

RESOLUTION #2016 – 19 (Approved as Amended)
RESOLUTION TO THE 2016 ANNUAL CONFERENCE SESSION
Resolution Relating to Policy Regarding Sexual Misconduct Involving Adults
Presented by the Conference ICARE Team

WHEREAS, we believe in the biblical truth that all persons are created in the image of God, and find this to be reason enough to treat all persons with respect and honor; and

WHEREAS, the United Methodist Church exists for the purpose of making disciples of Jesus Christ for the transformation of the world; and

WHEREAS, sexual misconduct within the church or involving persons who are a part of the church can, and often does, hinder this mission for all parties affected by it, whether connected directly to a congregation or not; and

WHEREAS, our congregations and pastors look to this body to provide policies of consistent, theologically and legally sound response to situations involving the variety of forms of sexual misconduct against adults which may occur in our congregations and communities; and

WHEREAS, the Eastern Pennsylvania Annual Conference has already adopted an updated policy, known as Safe Sanctuaries, dealing with abuse of children and youth:

THEREFORE BE IT RESOLVED that the Eastern Pennsylvania Annual Conference adopts the attached policy statement to replace our current Sexual Harassment Policy and govern how our Conference and congregations deal with alleged incidents of sexual misconduct in their midst involving adult victims.

Person Responsible for Presenting Resolution: Rev. Beverly T. Andrews

Policy on Sexual Misconduct Involving Adults

This policy is meant to replace, in its entirety, the existing policy, titled Sexual Harassment in the Eastern Pennsylvania Annual Conference Journal dated April 6, 1998.

Purview

The purview of this policy is sexual misconduct involving any adult who is a clergy person, employee, or volunteer of any congregation, institution, organization, or agency of the Eastern Pennsylvania Annual Conference of The United Methodist Church. This policy defines prohibited behaviors, reporting mechanisms, investigative duties, and a non-

retaliation policy. Procedural guidelines to carry out this policy are found in separate documents, including but not limited to the United Methodist *Book of Discipline*, which includes a list of chargeable offenses. The guidelines for the prohibition of sexual misconduct involving a minor (under 18 years of age) are set forth in the EPA Conference Safe Sanctuary Policy, a separate document.

Purpose

The EPA Conference is committed to providing a safe, respectful, and nurturing environment in keeping with God's sacred trust. The EPA Conference bears affirmative responsibility to create an environment of hospitality for all persons that encourages respect, equality and kinship in Christ. Sexual misconduct (including sexual abuse, sexual harassment, and sexual exploitation) violates the mission of the church to make disciples of Jesus Christ for the transformation of the world.

The EPA Conference provides procedures for reporting and responding to allegations of sexual misconduct by persons in ministerial roles (both lay and clergy, paid and volunteer, see *Book of Resolutions* 2012, p. 137, for examples), who have the responsibility to avoid actions and words that hurt others, but also to protect the vulnerable against actions or words, that cause harm. The EPA Conference will not condone or tolerate instances of sexual misconduct, and is committed to procedural justice and pastoral concern through a fair process of justice making for victims and survivors, real accountability for abusers, and healing for all parties, including affected congregations.

The EPA Conference commits itself to provide appropriate educational materials and training opportunities regarding the prevention of incidences of sexual misconduct, reporting and responding to incidences of sexual misconduct should they occur, and the details of this policy.

Definitions, According to the United Methodist General Conference

"The continuum of behaviors called sexual misconduct within the ministerial relationship represents an exploitation of power and not merely 'inappropriate sexual or gender-directed conduct.' Sexual misconduct in any form is unacceptable in church and ministry settings whether it is clergy-to-lay, lay-to-clergy, clergy-to-clergy, lay-to-lay, staff-to-staff, staff-to-volunteer, volunteer-to-volunteer, or volunteer-to-staff. Anyone who works or volunteers under the authority or auspices of the Church must be held to the highest standards of behavior, free of sexual misconduct in any form." (*Book of Resolutions* 2012, p. 137)

"Sexual misconduct within ministerial relationships is a betrayal of sacred trust. It is a

continuum of sexual or gender-directed behaviors by either a lay or clergy person within a ministerial relationship (paid or unpaid). It can include child abuse, adult sexual abuse, harassment, rape or sexual assault, sexualized verbal comments or visuals, unwelcome touching and advances, use of sexualized materials including pornography, stalking, sexual abuse of youth or those without capacity to consent, or misuse of the pastoral or ministerial position using sexualized conduct to take advantage of the vulnerability of another.” (*Book of Resolutions* 2012, p. 136)

“**Sexual harassment** [is] 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 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* 2012, ¶161.1) “[I]t is unwanted sexual or gender-directed behavior within a pastoral, employment, ministerial (including volunteers), 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 employee or volunteer’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.” (*Book of Resolutions* 2012, p. 136)

“**Sexual abuse** [in ministry] is a form of sexual misconduct and occurs when a person within a ministerial role of leadership (lay or clergy, 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, coworker, or volunteer.” (*Book of Resolutions* 2012, p. 136) 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.

