

MISSISSIPPI CONFERENCE CLERGY BEHAVIOR POLICY

Adopted June 2005

POLICY ON PROFESSIONAL SEXUAL MISCONDUCT

I. PURPOSE

A church professional (see definition in III.E.) is in a position of great trust, power, and responsibility. This provides the opportunity for unique relationships of grace and caring. Church professionals sometimes violate the trust given them. Sexual misconduct is one of the gravest violations of this trust.

This policy seeks to address the abuse of power by all church professionals, both men and, women, who engage in sexual misconduct.

The intent is to provide guidance to both laity and clergy of the Annual Conference and the local church regarding sexual misconduct.

It is both the ethical and legal responsibility of the Annual Conference to ensure that there are mechanisms for addressing grievances in matters of sexual misconduct.

This policy, which includes procedures for complaints, will serve to guard against inappropriate behavior and will outline a means for handling grievances should sexual misconduct occur.

II. 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 in God. We are one connected body, holy in Christ, created equal. Where one part of the body is injured, physically, emotionally or spiritually, the entire body is rendered less than God's intended wholeness. We are called to use our bodies, including our sexuality, in a responsible way. Sexual misconduct of any kind violates a person's integrity and is an unjust use of status and power, and a sinful behavior against God and one another. The United Methodist Book of Resolutions (1996, p. 481) states:

“Jesus was sent into this world that we might experience whole relationship 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)."

One who repents for sinful behavior is promised forgiveness. However, discipline should be distinguished from forgiveness. A church professional guilty of sexual misconduct needs and may receive forgiveness and be offered avenues for redemption and change. And yet, the church must still take steps to protect the people of God.

III. DEFINITIONS

- A. Sexual misconduct occurs when a church professional engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member or other person (adult, teenage or child) within the professional relationship, or misuses the professional relationship in unwanted behavior with any individual. Sexual misconduct includes sexual harassment and any form of criminal sexual conduct. Sexual misconduct includes inappropriate use of electronic communication (i.e. email, voice mail, Instant Messaging, internet websites) and any deliberate access of pornographic internet sites for the purpose of sexual gratification.
- B. Sexual Harassment is any unwanted sexual advance or demand, either verbal, or physical, which is perceived by what a reasonable person of the same sex as the accuser would perceive as demeaning, intimidating or coercive under the same or similar circumstances. "Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. Sexual harassment includes, but it not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender." (2004 *The Book of Discipline*, ¶161,1) Sexually oriented humor or language, inappropriate questions or comments about sexual behavior or preference, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements are sexual harassment in a situation where there is an employment, mentor, or colleague relationship between the persons involved.
- C. Complainant is a person who communicates a concern regarding alleged sexual misconduct.
- D. Grievant is a person who submits a written allegation of sexual misconduct. A grievant may be a parent or responsible party for a minor or an adult incapable of self-reporting.
- E. For the purposes of this policy, a church professional is a clergy person, diaconal minister, or local pastor whose appointment is set by the Bishop.

IV. ETHICS RESPONSE TEAMS

A. The purposes of the response teams:

1. To provide support to the complainant, the accused, and the congregation affected by allegations or incidents of misconduct.
2. To provide the complainant with a safe, non-threatening environment within the church family in which he/she can reveal allegations of misconduct and receive support, compassion, and direction.
3. To provide support, compassion, and direction for a person accused of misconduct.
4. To offer congregations affected by incidents of misconduct support and recommendations regarding care and healing for their community and the individuals and families involved.
5. To offer information about the misconduct policy to persons who are referred to the response team.

B. The makeup of the response teams:

1. A response team or teams may be named by the Bishop.
2. A response team may consist of three or more persons who are sensitive to issues of sexual harassment, misconduct and abuse. A team may include church professionals (clergy or diaconal), mental health professionals and lay persons. Members of a support team may be chosen from within and beyond the Mississippi Annual Conference.
3. Training on issues of misconduct shall be available and the names of persons receiving such training shall be made available to the Bishop. Such training shall be the responsibility of those to whom the Bishop assigns said responsibility.

C. Structure and Function

1. A team may be instructed by the Bishop to respond to the needs of any or all of the following: complainant or grievant, the accused professional, the congregation.
2. A team will:

- a. explain the procedures available within the structures of the church for dealing with the problem;
- b. offer resources and consultation to the accused professional, the complainant and/or the congregation and assist in any appropriate manner;
- c. encourage the person making the allegation to keep a diary listing time, place, and nature of the offenses;
- d. support the person if they choose to submit a written grievance;
- e. accompany the person to meetings with the church authorities if he/she desires it.

V. PROCEDURES FOR REPORTING AND RESPONDING TO COMPLAINTS OF MISCONDUCT

- A. Anyone who desires to discuss a concern regarding misconduct may contact their pastor, another United Methodist clergy person, a district superintendent, the Bishop, or a person trained to function as a member of a Sexual Ethics Support Team.
- B. The provisions of Paragraphs 362, 413 and 2702-2706 of THE BOOK OF DISCIPLINE (2004) shall determine the procedure.
- C. When an allegation of misconduct is subject to mandatory reporting requirements by the state (as in the case of a minor or an adult incapable of self-reporting), it shall be reported to the Bishop, and to the appropriate authorities and agencies.
- D. When appropriate the Bishop may utilize the services of one or more of the Ethics Response Teams.

POLICY ON PROPERTY & MATERIALS USAGE

Business Communication systems are property of the Mississippi Conference, District Offices, Local Churches, and institutions and agencies of The United Methodist Church. Use of all property including postage meter, facsimile, copying machines, computers and/or cellular phones will be for business purposes.

Use of electronic mail and voice mail are property of the employer, and as such, neither is to be considered confidential. It is important to remember that when an e-mail or voice mail message has been deleted from a location, it is still

possible to retrieve and read the message. The employer reserves the right to access and to read any and all information contained in computers, on computer disks, in computer files, e-mail messages, Instant Messages, and/or voice mail messages. Anyone who knowingly sends, receives, or accesses discriminatory, harassing, or otherwise inappropriate e-mails or voice mails will be in violation of the employer's harassment and discrimination property and usage policies and may be subject to corrective action.