

# **CLERGY/LAITY SEXUAL MISCONDUCT, ABUSE AND HARASSMENT POLICY FOR THE UNITED METHODIST CHURCH OF GREATER NEW JERSEY**

**(Approved at the 2009**

*All references to the Book of Discipline are in the 2008 edition. Paragraph numbers are for easy reference and may change with future editions of The Book of Discipline. Unless there are substantive changes to the content of the Discipline, the Policy will be updated to reflect the current Book of Discipline as editorial changes without the need to re-approve the Policy. Future name changes of the United Methodist Church of Greater New Jersey will also be updated as editorial changes.*

## **I. Context**

For the purpose of this policy, we will use “clergy” or “clergy person” to refer to all ordained, commissioned, consecrated, licensed local pastor, supply pastor and Certified Lay Minister.

## **II. Purpose**

Clergy are in a position of great trust, power and responsibility. This provides the opportunity for unique relationships of grace and caring. While most clergy remain faithful to their vows and their covenant with God and the church, there are clergy who sometimes violate the trust given them. Sexual misconduct is one grave violation of this trust. We also acknowledge that laypersons can engage in acts of sexual misconduct, abuse and /or harassment. This policy seeks to address the abuse of power by all clergy and laity who engage in sexual misconduct, abuse, and/or sexual harassment. (See Section IV for definitions)

Incidents of sexual misconduct, abuse, and/or harassment have been reported in United Methodist Churches, agencies, and institutions. It is both the ethical and legal responsibility of the Annual Conference to ensure that there are mechanisms for addressing grievances in these matters. The intent of this document is to provide guidance to both laity and clergy of the Annual Conference, and to the local churches contained therein regarding clergy/lay sexual misconduct, abuse, and/or harassment.

It is our hope, as the people of Christ that this policy will help serve to guard against inappropriate behavior and be a guide for our community of faith as we seek to handle grievances should sexual misconduct, abuse, and/or harassment occur.

## **III. Theological Foundation**

All persons are created by God. In the Genesis stories, as in the life, death, and resurrection of Jesus, it is affirmed that we are created in the image and likeness of God. God values human life, intending all women, men, and children to have worth and dignity in all relationships with God and others. God calls us into covenant with each other as children of God and as the body of Christ. The scriptures remind us that Jesus was sent into this world that we might experience whole relationships with each other and God. “There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female, for you are all one in Christ Jesus.” (Galatians 3: 28 RSV)

We affirm that our human bodies are good gifts from God and our sexuality is an integral part of our humanity. Healthy sexuality, and appropriate expressions of it, are derived from the goodness of the gift. As children of God, we are holy in Christ and created equal. Where one is injured, physically, emotionally or spiritually, all are rendered less than God's intended wholeness. Sexual misconduct, abuse, and/or harassment is an exploitation of power and abuse of position that uses sexuality as an excuse and distorts the relationships and blessedness of relationships and the upbuilding which God desires for humanity. It is sinful behavior.

One who repents for sinful behavior is promised forgiveness. However, discipline should be distinguished from forgiveness. A clergy person guilty of sexual misconduct needs and may receive forgiveness and be offered avenues for redemption and change. Forgiveness, however, does not excuse one from responsibility to the community and accountability for the brokenness caused by one's behavior. The church must still take steps to protect the people of God.

#### **IV. Definitions**

##### **Sexual Misconduct**

It is sexual misconduct 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 within the ministerial relationship. (1996 *Book of Resolutions*, pp. 128-132, 2008 *Book of Resolutions* p.134)

Examples of ministerial relationships:

- Pastor/member of church
- Supervisor/church employee
- Youth pastor/youth
- Sunday School teacher/student
- Pastor/student intern
- Pastoral counselor/counseled

Examples of sexualized behavior or sexual contact:

- Displaying sexually suggestive visuals
- Making sexual comments or innuendos about one's own or another person's body
- Touching another person's body, hair, or clothing
- Touching or rubbing oneself sexually in the presence of another person
- Kissing; fondling; sexual intercourse

This understanding is equally applicable in the context of ministries in which there are no "parishioners" but there is a community which acknowledges the authority of the clergy person or lay worker as a spiritual leader or other ministries in which the ministering person serves a community much wider than the membership of the local congregation.

