



THE UNITED METHODIST CHURCH

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ALERT

To: Local United Methodist Churches

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Re: Local Church Policy Statement on Sexual/Gender Harassment and Misconduct of a Sexual Nature

General Conference has directed local churches to develop policy statements on misconduct of a sexual nature and reducing the risk of child abuse in the Church. General Conference policy also calls for increased opportunities for education of church leaders and grassroots members. This updated packet of information is designed to help your church address this important topic.

Why Develop a Policy

There are five critical reasons that you should develop a policy, if you have not already done so:

- (1) A local church is a sanctuary and all persons need to feel safe there; a policy statement is a first step toward preventing sexual/gender harassment and misconduct of a sexual nature because it is a strong pronouncement that the church is a sanctuary and that misconduct **will not** be tolerated;
- (2) The U.S. Supreme Court in recent decisions made it clear that policies are crucial in defending sexual harassment litigation;
- (3) When misconduct occurs, the local church is seriously harmed, just as the immediate victims are harmed; members lose their deep religious faith; members are in conflict with one another and with the church; and the church may become involved in a painful lawsuit(s); again, a policy statement is the first step toward preventing harassment and misconduct of a sexual nature and thus can help avoid these deeply painful and financially devastating problems;

- (4) Policies also serve as an educational tool and a very important part of prevention;
- (5) General Conference has directed local churches to do so.

Key Components of a Policy

A policy statement for a local church should include the following key components:

- Underlying theological and denominational position;
- Definitions and description of what conduct is prohibited in language that is clear and understandable;
- Alternative mechanisms for reporting sexual/gender harassment and misconduct of a sexual nature (for lay misconduct and for clergy misconduct);
- A commitment to promptly and thoroughly investigate any and all allegations of harassment and misconduct, with appropriate corrective action;
- A statement about confidentiality;
- Affirmation that persons who report harassment or misconduct will not be retaliated against, that anyone with knowledge of alleged wrongs is expected to come forward, and that persons who give false information and/or reports will be disciplined.

Sample Policy

We have prepared a sample policy statement designed for use by local churches that includes all of these key components (enclosed). We encourage you to use it as a model to develop your own policy. You will want to modify it to fit your own unique needs. When you have completed your own draft of a policy statement, **please** have it reviewed by local legal counsel for compliance with state laws and regulations and to ensure that it fully meets your unique needs. GCFR and GCOSROW cannot serve as counsel or advisor to local churches and are providing the sample only to help local churches see how a basic policy statement might look.

The sample policy that we are providing is very simple in nature. It does not describe **procedures** for addressing misconduct once it has been reported. Churches no doubt will need to address procedures for responding to allegations of misconduct, keeping in mind that there are already procedural requirements set forth in the *Book of Discipline* with respect to complaints against clergy. We recommend that **procedures** for addressing misconduct be handled in a document that is separate from the policy statement, for four primary reasons that stem from our day-to-day experience with these matters: (1) policy statements which include detailed procedures may not be read or easily understood by all; (2) policy statements which include detailed procedures are more likely to be overturned by the Judicial Council; (3) procedures should be more fluid than a policy statement, with opportunity for easy revision to meet the needs of the organization; (4) the purpose of procedures is to give a set of guidelines on the "how to," for those who have the responsibility to address complaints of misconduct.

In addition, *The 2000 Book of Resolutions* calls for every local church to have policies to protect children and youth from abuse (page 181)! An outstanding resource specifically designed to assist with this task and to address the protection of children and youth in a comprehensive fashion is *Safe Sanctuaries, Reducing the Risk of Child Abuse in the Church*; by Joy Melton (Discipleship Resources, 800-685-4370, Item #DR220; also available through Cokesbury, 800-672-1789). It contains theologically grounded sample policies, plus wonderful information on education, prevention and intervention. Again, each local church should consider its unique needs, circumstances, and state law in developing a custom policy for workers with children and youth. For further information and assistance on the protection of children and youth, contact Peggy Halsey, National Program Division of GBGM (212-870-3833, phalsey@gbgm-umc.org), or Mary Alice Gran, General Board of Discipleship (877-899-2780 ext 7143, mgran@gbod.org).

