

Basic Policy Statement on Sexual Misconduct
Dakotas Annual Conference of The United Methodist Church
Adopted June 2012

(All citations referring to The Book of Discipline (BOD) and the Book of Resolutions (BOR) are from the 2008 Edition.)

Statement of Policy and Commitment

Clergy and laity in ministerial roles, lay employees and volunteers of the Dakotas Annual Conference of The United Methodist Church (hereafter referred to as Dakotas Conference) shall not engage in sexual abuse, sexual harassment, gender harassment or sexual misconduct, as defined by the Book of Discipline (BOD) of The UMC, this policy, state, federal and tribal law. In both North Dakota and South Dakota certain acts of sexual misconduct by members of the clergy are defined as crimes. Further the Dakotas Conference bears affirmative responsibility to create an environment of hospitality for all persons, male or female, which is free of these sins and encourages respect, equality and kinship in Christ. The Dakotas Conference will not condone or tolerate instances of sexual misconduct, sexual harassment, gender harassment, or sexual abuse and is committed to a prompt and thorough investigation of allegations, in compliance with the BOD.

Biblical and Theological Foundation

The Dakotas Conference is committed to the prevention of sexual misconduct in any form and to justly address allegations of the same. We believe that every person is created in the image of God (Genesis 1:27), that all Christians are equal in Christ (Galatians 3:26-28), and that we are called to love our neighbors as well as enemies (Matthew 5:42). "Contrary to the nurturing community, sexual harassment creates improper, coercive, and abusive conditions wherever it occurs in society. Sexual harassment undermines the social goal of equal opportunity and the climate of mutual respect between men and women." (BOD, ¶161.I). Furthermore, "Violent, disrespectful, or abusive sexual expressions do not confirm sexuality as God's good gift." (BoD, ¶161.H).

Definitions

1. "**Sexual misconduct** is a betrayal of sacred trust. It is a continuum of unwanted 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." (BOR, p. 134).

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." (BOR, p. 155)

2. "**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." (BOD, ¶161.I). "[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." (BOR, p. 135)

3. "**Gender harassment** is unwelcome or unwanted conduct which is gender specific, either cross gender or same gender. Although not specifically "sexual," gender harassment may be recognized in patterns of behavior creating a hostile or abusive working environment. Both sexual and gender harassment are exploitations of power and are discriminatory by law." (GCFA Legal Manual, p. III-45: <http://www.gcfa.org/gcfa-legal-manual>)

4. "**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." (BOR, p. 135)

5. **Clergy and laity in ministerial roles** shall include clergy as defined by the BOD ¶1141, retired clergy members of the annual conference, and any other person in a ministerial role as explained and illustrated on p. 136 of the BOR.

6. **Pornography** is defined on pg. 149 of the BOR

Abuse of Power

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. Similarly, sexual and gender harassment are usually understood as exploitations of power relationships rather than as exclusively sexual or gender issues. This does not mean that clergy could never be the victim of sexual harassment or sexual abuse by laity. (See BOD, ¶1605.8)

Implementation

Clergy and laity in ministerial roles (including retired clergy), lay employees, and volunteers of the Dakotas Conference shall be provided a copy of this policy through the Dakotas Conference Journal and website, the Conference Office, and Human Resources Handbook. Training information shall be available to assist in the understanding and implementation of this policy.

Making a Complaint

Some instances of harassment can be resolved informally by conversation between the parties or facilitated mediation. In all other instances, if a violation of this policy is witnessed, or in good faith thought to have occurred, it shall be reported immediately to one of the offices listed below. To make a complaint, contact one of the following and say, "I am calling to make a complaint of sexual misconduct":

- District Superintendent, Northeast District 701-639-0317
- District Superintendent, Northwest District 701-391-2340
- District Superintendent, Southeast District 605-334-5248
- District Superintendent, Southwest District 605-580-5049
- Bishop's Assistant for Connectional Ministries 605-996-6552
- Office of the Bishop, Dakotas Conference 605-996-6552

Honest and good faith complaints are welcomed. Clergy and laity in ministerial roles (including retired clergy), lay employees, and volunteers of the Dakotas Conference are required to report immediately any reasonable suspicion of harassment, abuse or misconduct to the appropriate person, except when knowledge would violate confidentiality between pastor and parishioner. The Dakotas Conference, including the aforementioned persons, will not retaliate against any person who brings forward a complaint. Prompt and appropriate investigation and corrective action will be taken, including discipline pursuant to the BOD, state and/or federal law. Persons who make false accusations will be held accountable. Nothing in this policy shall be construed to waive pastor-parishioner privilege.

"All clergy of The United Methodist Church are charged to maintain all confidences inviolate, including confessional confidences, except in the cases of suspected child abuse or neglect or in cases where mandatory reporting is required by civil law." (BOD ¶1341.5) Clergy and laity in ministerial roles (including retired clergy), lay employees, and volunteers of the Dakotas Conference will follow any applicable mandatory reporting laws. There is potential for conflict between the obligation imposed under church law and state law, and in these cases legal advice should be sought.

Information Sharing

While the Dakotas Conference cannot guarantee absolute confidentiality, it seeks to make every reasonable effort to maintain confidence by disclosing information about the complaint only on a "need to know" basis as necessary to promote God's call for justice, reconciliation and healing.

Commitment to Justice and Healing

The Dakotas Conference will take appropriate corrective action upon completion of an investigation and affirms the goals of reconciliation and resolution, leading to justice and healing for all parties involved.

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I have read and affirm my understanding of this policy.

Signature _____

Date _____