RS-201 – LAY SEXUAL MISCONDUCT POLICY  
(Submitted by James McPhee, Assistant to the Bishop and Director of Connectional Ministries)  
( Adopted after amendment, at the Saturday Morning session, June 20, 2009)

INTRODUCTION
Since 1997, The New England Annual Conference has had a Clergy Sexual Misconduct Policy and Procedure. In 2003, the Annual Conference instructed the Steering Committee for the Response and Intervention Team to draft a policy concerning sexual misconduct by laypersons, thus recognizing that clergy are not the only leaders in the church that may be accused of, or subjected to, sexual misconduct. The following policy outlines the process for handling complaints of lay sexual misconduct. It also is intended as a teaching tool for our churches and our Annual Conference as we all strive to maintain our congregations as safe environments for all. We offer this policy with the hope that open discussion and sharing will take place in our churches and Annual Conference about respecting the personal boundaries of others so that our churches may truly be safe and open places for all God’s people.

THEOLOGICAL PROLOGUE
We celebrate that all persons are created in the image and likeness of God and are called, through Jesus Christ, to be in life-giving relationships with God and other persons. As we live in these life-giving relationships within our congregations, we come to recognize and affirm that all life is contingent upon the grace of God.

We believe that the Church of Jesus Christ is created to be one community with each member holding a significant presence and purpose. When any part of the community is injured, physically, emotionally, spiritually, or relationally, the well being of the whole community is violated and all suffer.

When sexual exploitation and other power abuse occur, the entire community suffers. The purpose of a Lay Misconduct Policy and Procedure is to help define boundaries for living together, to develop a process to deal with lay misconduct, and to provide resources to bring healing and restoration to the church community.

DEFINITIONS
Sexual Misconduct includes all expressions of sexual and gender harassment, exploitation and abuse as well as sexual abuse within the relationships of our covenant communities. It includes sexual harassment, which is defined in The 2008 Book of Discipline, paragraph 161(I) as,

“Any unwanted sexual advance or demand, either verbal or physical, which 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 an exclusively sexual issue. 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.”

Descriptive examples of sexual misconduct include, but are not limited to, the following:
1. Improper verbal and visual behavior: the inappropriate use of sexually explicit words, gestures or images including pornography.
2. Seductive behavior: inappropriate and offensive behavior, but without threat of repercussion.
3. Sexual bribery: solicitation of sexual activity or other sex-related behavior by promise of rewards.
5. Sexual imposition: gross sexual imposition like prolonged gazing, fondling, grabbing, assault or rape.

ASSUMPTIONS
1. Justice requires providing a setting in which the complainant may share her or his story and be heard with openness and compassion; providing a means by which judgment can be made as to the validity of the complaint; and providing clear, consistent steps, known to all participants, which will lead to achieving justice. Such steps may include: protecting the vulnerable, calling the abuser into account by confrontation and the imposition of consequences, providing pastoral care and vindicating the victim or the accused person if the complaint is deemed not valid.
2. If there is suspicion of child sexual molestation or harassment one should be familiar with relevant state law and abide by it.
3. In this policy a “complainant” is understood to be a person who submits a written and signed complaint. While a complainant may also be an alleged victim, the Policy of the New England Conference does not assume that the complainant is an actual victim. The complainant may be someone other than the person against whom the alleged offense was committed. The term "victim/survivor" will be used for the person against whom the offense was committed if the accused person makes a confession of misconduct or is proven to be guilty.
4. When sexual misconduct occurs, there are many victims: the person(s) who has been abused, the
spouse(s) and families of the abused person(s), the spouse and family of the accused person, and the congregation(s) and the larger community surrounding them. While all these victims are not addressed by current disciplinary procedures of the United Methodist Church, all are hurt when sexual misconduct occurs. The Response and Intervention Team of the Conference will be available to provide care for the accused person and family, the complainant(s) and families, as well as appropriate intervention on behalf of the congregation(s) or the larger community. When allegations of sexual misconduct are made, the complainant(s), the alleged victim(s), and the accused person, will receive sensitive and respectful care from the Response Team. Justice for the accused person will also be sought. Reasonable care will be taken to protect the privacy of the accused person, the complainant(s) and the victim(s).