At the core of this definition of sexual misconduct is the abuse of power and trust that occurs when a ministering person initiates or allows sexual behavior with someone who is in a relationship of trust and/or dependence. Sexual misconduct breaks a sacred trust. Any such sexual misconduct is a violation by the ministering person who then bears the responsibility for his/her behavior.

### Sexual Harassment

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 must be understood as an exploitation of a power relationship rather than as 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. (1996 *Book of Discipline* ¶161.1, p.101, 2008 *Book of Discipline* ¶161.1, p.104)

Suggested guidelines for determining hostile environment:

- Is the behavior sexual in nature or gender specific?
- Is the behavior unwelcome?
- Is the behavior severe or pervasive enough so that it creates an environment which interferes with one's ability to work, get an education, or participate in ministry?

Sexual harassment also includes the development or attempted development of a sexual or romantic relationship between a clergy person or lay worker and a person with whom he/she has a ministerial relationship, when that is an unwanted or inappropriate relationship.

### Sexual Abuse

Sexual abuse is a sexual invasion of the body by force. Sexual abuse may be: rape, sexual assault, incest, indecent exposure, statutory rape, indecent assault, and aggravated indecent assault. Sexual abuse is also an internal assault, a deliberate violation of emotional integrity, and a hostile and degrading act of violence.

### Domestic Violence

#### Domestic Violence Policy

It is not enemies who taunt me—I could bear that: It is not adversaries who deal insolently with me—I could hide from them. But it is you, my equal, my companion, my familiar friend, with whom I keep pleasant company. Psalm 55: 12-14a NRSV.

The Psalmist captures the feeling of many victims of domestic violence: the pain of being betrayed and injured by a loved one.

#### **What is Domestic Violence?**

Any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or household on another can constitute domestic violence.

The United Methodist Church affirms the sacredness of all persons and their right to safety, nurture and care. It names domestic violence and sexual abuse as sin and pledges to work for their eradication. *2008 Book of Resolution*, p.59. Thus, we recognize domestic violence as an immoral act and a chargeable offense for both clergy and laity. *2008 Book of Discipline*, ¶ 2702.1 and ¶ 2702.3

We celebrate God's gift of intimacy, the image of God in each person, the inherent right of each person to health, wholeness, and safety, and we commit ourselves to working toward the elimination of domestic violence.

## **V. Standards for Clergy Conduct**

- A. Clergy related to the Annual Conference are always accountable for the ways they respond to persons who ask their ministerial assistance and over whom they have authority. Any breach of this ministerial relationship, ministerial responsibility, and ministerial authority is abusive and unethical.
- B. Clergy often relate to persons who are fragile and vulnerable, and therefore must exercise special care:
  1. That clergy are psychologically, emotionally, and spiritually healthy.
  2. That there has been proper and adequate preparation and education as well as adequate continuing education for providing appropriate help for those under their care.
  3. That they seek counsel, advice, and supervision.
- C. Clergy sexual misconduct, abuse, and/or harassment places an unfair and unavoidable burden on the victim of such conduct. It is in the best interest of the entire church to inform the laity concerning appropriate standards of ministerial conduct.
- D. Clergy self-discipline requires self-awareness and takes for a standard of ethics those implied and described in the vows of ordination and consecration. (1996, *Book of Discipline*, ¶301-¶365) Personal integrity and mature professional conduct are a part of every ministerial relationship. This prohibits any sexual behavior with a parishioner, colleague, staff, or client entrusted to his or her sacred care.
- E. All clergy have the responsibility for developing healthy and ethical relationships with other persons. Married clergy have covenanted to nurture and maintain a faithful marital relationship. The covenant also reminds single clergy that dating relationships must maintain full attention to sexual conduct as understood in Christian teaching and the Book of Discipline of the United Methodist Church. (1996 *Book of Discipline*, ¶65)
- F. When clergy are providing professional pastoral counseling to persons in their church or community, it is understood that they shall keep appropriate standards of professional behavior and boundaries in that relationship. It is also

recommended that clergy seek supervision for their counseling by a certified counselor supervisor to ensure that proper counseling relationships are maintained.