Screening

As a part of your discussion and development of policies and educational material on misconduct of a sexual nature, we encourage you to consider carefully the pros and cons of screening applicants for certain positions. Screening can be an especially important consideration for volunteers and staff who work with children and youth. It is also becoming more and more of an issue for clergy as well. Many larger churches have developed a standard process for screening any and all persons (clergy and lay) who work with children and youth or have an opportunity to be in their presence. However, a great deal of work remains to be done in this area, and local churches that are not consistently screening (or carefully weighing the issue and making an informed decision) may be at legal risk. GCFA and GCOSROW both have resources on screening if you need help in this area. Resources on screening are also available from the following organizations:

- 1) American Camping Association (765-342-8456, www.acacamps.org)
- 2) Nonprofit Risk Management Center (202-785-3891, www.nonprofitrisk.org)
- 3) National Foundation to Prevent Child Sexual Abuse (703-820-1040, www.childsexualabuse.org)
- 4) State police in your area
- 5) Local school district

Convicted Sex Offenders

Some churches now face the challenging task of welcoming convicted sex offenders back into the church community while at the same time ensuring that vulnerable persons in the church are not in harm's way from perpetrators who are struggling to overcome addiction. With special gratitude to Peggy Halsey (GBGM), the denominational sexual ethics work team is developing a resource to help local churches address this issue, with a hopeful publication date of later this year.

Judicial Council *Decisions*

You may wish to review the recent Judicial Council *Decisions* that have addressed sexual misconduct policies. Enclosed is a memorandum that summarizes these key *Decisions*. The full decisions are available at www.umc.org (click on "Church Library" then "Judicial Council").

Education

Ongoing and repeated education of church leaders, members, and staff is important in conjunction with the development and adoption of a policy statement and to help assure ongoing compliance in years to come. Education also helps church leaders, members, and staff gain awareness of and sensitivity to behaviors that might be viewed as harassing or abusive. Education helps church leaders understand how to prevent harassment and misconduct; how to respond appropriately to complaints and allegations; how to investigate; follow-up steps; etc. Numerous opportunities for education are available from various sources:

- (1) Seminars/workshops through the annual conference, experts and professionals in your community, or other sources.
- (2) Some additional resources include:
 - (A) Harassment, Misconduct and Respecting Personal Boundaries:
 - 1) "*Ask Before You Hug: Sexual Harassment in the Church*" - This 31 minute video is intended for use in local churches and congregations as members learn to recognize inappropriate behavior, identify sexual harassment and develop appropriate responses. The video includes several church ministry scenarios with discussion. (Available from EcuFilm 800-251-4091). Note: This video resource is not intended for use in the congregation known to have experienced misconduct.
 - 2) "What You in the Congregation Need to Know About..." - This brochure is available from GCOSROW to help laity in a local church understand clergy misconduct in the ministerial relationship; copies are available from GCOSROW (800-523-8390, www.gcsrw.org).
 - 3) "*Not in My Church*" - This video on prevention of clergy misconduct: sexual abuse within the ministerial relationship is one of the educational and training resources available from the following interreligious organization:

The Center for the Prevention of Sexual and Domestic Violence
936 North 34th Street, Suite 200
[Note: new street address as of 4/21/01: 2400 45th Street, #10]
Seattle, WA 98103
(206-634-1903)
www.cpsdv.org

(B) Protecting Children and Youth:

- 1) "*Caring Shepherds*" - This 18 minute video is designed for use by local church leaders as they begin to identify potential problems of child abuse or sexual misconduct, and develop a prevention program. (Available from GCFA, Risk Management Department, 847-425-6569).
- 2) *Safe Sanctuaries: Reducing the Risk of Child Abuse in the Church*. A video produced by The General Board of Discipleship in cooperation with The General Board of Global Ministries, 1998; Phone (800) 685-4370. Order item #DR220. Also available through Cokesbury.

(C) Risk Management:

- 1) Some insurance carriers have educational materials designed to assist their insureds in preventing misconduct and harassment. Call your insurance carrier or broker for more information about what resources might be available.
- 2) Nonprofit Risk Management Center: A variety of resources on these topics is available; 202-785-3891, www.nonprofitrisk.org.

(D) Personnel Issues:

- 1) Personnel chapter of the *2001-2004 GCFA Legal Manual*, available through the GCFA legal department for \$15 (847-425-6534); order form at www.gcfa.org/LMOrderForm.pdf.

(E) Helpful Web Sites:

- 1) www.gcsrw.org (The General Commission on the Status and Role of Women)
- 2) www.gcfa.org (The General Council on Finance and Administration)
- 3) www.ACAcamps.org (American Camping Association)

- 4) www.AEPPP.org (Associates in Education and Prevention in Pastoral Practice)
- 5) www.cpsdv.org (The Center for Prevention of Sexual and Domestic Violence)
- 6) www.csbsju.edu/isti (Interfaith Sexual Trauma Institute located at St. John's Abbey, Collegeville, Minnesota)
- 7) www.gbod.org (The General Board of Discipleship; Go to Discipleship Ministries and click on "Children's Ministries" and "Camping and Retreats")
- 8) www.gbgm-umc.org (The General Board of Global Ministries; Click on "Search GCGM" and specify topic)
- 9) www.nonprofitrisk.org (The Nonprofit Risk Management Center)
- 10) www.Cokesbury.com (Cokesbury resources)
- 11) www.discipleshipresources.org (Discipleship Resources)