POLICY FOR HANDLING LAY MISCONDUCT COMPLAINTS

1. Initial Steps
Anyone who feels that he/she has experienced sexual misconduct by a member of the congregation should first contact the pastor of the congregation and/or the SPRC (Staff Parish Relations Committee) or PPAC (Pastor Parish Relations Committee) chair and/or the District Superintendent. It will often be the pastor who will need to respond to the situation of alleged misconduct or inappropriate behavior. Allegations may come in a number of ways including verbally, electronically, in a note, or through a phone call. The person(s) receiving the allegations should always listen carefully and seriously and, if the allegation/complaint is coming second hand, try to clearly determine who has direct knowledge of the alleged conduct or incident.

The District Superintendent should be notified, either by the pastor, SPRC/PPRC chair, or the complainant. The Response and Intervention Team may also be called in by the District Superintendent. The Team Case Manager will deploy Team members who, together with the District Superintendent, will be in contact and be on call to support the complainant(s), the accused, and the local congregation.

(Members of the Pastor/Parish Committee, Lay Leaders, and other key lay persons and staff of the local church as well as District Superintendents and other Conference personnel should have the contact information for the Team Case Manager and a current list of Response Team members.)

The person against whom the allegation is made must be removed from leadership, service or ministry until a process of fact-finding and or investigation is completed.

As allegations are made and heard, all parties are encouraged to take one or more of the following actions:
1) Keep a diary listing contacts, conversations, as well as the details of any alleged offenses.
2) Understand the procedures available within this policy and The Book of Discipline for dealing with the problem.
3) When appropriate, consider a referral to a professional counselor. The Response and Intervention Team will compile a list of these persons as a resource for the particular geographical area.

2. Fact-Finding and Filing a Written Complaint -- For persons in local churches
All those involved in such a difficult circumstance – complainant, congregation, pastor, and accused – should not neglect their prayer life. The connection with God especially needs to be fostered in such a time. Active support from a Spiritual Director or prayer group or supportive spiritual friend may be crucial.

In the initial meeting with the complainant and/or alleged victim, the focus needs to be on clarifying the facts of the allegation. A third party, SPRC member or lay leader will be present as listener in this initial meeting. Trauma, fear, anger, loss of trust and powerful memories will likely be present with the person making the allegation. With gentleness, the facts need to be clarified: who, what, when, where, how. Knowing what did not happen can be as important as what did happen. The person hearing the complainant and/or alleged victim needs to take notes, and ask for the allegation to be in writing in the complainant’s own words. If the complainant cannot or will not put the allegation in writing, the written notes by a third party can be the basis for a statement concerning the allegations.

The pastor and/or the District Superintendent may need to engage in some initial fact finding to make an initial determination if the allegation requires legal action, intervention from the police or child protective services. There may be circumstances where there is a legal obligation to act, even if the complainant and/or alleged victim asks that this not be done. Note: If the party involved is a minor, the pastor is mandated to report the alleged misconduct to the police or the child welfare authorities. In these cases, it is not the responsibility of the reporting person to investigate the charges. That is the
responsibility of the authorities.

If the person making the allegation states that others may have observed the alleged behavior, these third parties should be contacted as part of a fact-finding process. In a non-leading manner, these persons should be asked if they personally have observed anything that may have given them concern. The inquiring person should not disclose the original allegations and/or persons involved. Written notes should be made of these conversations.

The pastor and/or the District Superintendent should ask what initial support the complainant and/or alleged victim would find helpful. The pastor and/or the District Superintendent may ask what outcome the complainant and/or alleged victim may envision. No guarantee of a specific outcome should be made. The steps of this process should be clearly outlined.

3. Immediate next steps:

If a written complaint is filed with the pastor or SPRC, the District Superintendent and the Case Manager of the Response and Intervention Team are to be called. The DS and Case Manager are to be informed of the allegation and kept apprised of any developments. If the public media learns of the allegations, it is New England Conference policy to have the Conference Communications Director available as a resource to work with the Pastor and/or the District Superintendent to respond to all media contacts and requests for information. The Communications Director may be contacted by the District Superintendent in order to consult with the Pastor in preparing a response for the media, even if there is no media coverage or current inquiry. A press statement will be available for the Pastor to distribute in the event of any media inquiries. This press release also will be given to the congregation with clear instructions about where media inquiries are to be directed.