**VI. Standards for the Conduct of Laity**

Within the United Methodist connection, lay persons are also called to a standard of conduct which stands against sexual misconduct, abuse and/or harassment as outlined in **2008 Book of Discipline ¶2702.3**. Laity have the responsibility for not creating hostile environments as a result of sexual harassment, abuse and/or sexual misconduct against clergypersons or other laity. (*Book of Discipline* ¶ 605.8)

**VII. Honoring Perceptions of Reality**

We understand that intentions and perceptions are not always the same. It is our policy to treat seriously a person's perception of the truth of their experience if/when sexual harassment, abuse, and/or misconduct are reported.

**VIII. Confidentiality**

The primary purpose of this policy is to encourage and support victims of sexual harassment, abuse, and/or misconduct to report such incidents, by providing a process that protects them from intimidation and preserves their dignity. We recognize that there also may be occasions when persons are falsely charged with sexual harassment, abuse and/or misconduct. In either case, it is of the utmost importance that confidentiality be assured for both the victim and the accused, and that advocates, church officials and others who may be involved in the process take every reasonable and legal precaution to honor the issue of confidentiality.

Some instances of sexual harassment can be resolved easily and informally between parties. In all other instances, misconduct of a sexual nature or abuse within the local church should be reported to a Contact Person for sexual harassment and abuse. If the conduct involves a clergy person, the complainant may consider filing a written complaint and/or speaking with a District Superintendent.

**IX. Compassionate Advocates**

The United Methodist Church of Greater New Jersey provides the following support system to assist any individual who has a concern about an issue of sexual misconduct, harassment, or abuse with the church.

Each district will identify six Compassionate Advocates (three men and three women) who will be trained by the Annual Conference and who will provide immediate support and direction for persons who feel that they have been sexually abused or harassed. Compassionate Advocates will explain policy and procedure and will provide confidential guidance throughout the process and respect confidentiality. Compassionate Advocates will be available for the complainant, the accused and the church.

1. We urge all related institutions/agencies in the Greater New Jersey Annual Conference to identify and train Compassionate Advocates to serve within their organization.
2. Each local church will receive posters to be hung in the bathroom(s). These posters will have a brief statement on sexual harassment and abuse and will provide the names, addresses and phone numbers of the District Compassionate Advocates.
3. Each year the Conference will list the names, addresses and phone numbers of each Compassionate Advocate in the Annual Conference Journal.

**X. Process**

The United Methodist Church of Greater New Jersey will adhere to the following steps when an accusation of sexual misconduct, harassment or abuse is brought to the attention of a District Superintendent:

1. A letter shall be provided to both the complainant and the accused at the time they first contact or are contacted by the District Superintendent. These letters are included in this policy as *Appendix A*.
2. Limit all media responses on behalf of the Church/Conference to the Bishop or the Bishop's designate.
3. If the complainant chooses to file a written complaint, the process will proceed as indicated in the 1996 *Book of Discipline*, section XIV ¶358, 2008 *Book of Discipline* section XV ¶ 361.
4. A complainant has the option of following church policy and discipline when bringing a complaint of sexual misconduct against a pastor. They also have the option of seeking legal advice and filing charges.
5. Any incidence of sexual abuse in which the victim is a minor is a crime and must be handled appropriately. Anyone within the church who becomes aware of a child abuse issue is morally—for clergy, legally required—obligated to take steps necessary in the attempt to prevent further harm to the child. If an incident of child abuse occurs involving a church employee or volunteer within the church building or at any church activity, or if a minor brings forth a complaint of sexual abuse it must be reported to the local authorities.

The United Methodist Church of Greater New Jersey recognizes that accusations of misconduct of a sexual nature can be harmful to the whole congregation. The Greater New Jersey Annual Conference will provide support to the church affected by these accusations by providing guidance from the Leadership Advocacy Team and counsel in the form of a response team.

