



Sexual Misconduct Policy for Church Professionals of the Tennessee-Western Kentucky Conference of The United Methodist Church

Preamble

The Tennessee-Western Kentucky Conference of The United Methodist Church does not approve of and will not tolerate sexual misconduct. The episcopal area is committed to the eradication of this conduct if it should occur and to the creation of an environment of hospitality for all persons, male or female, that is free of sexual overtones and implications, and encourages respect, equality and kinship in Christ. This policy aims to provide an avenue to report sexual misconduct while assuring that any person doing so in good faith will be protected from retaliation.

All church professionals (see definition) have positions of great trust, power, and responsibility. This provides the opportunity for unique relationships of grace and caring. While church professionals can sometimes violate the trust given them within these relationships, sexual misconduct is one of the gravest violations of this trust. This policy seeks to address the abuse of power by church professionals who engage in sexual misconduct. While this policy is binding for appointed church professionals, it is our hope that it may serve as a guide for other church professionals such as local church laity staff and volunteers.

The intent of this policy is to provide guidance to both laity and clergy of the Tennessee-Western Kentucky Conference of The United Methodist Church and the local church regarding sexual misconduct and, thereby, protect the relationship between church professionals and parishioners, staff members, colleagues and others. It is both the ethical and legal responsibility of the Tennessee-Western Kentucky Conference of The United Methodist Church to ensure that there are mechanisms for preventing sexual misconduct and addressing allegations of the same. This policy provides guidance regarding the definition of sexual misconduct, procedures for filing and addressing allegations of sexual misconduct, and training expectations and requirements designed to prevent sexual misconduct in the Tennessee-Western Kentucky Conference of The United Methodist Church. The primary focus of this policy shall be the search for truth to assure justice for the complainant and the accused. This policy is not intended to supplant or substitute for the formal complaint process and its attendant fair process protection in the current Book of Discipline, which must, where applicable, be followed in addition to this policy. Failure by church authorities to use or follow any of the procedures herein is not a chargeable offense, nor can it be used as grounds for an appeal of a formal grievance, complaint, review or trial as defined in current Book of Discipline. We are committed to procedural accuracy and pastoral care in the pursuit of justice for victims and survivors, real accountability for abusers, and healing for all parties.



Theological Foundation

We believe and affirm every person is created in the image of God. We further believe and affirm sexual misconduct within the ministerial relationship and in the church is incompatible with biblical teachings and ethical standards. Sexual misconduct violates the sacred worth of persons who are created in the image of God. Such misconduct is particularly reprehensible in the context of the ministerial relationship that should represent the care of God. It should be understood that sexual misconduct is an abuse of power and authority. This misconduct alienates persons from the ministry of the church. It tarnishes the church's ministry and mission. Those guilty of sexual misconduct bring real harm to persons, congregations and the church as a whole.

Forgiveness is a sacred teaching of the church, but this teaching in no way protects a person guilty of sexual misconduct from the discipline of the church. Representing the church as a church professional is a privilege requiring the highest professional conduct. Forgiveness by God or by a person harmed by sexual misconduct does not automatically restore the privilege of serving as a church professional. It is not appropriate for church authorities to pressure persons harmed by sexual misconduct to forgive the offender as a way to restore to the offender the privilege of serving as a professional in the church. Central to the task of church authorities is to protect the vulnerable and to eradicate sexual misconduct from the church.

Definitions

A. Church Professionals

1. Appointed Church Professionals

Appointed church professionals shall include full, associate and provisional ministerial members of the Tennessee-Western Kentucky Conference of The United Methodist Church, as well as ordained deacons (full and provisional) and elders, diaconal ministers and local pastors, in both the effective and retired relationships, supply pastors, and other persons serving the Tennessee-Western Kentucky Conference of The United Methodist Church or any local church under appointment of the Bishop or under the supervision of a District Superintendent, including persons keeping their membership in another annual conference or in another denomination and persons holding orders issued by these conferences while on honorable or administrative location. Additionally, this includes lay and clergy persons employed directly by Conference agencies including but not limited to the Conference Council on Connectional Ministries.

