

## Resolutions

### SEXUAL ETHICS POLICY UPDATE

**Whereas:** The Greater New Jersey Annual Conference has not updated its sexual ethics policy since 2009;

**And whereas,** research has grown and awareness has been heightened significantly around incidence of sexual misconduct;

**And whereas,** the current policy does not reflect the the heightened awareness, knowledge, and education that has been gained as a society since 2009;

**And whereas,** the following policy is proposed as an updated policy to be adopted as the official sexual ethics policy of the Greater New Jersey Annual Conference:

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

*All references to the Book of Discipline are in the 2016 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 “clergyperson” to refer to all ordained, commissioned, consecrated members of the Annual Conference, licensed local pastors, supply pastors and Certified Lay Ministers.

#### **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 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 persons to have worth and dignity in all relationships with God and others. God calls us into a 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 so 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. Wherever one member of the body of Christ is injured, physically, emotionally or spiritually, the whole body is injured. 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, 2012 *Book of Resolutions* p. 134, 2016 *Book of Resolutions* p.775)

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
- Invasion of privacy: intruding into someone's personal space or engaging in activities that violate their privacy in a sexualized manner
- Persistent and unwelcome propositions or advances for sexual activities
- Touching or rubbing oneself sexually in the presence of another person
- Kissing; fondling; sexual intercourse
- Sexual coercion: using pressure, manipulation, or force to make someone engage in sexual activities against their will

While these are examples of sexualized behavior, this is not an exhaustive list.

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. (2016 *Book of Discipline* ¶161.II.J., p.114)

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, sexual violence, 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. (2016 *Book of Discipline* ¶161.II.I., p.113)

#### *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 persons who experience 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. (2016 *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 person who experienced sexual misconduct. 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. (2016, *Book of Discipline*, ¶301-¶369) 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 outside the bonds of marriage.
- E. All clergy have the responsibility for developing healthy and ethical relationships with other persons. All clergy shall participate in sexual ethics training provided by the annual conference and approved by COSROW a minimum of once per quadrennium.
- 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 2016 *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 other persons.

#### **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 persons who experience 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. Appropriate confidentiality will be maintained whenever a complaint is made. Occasionally, information will need to be shared for the safety and protection of individuals within Greater New Jersey and the broader community.

**IX. Sexual Misconduct Response Team**

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, sexual harassment, or sexual abuse with the church. The Response Team can be vital in support of congregations throughout the healing process. Teams also provide education to help understand the nature of sexual misconduct by a faith leader. The Response Team is not involved in any judicial or Disciplinary processes that involve a legal resolution of a situation. *Bishops shall employ a Response Team whenever a congregation and individuals experience trauma.*

The response team can be deployed across the conference for situations including but not limited to:

- Ministerial or clergy sexual misconduct
- Laity sexual misconduct directly involving the congregation or ministry setting
- Sexual abuse of an individual at a church camp or other church-affiliated event
- Any other instances as requested by the bishop, the bishop's representative, the alleged individual harmed, the church involved, or the alleged perpetrator.

The focus of response teams is to support individuals who have experienced trauma and assist with healing. Response teams are charged with providing support, prayer, and encouragement for individuals harmed, families of the alleged individual harmed, the alleged perpetrator and their family, and the church community impacted by a complaint.

1. We urge all related institutions/agencies in the Greater New Jersey Annual Conference to identify and train Response Teams to serve within their organization.
  1. Training will be provided by the annual conference a minimum of once yearly, for all response team members, and open to all members of the annual conference.
  2. Training will include the Do No More Harm curriculum and training to be developed and implemented yearly by COSROW and in conjunction with the GNJ Leadership. All training shall be approved by COSROW prior to being advertised to the conference membership and response team members.
  3. Topics to be covered in annual training shall include at minimum:
    1. Counseling 101
    2. Maintaining healthy interpersonal boundaries
    3. Power dynamics of abuse
    4. Responding well to individuals and congregations that have experienced abuse
    5. Sacred trust
    6. Secondary trauma
    7. Self-care
    8. Spiritual guidance
    9. Trauma-informed care
    10. Walking with the accused
2. Each local church will receive posters produced by the annual conference in conjunction with COSROW that shall be hung in the bathroom(s). These posters will have a brief statement on sexual misconduct, sexual harassment and sexual abuse and will provide the ways to contact the Sexual Misconduct Response Team and ways to file a complaint if a person feels they have experienced sexual misconduct.

**X. Process**

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

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. (2016 *Book of Discipline*, ¶1362)
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 2016 *Book of Discipline*, section XVI ¶1361.
4. A complainant has the option of following church policy and discipline when bringing a complaint of sexual misconduct against a clergy member. They also have the option of seeking legal advice and filing charges. These additional options shall be communicated both in writing and verbally to the person bringing the complaint.
5. Any incidence of sexual abuse in which the person who experienced sexual abuse is a minor is a crime and must be handled according to the Safe Sanctuaries policy of the church. Anyone within the church who becomes aware of a child abuse issue is morally obligated and required 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 understands all clergy and lay leadership to be considered mandated reporters of suspected abuse.
6. 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 Sexual Misconduct Response team and counsel.

### **For Your Information**

If you feel that you have experienced 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

The contact information for each of the District Superintendent's Offices can be found here: <https://www.gnjumc.org/gnj-districts/>

OR The Bishop of The United Methodist Church of Greater New Jersey

<https://www.gnjumc.org/about-gnjumc/leadership/>

**Therefore, be It Resolved That:** The Greater New Jersey Annual Conference adopt this policy as the formal updated sexual ethics policy of the annual conference, and all state and local laws will be followed appropriately.

**Therefore, be it further resolved** that this policy be placed on a review schedule for at least every five years

**Rationale:** The Greater New Jersey Annual Conference has not updated this policy since 2009, and this update enhances the current policy to bring it into alignment with knowledge gained since this policy was last updated.

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