Sexual misconduct may occur in many forms, including but not limited to face-to-face interactions or through print, electronic and/or social media. Furthermore, “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.” (*Book of Resolutions* 2012, p. 162)

Specific Interpretations (illustrative, not exhaustive)

Dating, romantic, or sexual relationships by persons appointed or assigned by the bishop

The question of whether it is acceptable for a ministerial leader to engage in a dating, romantic, or sexualized relationship with a parishioner continues to be the subject of much

debate. Nevertheless, the EPA Conference is clear that such relationships between clergy and their parishioners inherently distort the ministerial relationship and “are never appropriate because of imbalance of power” (see concurring opinion to Judicial Council Decision 1228).

Therefore, the EPA Conference considers it an act of sexual misconduct for a clergyperson, certified lay minister, or other person appointed or assigned by the bishop to enter into a dating or romantic relationship with a parishioner. For the sake of maintaining healthy boundaries and preventing a betrayal of sacred trust, a ministerial leader who has a genuine desire to date a parishioner must contact their District Superintendent, and in consultation with the District Superintendent, determine a reasonable course of action for discontinuing the pastor/parishioner relationship before beginning a dating relationship.

Lay harassment of clergy (Book of Discipline 2012, paragraph 605.9)

Clergy are generally considered to be in positions of power due to their professional role as spiritual leaders within a church. There are, however, situations in which professing members of a church have the power to create a hostile or abusive environment that undermines the ministry of the clergy person. Sexual or gender harassment of clergy, or indeed any relationship and/or behavior that undermines the ministry of persons serving within an appointment, is a chargeable offense for laity (*Book of Discipline 2012, paragraph 2702.3*).

Use of pornography (Book of Discipline 2012, paragraph 2702.1 and 2702.3; and specifically, Book of Resolutions 2012, pp. 155-63.)

The Social Principles of the United Methodist Church (*Book of Discipline 2012 paragraph 161F and H*) include this statement: “We deplore all forms of the commercialization, abuse, and exploitation of sex.” As a church, we affirm the image of God in every human being and our sexuality as a good gift of God. The use, participation in, or production of pornographic materials in any way, shape or form, in any location including on private communication devices constitutes an objectification of a child of God, and is a serious denial of the image of God in the persons involved. The Eastern Pennsylvania Annual Conference deplores the use and dissemination of pornography in any setting.

Reporting

Any person who has credible reason to believe that a violation of this policy has occurred should bring the matter to the attention of the Bishop or a District Superintendent. (For reporting abuse of children and youth, see *EPA Safe Sanctuary Policy*.) Every complaint of sexual misconduct shall be taken very seriously. Nothing in this policy requires the

person alleging sexual misconduct to report the matter to the individual who is the subject of the allegation. See *Book of Discipline 2012*, paragraph 363 for specific procedures for filing and handling complaints. The General Commission on the Status and Role of Women offers guidance; see www.umsexualethics.org.

Investigations and Privacy

The EPA Conference is committed to a prompt and thorough investigation of allegations and appropriate corrective action, in compliance with the *Book of Discipline* and state law. It is intended that the privacy of the persons involved be protected, except to the extent necessary to conduct a proper investigation and to appropriately respond. The EPA Conference will cooperate fully in any criminal investigation conducted by a law enforcement agency having jurisdiction over the matter.

Non-retaliation

Every complaint of sexual misconduct shall be taken very seriously. Retaliation against anyone who reports an act of ministerial misconduct in good faith will not be tolerated and will be handled through appropriate discipline. However, individuals who make false, frivolous, or malicious complaints will be held accountable.

This is a policy statement of *The Eastern Pennsylvania Annual Conference*, approved and updated on _____.

Note: For more information about this policy, contact the local District Superintendent or the Conference Office at 610-666-9090 or www.epaumc.org.