2. Other Church Professionals

Other church professionals shall include anyone in a position of power, authority, or leadership employed by or serving as a volunteer in a ministry in the Tennessee-Western Kentucky Conference of The United Methodist Church.

B. Book of Discipline

The 2016 Book of Discipline refers to The Book of Discipline of The United Methodist Church 2016, which sets forth the laws, plans, polity and processes by which The United Methodist Church governs itself. It contains insight and

information about the distinct United Methodist understanding of the nature and mission of the Church, and about what is expected of its clergy and members as they seek to be faithful and effective disciples of Christ.

C. Book of Resolutions

The Book of Resolutions 2016 refers to the volume containing the text of all resolutions or pronouncements on issues approved by the General Conference and currently valid. The Book of Resolutions contains not only the resolutions and policy statements passed by the most recent General Conference, but also all such statements still considered to represent the position of The United Methodist Church. The text of any resolution is considered the official position of the denomination on that subject.

D. Sexual Misconduct

Misconduct of a sexual nature is a chargeable offense, for both laity and clergy. Chargeable offenses include: child abuse, sexual abuse, sexual misconduct [including pornography], sexual harassment, gender discrimination, crime, and immorality.

Sexual misconduct is abuse of power and authority, and is not only an act against one person, but an act against fellow ministry professionals; members in the local congregation; the church at large; and God.

(Book of Resolutions 2016, ¶2044).

Sexual misconduct includes but is not limited to:

- child or adult sexual abuse,
- sexual abuse of youth or those without capacity to consent,
- rape or sexual assault,
- gross sexual imposition like prolonged gazing, fondling, grabbing, or stalking,
- sexual harassment,
- unwelcome touching and advances,
- inappropriate and unwelcome contacts of a sexual nature either in person or via phone, digital media, or cyberspace.
- sexualized verbal comments, gestures, or visuals,
- use of sexualized materials including pornography,
- sexualized behavior,
- solicitation of sexual activity or other sex-related behavior by promise of rewards,
- coercion of sexual activity by threat of punishment,
- or misuse of pastoral or ministerial position using sexualized conduct to take advantage of the vulnerability of another (The Book of Discipline 2012, ¶161, Book of Resolutions 2016, ¶2081, ¶2082).

Each alleged occurrence of sexual misconduct requires its own unique and appropriate investigation (as described below) and response, depending on the facts and circumstances.

Sexual harassment is a form of sexual misconduct and is defined in The 2016 Book of Discipline, Social Principles ¶161(J) 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

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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.” To clarify further, it is unwanted sexual or gender- directed behavior within a pastoral, employment, ministerial (paid or unpaid), mentor, or colleague relationship that is so severe or pervasive that it alters the conditions of employment or volunteer work or unreasonably interferes with the complainant’s performance by creating a hostile environment that can include unwanted sexual jokes, repeated advances, touching, displays, or comments that insult, degrade, or sexually exploit women, men, elders, children or youth. “It can create a hostile, offensive environment that can include unwanted inappropriate sexual jokes, repeated advances, touching, displays, or comments that insult, degrade, or sexually exploit women, men, elders, children, or youth” (Book of Resolutions 2016, ¶12045). Both sexual and gender harassment are exploitations of power and are discriminatory by law (GCFA Legal Manual, <http://www.gcfa.org/gcfa-legal-manual>).

Sexual abuse is a form of sexual misconduct and occurs when a church professional engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, coworker, or volunteer (Book of Resolutions 2016, ¶1161(I)). It can include coerced or forced sexual contact (including those unable to give informed consent), sexual interaction or contact with children or youth, and sexual exhibitionism or display of sexual visuals or pornography.

Sexualized behavior is behavior that communicates sexual interest and/or content. Examples include, but are not limited to displaying sexually suggestive visual materials; use of pornography in church programs on or with church property, making sexual comments or innuendo about one’s own or another person’s body; touching another person’s body; touching another person’s body/hair/clothing; touching or rubbing oneself in the presence of another person; kissing; and sexual intercourse. Sexualized behavior can be a form of sexual misconduct when this behavior is unwanted by the recipient or witness, is a violation of society’s or the Church’s law, breaks the sacred trust in the ministerial role, or violates the vows taken at membership or ordination. The Judicial Council asserts that dating, romantic or sexual relationships between clergy and their parishioners “are never appropriate because of imbalance of power” (Decision 1228, 2012). For the sake of maintaining healthy boundaries and preventing a betrayal of sacred trust, a clergy person who has a genuine desire to date a parishioner must contact their District Superintendent, and in consultation with the DS, determine a reasonable course of action for discontinuing the pastor/ parishioner relationship before beginning a dating relationship.

