

# Sample First United Methodist Church

## Local Church Sexual Harassment and Sexual Misconduct Policy

### I. INTRODUCTION & PURPOSE

Sample United Methodist Church (the “Church”) is committed to preventing sexual harassment and sexual misconduct but also addressing it when it occurs. Effective ministry in Christ requires that we maintain an environment in which all persons are respected and safe. The Church will respond to allegations of misconduct with justice and compassion. To that end, this policy has been adopted.

It is the Church’s policy that all church members, church officers, ministers, teachers, employees and volunteers working in, with and for this Church, are to maintain the integrity of ministerial, employment, and professional relationships at all times. The Church prohibits sexual misconduct of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

#### **Theological Foundation**

We believe and affirm every person is created in the image of God. By recognizing that all human beings have sacred worth and are created in the image of God, we convey the good news of the gospel and provide an understanding of God. We further believe and affirm that sexual misconduct within the church is incompatible with biblical teachings and ethical standards. Sexual misconduct is an abuse of power and authority. It 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 is a privilege requiring the highest standards of conduct. Forgiveness by God or by a person harmed by sexual misconduct does not automatically restore the privilege of serving the church. 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 in the church. *Central to the task of church authorities is to protect the vulnerable and to eradicate sexual misconduct from the church.*

### II. PERSONS COVERED

- A. Persons covered by this Policy are Employees, persons seeking employment, Volunteers (while acting on its behalf), and Teachers.
- B. This policy also covers Members who are accused of sexual misconduct where the action that is the basis for the complaint occurred in the course of, or related to, the Member’s attendance at the Church or service on a committee, group, council, or board of the Church.
- C. Whenever a Church Professional/Clergy Person is accused of Sexual Misconduct, any complaint shall be handled in accordance with the Policy on Church

Professional Sexual Misconduct adopted by the South Georgia Annual Conference of the United Methodist Church, as amended from time to time.

### III. DEFINITIONS

**Sexual Misconduct.** Misconduct of a sexual nature is a chargeable offense, for both Members and Church Professionals. (§ 2702, *The Book of Discipline*). Sexual misconduct is an 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.

Sexual misconduct by a Church Professional/Clergy Person includes, but is not limited to, sexual harassment, sexual abuse, the use or possession of pornography, and any form of criminal sexual conduct. (§ 2702.1, *The Book of Discipline*). Sexual misconduct by a Member includes, but is not limited to, sexual harassment, sexual abuse, and any form of criminal sexual conduct (§ 2702.3, *The Book of Discipline*). Sexual misconduct by an Employee includes, but is not limited to, sexual harassment, sexual abuse, the use or possession of pornography, and any form of criminal sexual conduct, and while not a chargeable offense under *The Book of Discipline*, may lead to termination of employment. 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.

**Sexual Harassment** is a form of sexual misconduct that is defined in *The Book of Discipline*, § 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 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 that is so severe or pervasive that it alters the conditions of employment or volunteer work or unreasonably interferes with the complainant’s performance or worship experience 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.

Courteous, mutually respectful, pleasant, non-coercive interactions between Employees and Members, including men and women, that are appropriate in the congregation and acceptable to and welcomed by both parties are not considered to be harassment.

**Pornography** is sexually explicit material utilized for the purposes of sexual excitement and erotic satisfaction. This includes but is not limited to material that portrays violence, abuse, coercion, domination, humiliation, or degradation for the purpose of arousal. In addition, any sexually explicit material that depicts children is pornographic and is a criminal act to access, possess and/or distribute.

A **Complaint** is a written, dated and signed statement claiming harassment or sexual misconduct.

A **Church Professional** is a clergy person, diaconal minister or layperson in any status or relationship with the Annual Conference who has been appointed to Sample First United Methodist Church by the Bishop.

**Complainant** is the person claiming knowledge of harassment or sexual misconduct by a person covered by this policy. The Complainant may or may not be the Victim of alleged harassment or sexual misconduct. A person such as a family member, friend, or colleague of the Victim may be the Complainant whose information initiates an inquiry.

### **Book of Discipline**

*The 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.

**Accused** is the person against whom a claim of harassment or sexual misconduct is made.

**Employee** is any individual, other than a Church Professional, who is hired or called to work for this Church for salary or wages.

**Member** is a person who has joined Sample United Methodist Church by letter or statement of faith and is on the membership roll of the Church.

**Teacher** is the term for a volunteer or paid employee who assumes authority for educating others in the church.

**Victim** is the term used to identify the person alleged to have been injured by harassment or sexual misconduct.

**Volunteer** is the term used for those who provide services for the Church and receive no benefits or remuneration. Volunteers include persons elected or appointed to serve on boards, committees and other groups. For purposes of this policy, Volunteers are treated the same as Employees.

## **IV. ROMANTIC OR SEXUAL RELATIONSHIPS**

Sample United Methodist Church prohibits romantic or sexual relationships between a supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) or volunteers because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member/volunteer is suspect and may be viewed by others or, at a later date, by the staff member/volunteer as having been given as the result of coercion or intimidation.