Here are some examples of the types of training opportunities that some churches have offered, covering a range of topics:

- 1) Basic training on harassment and misconduct, for all new staff and as a refresher for existing staff
- 2) Maintaining professional boundaries
- 3) Building healthy relationships (training laity and clergy together)
- 4) Specific training for persons with special roles (*e.g.*, congregational care teams, mediators, others who provide support, etc.)
- 5) Specific training for special settings (*e.g.*, summer youth trips, camps, missions)
- 6) Specific training for all persons who work with children and youth (*e.g.*, nursery, Sunday school, day care, parent's day out, preschool, etc.)
- 7) Employment (*e.g.*, for PPRCs, staff and volunteers who work with staff)
- 8) Risk management

Dissemination of the Policy

The U.S. Supreme Court and Equal Employment Opportunity Commission have made it clear that simply creating a policy is not enough. Organizations must take active steps to disseminate the policy to all staff. Posting the policy on a bulletin board by itself is not adequate! Active steps must be taken to ensure that all staff and leaders have the policy (now and in the future) and understand it. Active steps must also be taken to follow the policy. Examples of ways you can ensure adequate dissemination of the policy:

- Give it to all new staff on their first day of employment;
- Post it on the bulletin board;
- Give it to all leaders and volunteers;
- Put it in the church newsletter once a year;

- Review annually with all staff, leaders and volunteers and also at charge conferences and church council committee meetings;
- Post it on your church's web site;
- Ask all staff to acknowledge receipt of the policy in writing;
- Add it to your personnel manual.

In summary

It is important to remember that policy documents are intended to be used for education, prevention and for guidance on appropriate responses to incidents of harassment and misconduct. A simple policy statement on harassment and misconduct sets the tone and foundation for the church's comprehensive response. Even if your church already has a policy statement, we hope this packet will inspire and encourage you to review existing policy(ies), to prepare or update basic policy statements, to develop guidelines for prevention, response and intervention specific to ministerial settings (such as children and youth), and provide educational opportunities.

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

Enclosures

cc: Annual Conference COSROW Chairpersons
GCOSROW Members
GCFA Members
GCFA Committee on Legal Responsibilities
Denominational Sexual Ethics Work Team
Children's Ministries Workers

SAMPLE

LOCAL UNITED METHODIST CHURCH BASIC POLICY STATEMENT ON SEXUAL AND GENDER HARASSMENT AND MISCONDUCT OF A SEXUAL NATURE

The _____ United Methodist Church affirms *The 2000 Book of Resolutions, Sexual Abuse Within the Ministerial Relationship and Sexual Harassment Within the Church*, 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 2000 Book of Discipline*, ¶161F, 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 3:26-29, 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.

Sexual harassment is any unwanted 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 or intimidating or coercive behavior that threatens or results in a tangible employment action (*Book of Discipline* ¶161I).

Gender harassment is behavior that is harassing in nature against a woman because she is a woman and against a man because he is a man.

Sexual harassment is any unwanted 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 (*Book of Discipline* ¶161).

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, gender or sexual harassment are usually understood as exploitations of power relationships rather than as exclusively sexual or gender issues.

Sexual and gender harassment, sexual abuse and misconduct of a sexual nature within the life of the Church interfere with its moral mission. _____ United Methodist Church prohibits and will not tolerate these behaviors, which are sinful, demeaning, abusive and wrong. The _____ United Methodist Church commits itself to fair and expedient

investigation of any complaint of sexual and gender harassment, sexual abuse or misconduct of a sexual nature within the church and to take action deemed appropriate and in compliance with the *Book of Discipline*. Further, the _____ United Methodist Church bears affirmative responsibility to create an environment of hospitality for all persons, male or female, which is free of these sins and encourages respect, equality and kinship in Christ.

Some instances of harassment can be resolved informally by conversation between the parties or facilitated mediation. In all other instances, the conduct must be reported immediately to the chair or another member of the Pastor-Parish Relations Committee and the pastor in charge. If the conduct involves the pastor in charge or another clergy person, it must be reported to the pastor's supervisor, district superintendent or the bishop.

The _____ United Methodist Church will not retaliate against any person who brings forward a complaint. All staff leaders and members are expected to immediately report any knowledge of harassment, abuse or misconduct to any one of the persons listed above. Prompt and appropriate investigation and corrective action will be taken, including discipline. Persons who make false accusations will be disciplined.

While the _____ United Methodist Church cannot guarantee absolute confidentiality, it will make every reasonable effort to maintain confidentiality by disclosing information about the complaint only on a "need to know" basis and as necessary to promote God's call for justice, reconciliation and healing.

Anyone who has any questions or concerns about this policy or the issues addressed is encouraged to air those questions or concerns to the PPRC or _____.