**For Your Information**

If you feel that you have been the victim of clergy sexual misconduct, abuse, and/or harassment and wish to find peace, justice, healing, and resolution, please contact:

Any of the District Superintendent's Offices OR  
The Bishop of The United Methodist Church of Greater New Jersey

Bishop John Schol  
Jumping Brook Rd.  
Neptune, NJ 07753  
732-359-1010

**District Superintendents:**

**Cape Atlantic**  
Brain Roberts  
capeatlantic@gnjumc.org  
609-272-3128

**Delaware Bay**  
Jisun Kwak  
delawareBay@gnjumc.org  
856-624-4468

**Gateway South**  
Myrna Bethke  
gatewaysouth@gnjumc.org  
856-424-5790

**Palisades**  
Gina Kim  
palisades@gnjumc.org  
201-670-1400

**Skylands**  
skylands@gnjumc.org  
973-537-7711

**Capital**  
capital@gnjumc.org  
609-538-0048

**Gateway North**  
Manuel Sardinias  
gatewaynorth@gnjumc.org  
973-761-1785

**Northern Shore**  
Gina Hendrickson  
northernshore@gnjumc.org  
732-359-1060

**Raritan Valley**  
Drew Dyson  
raritanvalley@gnjumc.org  
732-868-6331

**Conference Advocates: TBA**

**APPENDIX A: Letters for Complainant and Accused**

**Letter for the Complainant:**

Dear Friend:

This letter is intended to introduce you to the Conference Advocates for the Greater New Jersey Annual Conference of the United Methodist Church. You have received this letter because you

have spoken with a District Superintendent, Pastor, or Church Contact Person concerning a situation that may involve sexual misconduct in the church setting. You may have experienced harassment or abuse, or you may know someone who is seeking help in a situation that has become uncomfortable to them.

Sexual misconduct, harassment, and abuse can be many different things. For example: It may be inappropriate language or jokes in the work place or a church setting. It may be a situation where someone makes unwelcome sexual advances toward another person. It may be touching that makes someone uncomfortable. It may be a clergy person having an inappropriate relationship with a parishioner or other person. It may be a choir director or youth leader who takes advantage of a vulnerable member of their group. It may be a supervisor seeking sexual favors in exchange for a promotion. It may take place in an office, at camp, in an automobile, or any place two people may be. It may be a crime, such as rape, or endangering the welfare of a child. It may be any of these things and many more.

Conference Advocates are knowledgeable about the subject of sexual harassment and abuse, and of the conference procedures dealing with its occurrence in the church setting. Anyone can call an Advocate to discuss an issue, to explore ways of handling a situation or to learn more. What is said to an Advocate will be kept in confidence (within the limits of your state law regarding child abuse.) No action is taken by an Advocate without your knowledge. You can talk to an Advocate even if you simply want to talk about a related situation and voice your feelings. You may call anonymously.

An Advocate can journey with you through this process. An Advocate may help you whether you are filing a complaint or just seeking information. You do not have to make any “quick decisions”. To reach an Advocate you may call any of the persons whose names have been provided with this letter. Please do not hesitate to call if you have a concern or a question. As a part of the United Methodist Church, we are grieved when the church is not a place where everyone can worship, work, and learn in trust and safety. We desire to work toward justice, fairness and reconciliation whenever possible.

Yours in Christ,  
The Advocacy Team

### **Letter for the Accused:**

Dear Friend:

This letter is intended to introduce you to the Conference Advocates for the Greater New Jersey Annual Conference of the United Methodist Church. You have received this letter because you have spoken with a District Superintendent (or a pastor, if you are a lay person) concerning a situation that may involve sexual misconduct in the church setting. You may be someone who is facing a complaint of misconduct, harassment or abuse.

Sexual misconduct, harassment, and abuse can be many different things. For example: It may be inappropriate language or jokes in the work place or a church setting. It may be a situation

where someone makes unwelcome sexual advances toward another person. It may be touching that makes someone uncomfortable. It may be a clergy person having an inappropriate relationship with a parishioner or other person. It may be a choir director or youth leader who takes advantage of a vulnerable member of their group. It may be a supervisor seeking sexual favors in exchange for a promotion. It may take place in an office, at camp, in an automobile, or any place two people may be. It may be a crime, such as rape, or endangering the welfare of a child. It may be any of these things and many more.

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To reach an Advocate you may call any of the persons whose names have been provided with this letter. Please do not hesitate to call if you have a concern or a question. A separate Advocate can be appointed to the accused as well as the accuser. Clergy also have the option of asking any ordained elder to be their advocate. As a part of the United Methodist Church, we desire to work toward justice, fairness and reconciliation whenever possible. The church is meant to be a place where everyone can worship, work, and learn in trust and safety.

Yours in Christ,  
The Advocacy Team

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