4. Ongoing Follow-up

For the sake of accuracy and protection of the facts, detailed notes should be kept of key conversations, statements, meetings, and phone calls.

5. When Disclosure is Necessary

After a resolution is reached, the Pastor and District Superintendent may, for the health and protection of the local church and to assure justice, recommend that the District Superintendent share pertinent information with the PPRC or SPRC who may choose to disclose this with the members of the local congregation.

6. Lay Charges

Language dealing with chargeable offenses and judicial complaints can be found in paragraphs 2702 and 2703 in the 2008 Book of Discipline. Nothing in this policy should be construed as contradicting the processes and/or requirements of the Discipline. Rather, this policy seeks to provide a more detailed process for persons in a local church and others who would assist in dealing with a possible case of misconduct.

7. Policy Visibility

That this policy be published and placed in a prominent part of the church where it can be read.

STATEGIES FOR EDUCATION

1. Introduction

To enable the implementation of this policy, the Steering Committee for the Response and Intervention Team will be responsible for explaining the procedures in this policy and for providing education for clergy and laypersons on issues relating to sexual ethics for laypersons. Quadrennial training will be conducted for active clergy, the Cabinet, and local church SPRC members. The Steering Committee will review the policy and discuss further training each quadrennium.

2. Evaluation of Policy and its Implementation

Each person who has been involved with the procedures of this policy is invited to reflect on the process and give feedback to the Steering Committee of the Response and Intervention Team. Persons who have feedback, concerns or questions are encouraged to contact the chair of the Steering Committee because evaluation can be a helpful tool for continuous improvement in the policy and its implementation. [Names and/or churches involved will not be disclosed by the committee chair.]

3. Education about the Policy

The Conference will provide this policy to every church, every pastor, and every PPRC/SPRC Chair via electronic or postal mail. The policy will be placed on the Conference web site and annual notifications of the policy’s existence and location will be sent via conference communications. This policy is to be posted in a plain and visible place in each local church.

In order to educate clergy and laity about this policy, the Steering Committee will offer workshops to review the policy and provide education on prevention of sexual misconduct. Local church
PPRC’s (or SPRC’s) will be expected to attend these workshops in order to teach the congregation about the function of this policy. District education will include methods for presenting the issues to the congregation. Education will be ongoing.

4. **Prevention Education**
   
   To be effective in preventing sexual misconduct, education must be a priority for the Church. Such education includes in-service training, growth in self-awareness, a disciplined spiritual life and the clarification of one’s relationship with community.

   **A. Local Church Training**

   The PPRC or SPRC is charged with teaching the congregation (for example, through youth and adult education, worship, conversation) about ethical sexual conduct in the congregation. Therefore, the PPRC or SPRC is responsible for seeking out resources, identified in Section III and utilizing resources provided by the New England Conference, General Board of Discipleship, Safe Sanctuaries, General Commission on the Status and Role of Women, and the Board of Laity, through which it can inform itself about the dynamics of issues surrounding appropriate sexual boundaries, and clergy and lay sexual ethics and misconduct.

   The Conference program agencies and personnel (for example, the District Committees On Ministry, United Methodist Women, United Methodist Men, the Conference Lay Leader and the Commission On the Status and Role Of Women) are responsible for providing continuing education for the laity about sexuality and ethics. Traditional laity gatherings such as Annual Conference, District Trainings, Cluster events, and the Board of the Laity are opportunities for such training and reflection.

   **B. Clergy Training**

   All clergy in the New England Conference are required to have Sexual Ethics training each quadrennium. Lay misconduct information and discussion shall be included in this training. In addition, Clergy should make every effort to attend any PPRC/SPRC training on Lay Misconduct.

**RESOURCES**

1. **Sample Local Church Lay Misconduct Policies (to be developed)**
2. **Safe Sanctuaries**: [www.gbod.org/safesanctuaries](http://www.gbod.org/safesanctuaries). Resources include sample policies, evaluation forms, DVD trainings and guidelines, “healthy congregations” studies and study materials, staff contacts and other resources.
4. **Child Protective Services**:
   - Massachusetts -- [http://www.mass.gov/dss](http://www.mass.gov/dss)
   - New Hampshire -- [http://www.dhhs.state.nh.us/DHHS/DCYF/default.htm](http://www.dhhs.state.nh.us/DHHS/DCYF/default.htm)