addressing issues of sexual misconduct;
11. to distribute copies of the brochure entitled “Maintaining Healthy Relationships: What You Should Know About Clergy Sexual Misconduct,” and to explain its purpose and educational use; and
12. to provide resources for local churches

Training will be provided separately for clergy and laity. Professionals from the General Commission on the Status and Role of Women and/or others trained and knowledgeable about the issues of sexual misconduct will conduct the training.

The Board of Ordained Ministry, specifically the Committee on Conference Relations and the Residency Committee (who may choose to seek help from the chairs of the Order of Deacons, Order of Elders, Fellowship of Local Pastors, Fellowship of Diaconal Ministers, the CART Crisis Team and/or the Cabinet), will be responsible for planning and organizing the training for clergy and diaconal ministers. Pastors and diaconal ministers from every local church or charge in the North Texas Conference and those in extension ministries and the District Superintendents will receive an announcement regarding the clergy training. Clergy and diaconal ministers will be expected to attend training a minimum of once every four years. Particular attention will be given to insuring the training of new pastors in the conference (through the residency program and district training events).

With the help of the Board of Laity, and the District Superintendents, the CART Crisis Team will offer training to the laity through the District Training events in January.

#### **4. RESPONSIBILITY OF THE LOCAL CHURCH**

Each local church shall establish its own policy statement on sexual misconduct, consistent with the *Book of Discipline* and the policy statement of the North Texas Annual Conference, and shall establish guidelines and procedures for resolving incidents of sexual misconduct by persons other than clergy, including paid staff, counselors, lay volunteers and others.

#### **5. PRIORITY OF THE BOOK OF DISCIPLINE**

If any provision of these Procedures is in conflict with the *Book of Discipline*, the current *Book of Discipline* shall prevail.