Pornography is sexually explicit material that portrays violence, abuse, coercion, domination, humiliation, or degradation for the purpose of arousal. Any sexually explicit material that depicts children or adults is pornographic. “The United Methodist Church declares that the use of pornography in church programs, on church premises or with church property by persons in ministerial roles (lay and clergy) is a form of sexual misconduct, is a chargeable offense for laity and clergy in The United Methodist Church” (Book of Resolutions 2016, ¶12081, ¶12082).

E. Complainant

A complainant is a person who submits a written, signed, and dated statement alleging an incident of sexual or professional misconduct. A complainant may be a parent or responsible party for a minor or an adult incapable of self-reporting.

F. Respondent

A respondent is a church professional against whom a complaint has been made.

G. Complainant Advocate (Response Team Member)

A trained complainant advocate is a Response Team Member who actively supports a complainant of church professional misconduct/sexual abuse through the denominational complaint process. The role of Advocate is one of caregiving, not investigation. (The 2016 Book of Discipline ¶1362, 363, and 2702.1)

H. Respondent Advocate (Response Team Member)

A trained respondent advocate is a Response Team Member who actively supports a Respondent who is accused of sexual misconduct/abuse through the denomination complaint process as discussed in The 2016 Book of Discipline in paragraphs ¶1362, 363, and 2702.1. The role of Advocate is one of caregiving, not investigation.

I. Conference Response Team Coordinator

The Conference Response Team Coordinator oversees the complaint process, serves as a resource for District Superintendents, Bishops, complainants, and respondents and maintains the integrity of the process including documentation of complaints for the office of the bishop. This may be the Assistant to the Bishop, an appointed conference response team member, or appropriate Tennessee Conference personnel. The role of Conference Response Team Coordinator is one of care-giving, not investigation.

Making a Report

Any concern a person has about sexual misconduct by a church professional should be promptly reported to any District Superintendent or the Bishop. The list of names of the current persons in these positions and their contact information may be found at www.twkumc.org or by calling the conference office at 615-329-1177. If for any reason such person finds it difficult to report his or her concerns to a District Superintendent or the Bishop, the person may contact a trained advocate or the Conference Response Team Coordinator, who is available to assist any complainant with the process in making a report to either a District Superintendent or the Bishop. A list of the members of the Conference Response Team along with the Conference Response Team Coordinator's contact information can be found in each volume of the Journal of the Tennessee-Western Kentucky Conference of The United Methodist Church following each Annual Conference Session or at www.twkumc.org/safe-spaces-ministry. (The 2016 Book of Discipline ¶1363)

Mandatory Reporting.

In no way should this policy be interpreted or applied in a manner that interferes with any licensed practitioner in fulfilling his/her mandatory reporting requirements.

All allegations of sexual misconduct with minors or vulnerable adults occurring in the State of Tennessee will be reported to the appropriate governmental agencies, as required by mandatory reporting laws of the State of Tennessee.

Policy Against Retaliation

No retaliation will be tolerated on account of a good faith report of sexual misconduct. Prohibited retaliation will be considered a separate and independent violation of this policy, and appropriate action may be taken against that retaliator. Anyone who believes they have been retaliated against may also report such retaliation as detailed above in



“Making a Report.” The person is encouraged to report retaliation immediately to a District Superintendent or the Bishop, or contact his or her trained advocate or the Conference Response Team Coordinator for assistance in reporting the concern to a District Superintendent or the Bishop.