The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment.

If there is such a relationship, the parties need to be aware that one or both may be asked to terminate their relationship with the congregation. (Clergy relationships fall under the South Georgia Conference's **Policy on Church Professional Sexual Misconduct** which also prohibits harassment.)

## V. COMPLAINT PROCESS

### A. Overview

The Church will courteously treat any person who makes a complaint falling under this policy and/or within policies of *The Book of Discipline*. The Church will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the Complainant. Because of the damaging nature of harassment to the victims and to the entire Church, Victims are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy.

### B. Confidentiality

During the complaint process, the privacy of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is possible. The Complainant must, however, submit a written, signed and dated complaint. The expressed wishes of the Complainant for confidentiality will be considered in the context of the egregiousness of the complaint, any legal obligation of the Church to act on the charge, and the right of the Accused to obtain information. However, a certain degree of transparency is essential for the process of just resolution, real accountability, and healing for all parties. Utmost care will be given so that persons experiencing trauma be protected from further emotional harm. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

### C. Retaliation

No hardship, loss, benefit or penalty may be imposed on an Employee, Volunteer, Complainant, Member, or Victim in response to:

- A. Filing or responding to a bona fide complaint of discrimination, harassment, or sexual misconduct.
- B. Appearing as a witness in the investigation of a complaint.
- C. Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment. Volunteers found to have violated any aspect of the policy may be asked to step down from serving in specific roles, vacate leadership positions, and/or terminate their membership.

#### **D. Complaint Procedure**

1. The Church has herein established the following procedures for **filing** a complaint of sexual misconduct, sexual harassment, or retaliation. The Church will treat all aspects of the procedure confidentially to the extent reasonably possible.
2. An individual who feels harassed, who has experienced sexual misconduct, or who feels retaliated against may initiate the complaint process by filing a complaint in writing with the Church's pastor or co-pastors in charge or the District Superintendent. No formal action will be taken against any person under this policy unless the Complainant submits a written and signed complaint containing sufficient details to determine if the policy may have been violated.
3. As promptly as possible, but in no more than **10** working days of receiving the complaint, the Pastor(s) will notify the Accused, the District Superintendent, and in the event the complaint involves an Employee, the Staff Parish Relations Committee, and shall initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. The Pastor and/or District Superintendent shall designate one or more persons, who together with the Pastor and the District Superintendent or the District Superintendent's designee, may form a "Discovery Team", which shall interview the Complainant, the Accused and any witnesses to determine whether the alleged conduct occurred. If the Accused is an Employee, the Discovery Team shall include at least one member of the Staff Parish Relations Committee.
5. When investigating allegations of sexual misconduct or harassment, the Pastor should first advise the Complainant that investigation will be conducted in a professional, thorough manner and as discretely as is possible. The Pastor should also advise the Accused of the purpose of the investigation, the fact that no conclusion has been made regarding the investigation, and that the same rules of confidentiality which apply to the Complainant also apply to the Accused.
6. Any investigation 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.
7. All persons having reported suspected sexual harassment or 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. All persons serving as witnesses in the investigation should refrain from contacting the complainant or the respondent in order to preserve the integrity and confidentiality of the investigation. All persons having received a report of sexual harassment or sexual misconduct shall keep all reports confidential, except as required by *The Book of Discipline*, where

- applicable, or where necessary to investigate and resolve such matters, and/or to respond to any related legal or administrative proceedings.
8. If the Accused is a Member, the pastor or district superintendent should take pastoral steps to resolve any complaints. Such steps may include a just resolution process. (See ¶ 261.1c of *The Book of Discipline*).
  9. If such steps have not resulted in a resolution and a written complaint is made against a Member for any of the offenses in ¶2702.3 of *The Book of Discipline*, the complaint process in ¶ 2704.4 of *The Book of Discipline* will be followed from this point. In addition to the steps outlined in *The Book of Discipline*, the local church Pastor, in consultation with the District Superintendent, may have legal counsel review the complaint.
  10. The results of the investigation should be communicated to the Complainant and the Accused, and appropriate corrective action taken. The type of corrective action taken will depend on the nature and severity of the allegation(s). In the case of an Employee or Volunteer, such action may include appropriate discipline, up to and including termination.
  11. After the investigation and any action that has been taken, the Pastor or District Superintendent should remind all individuals with knowledge of the allegations that all information obtained in the investigation, and possibly even the disciplinary action itself, is confidential.
  12. If the Accused is a Member, the Accused may choose to withdraw from the process by withdrawing his or her name from the roll of professing members at any time without further review.
  13. Alternative legal remedies. Nothing in this policy may prevent the Church, the Complainant or the Accused from pursuing formal legal remedies, mediation, or resolution through local, state or federal agencies or the courts.

***NOTE: This sample policy has NOT been formally or officially adopted by the South Georgia Conference of the United Methodist Church. This sample will remain updated at [www.sgaumc.org/cpcpolicies](http://www.sgaumc.org/cpcpolicies)***