Investigation

Upon receipt by a District Superintendent or the Bishop of a report, a prompt and thorough investigation into the allegations of sexual misconduct against any church professional will be conducted and appropriate corrective action, if called for based upon all of the facts, shall be taken and concluded within a reasonable period of time. The scope and details of each investigation will depend on the nature of the report and the related circumstances. In circumstances involving church professionals, by doctrinal law, the procedure may be governed by The 2016 Book of Discipline in ¶1362 and ¶2701-2719. In each instance, the investigation will be handled with as much discretion as the circumstances permit to protect the privacy of the individuals involved. All persons having reported suspected sexual misconduct should refrain from contacting the person suspected of such conduct. Likewise, the persons suspected of such conduct shall refrain from contacting the complainant or alleged victim, unless otherwise directed by the Bishop or District Superintendent. All persons serving as witnesses in the investigation should refrain from contacting the complainant or the respondent, unless directed by a District Superintendent or Bishop to do so, in order to preserve the integrity and confidentiality of the investigation and confidentiality.

All persons having received a report of sexual misconduct, including anyone specifically engaged to serve as an advocate or investigate such reports, shall keep all reports confidential, except as required by The 2016 Book of Discipline, where applicable, or necessary to investigate and resolve such matters, and/or to respond to any related legal or administrative proceedings.

During the course of an investigation, a trained complainant advocate may be assigned to provide ongoing support to a complainant or alleged victim. Likewise, a trained respondent advocate may be assigned to provide ongoing support to the respondent. Both advocates are bound by the confidentiality provisions of this policy.

All allegations of sexual misconduct with minors or vulnerable adults occurring in the State of Tennessee will be reported to the appropriate governmental agencies, as required by mandatory reporting laws of the State of Tennessee.

Training

Appointed Church Professionals (see definition) serving in the Tennessee-Western Kentucky Conference of The United Methodist Church are required to attend official Tennessee-Western Kentucky Conference of The United Methodist Church trainings on 1) Healthy Boundaries/Sexual Ethics and 2) Safe Sanctuaries each quadrennium. All transfers and candidates for ministry are required to complete these trainings prior to commissioning or appointment, whichever comes first. Compliance with these training requirements and a completed criminal background check are conditions of employment or ministerial appointment. A church professional failing to comply with these conditions of appointment may be cited an administrative charge by the Bishop in accordance with The 2016 Book of Discipline ¶1362.

It is strongly suggested that Other Church Professionals (see definition) attend official Tennessee-Western Kentucky Conference of The United Methodist Church trainings on 1) Healthy Boundaries/Sexual Ethics and 2) Safe Sanctuaries each quadrennium.



Healthy Boundaries/Sexual Ethics Team

The 2010 report of the Sexual Ethics Task Force recommended to the Annual Conference that a Healthy Boundaries/Sexual Ethics Team be formed to guide the portion of the Safe Spaces Ministry tasked with reviewing policies and implementing training opportunities in the best practices to create and maintain healthy boundaries for ministry. The Healthy Boundaries/Sexual Ethics Team is a sub-team of the Safes Spaces Ministry Committee. This committee is made of the three teams: 1)Healthy Boundaries/Sexual Ethics Team; 2) Safe Sanctuary Team; 3) Conference Response Team. The Safe Spaces Ministry serves to insure that policies and procedures necessary for keeping ministry safe in order for sacred space to be created are developed, reviewed, appropriately presented and training provided for members of the Tennessee-Western Kentucky Conference of The United Methodist Church. The work of the committee is funded through apportionment giving as allocated through the Connectional Ministries's budget on an annual basis. The Connectional Ministry's Safe Spaces Team and the Conference Board of Ordained Ministry work collaboratively to guide this vital ministry.

Availability of Policy

This policy shall be presented annually in the Journals of the Tennessee-Western Kentucky Conference of The United Methodist Church. Further, it shall be posted at www.twkumc.org continuously. It should be made available in at least one common area of every church in the Tennessee-Western Kentucky Conference of The United Methodist Church. It is strongly recommended that the Sexual Misconduct is Never Okay flyer be prominently displayed in one common area of every church in the Tennessee-Western Kentucky Conference of The United Methodist Church. This flyer is available for download at www.twkumc.org/safe-spaces-ministry. Questions about the policy should be directed to the staff liaison to the Healthy Boundaries/Sexual Ethics Team through the Tennessee-Western Kentucky Conference of The United Methodist Church. This liaison will be identified on the conference website where the policy is located.