

# Sexual Ethics Policy For Clergy<sup>1</sup> of the Oregon Idaho Annual Conference of The United Methodist Church.

## Statement of Policy:

**Clergy and employees of the Oregon-Idaho Annual Conference of The United Methodist Church shall not engage in sexual misconduct, sexual abuse, or sexual harassment.**

## Theological Foundation<sup>2</sup>

*The 2004 Book of Discipline* states in ¶161(G) the following. “We recognize that sexuality is God’s good gift to all persons. We believe persons may be fully human only when that gift is acknowledged and affirmed by themselves, the church, and society. We call all persons to the disciplined, responsible fulfillment of themselves, others, and society in the stewardship of this gift. We reject all sexual expressions that damage or destroy the humanity God has given us as birthright, and we affirm only that sexual expression that enhances that same humanity. We believe that sexual relations where one or both partners are exploitive, abusive, or promiscuous are beyond the parameters of acceptable Christian behavior and are ultimately destructive to individuals, families, and the social order.”

Sexual misconduct involves a misuse of the gift of sexuality. Acts that should signify the intimacy of a committed relationship between equal partners instead are tainted with ambivalence, confusion, guilt and sometimes fear. Secrecy, which often accompanies such acts, only reinforces these feelings and further signals that there is something “wrong” with the relationship. Sexual misconduct within a ministerial relationship leaves the victim bearing a burden of trauma attached to their expression of sexuality. Victims are thus robbed of the joyous celebration of the sacredness and dignity of their sexuality.

God entrusts the workers in the church with the responsibilities of sharing both Holy love and the Divine Word. Our sexual behavior, like any of our behaviors, must comply with the highest standards of a Christ-like life. We in the church are expected to live in covenant with each other and hold each other to those standards. By being speakers of the Truth, persons are offered freedom and redemption and God’s Grace can be employed for restoration of right relationships and alternative paths.

## Definitions

**Clergy:** Clergy membership of the Oregon Idaho Annual Conference consists of Deacons and Elders in full connection, probationary members, associate members, affiliate members, local pastors and retired members within the meaning of ¶602.1 of the *2004 Book of Discipline of The United Methodist Church*.

**Clergy Relationship** - A clergy relationship exists between a clergy person and any other person

- (i) when the other person is a parishioner of a congregation to which that clergy person was previously or is currently appointed,
- (ii) when the other person is supervised by, is a colleague with or receives ministry from a clergy person serving in any function for which he or she was ordained, licensed, hired or approved by the Annual Conference or its representatives,
- (iii) when a clergy person uses the authority of the clergy office or role in establishing a relationship with the other person, and
- (iv) when the other person is a member of a community which recognizes the authority of the clergy person as a person in ministry (i.e. appointments beyond the local church and honorable location, retirement, leaves of absence and other situations in which a clergy person serves a community other than a local congregation).

**Clergy Sexual Misconduct:** Clergy sexual misconduct occurs whenever a clergy person initiates

or allows any sexual contact or behavior with a person with whom he or she has a clergy relationship and includes, but is not limited to, sexual abuse and sexual harassment. This includes the chargeable offenses listed in ¶2702 of the *2004 Book of Discipline of The United Methodist Church*.

Clergy sexual misconduct must be understood primarily as an issue of the abuse of the power, trust, and status inherently present in any clergy relationship rather than an issue of the sexual morality of an individual clergy person. An inherent imbalance of power exists in any clergy relationship simply through the clergy role and totally separate from the clergy person's character, personality and style of ministry. A similar imbalance of power can also exist when one clergy supervises another clergy. The same sacred trust inherent in ordination, consecration and licensing that makes effective ministry possible leaves persons in clergy relationships open and vulnerable. This predisposes those persons to believe that clergy shall act only in ways that will contribute to their well-being. The only appropriate and acceptable clergy response to the trust and power given to clergy through their role is ministry to the emotional, spiritual and temporal needs of those who come to them for help.

A single clergy person may be involved in a romantic relationship within the parameters discussed in the following section.

**Clergy Sexual Misconduct In Context of Single Clergy Romantic Relationship-** A single clergy person engaging in a romantic relationship with a single person with whom he or she has a clergy relationship does not necessarily commit sexual misconduct. The clergy person must be aware of the inherent imbalance of power that he or she has in this type of clergy relationship and take full responsibility for the related potential for harm. A single clergy person entering into this type of relationship bears the burden of demonstrating that there has been no exploitation in the relationship, in light of all relevant factors, including the personal history and mental status of the other person and the likelihood of an adverse impact on the person or on others. A clergy person should refrain from entering into a romantic relationship with a person with whom he or she currently has a pastoral counseling relationship. Should a pastoral counseling need arise for a person with whom the clergy person is romantically involved, that clergy person would make recommendations of two or three choices for pastoral or other professional counselors. Neither shall a single clergy person enter into a romantic relationship with a person whom he or she has had a pastoral counseling relationship for at least two years after cessation or termination of the pastoral counseling (consistent with the American Psychological Association Code of Ethics of 1992). The clergy person who engages in such activity after the two years following cessation or termination of the pastoral counseling relationship bears the burden of demonstration that there has been no exploitation, in light of all relevant factors, including the amount of time that has passed since the pastoral counseling relationship terminated, the nature and duration of the pastoral counseling, the circumstances of termination, the personal history of the counselee and others and any statements or actions made by the clergy person during the course of the pastoral counseling suggesting or inviting the possibility of a post-termination romantic relationship with the counselee.

**Sexual Abuse:** The laws of both the States of Idaho and Oregon contain definitions of Sexual Abuse. These legal descriptions constitute the primary definitions of Sexual Abuse used in this policy. (See ORS 163 & Idaho Statues 18-1506). In Summary, Sexual Abuse is an actual or attempted sexual invasion of the body by force and without full consent. Sexual abuse is any of, but not limited to, the following: rape, sexual assault (a forced sexual act against one's will), incest, indecent exposure, statutory rape, involuntary, voluntary, or deviant sexual intercourse with a child, promotion of prostitution, pornography with children, indecent assault, and aggravated indecent assault. "Sexual abuse" as used in this policy is not limited to those matters that are defined as crimes by the states of Idaho and Oregon, nor are any of the specific elements that make certain activities crimes under the criminal codes of the states of Idaho and Oregon necessary to prove sexual abuse for the purposes of this policy.

**Sexual Harassment:** Sexual harassment is any sexually related behavior that is unwanted, offensive or which fails to respect the rights of others. This behavior includes any unwelcome sexual advance, request for sexual favor or relationship and other verbal, nonverbal or physical

conduct of a sexual nature that creates an intimidating, hostile or offensive environment and/or which is based on gender discrimination and/or perceived by the recipient as demeaning, intimidating or coercive.

Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. There are many possible scenarios in sexual harassment situations. Each situation must be evaluated on a case-by-case basis. Types of unwanted conduct that constitute sexual harassment as listed by the Equal Employment Opportunity Commission include (but are not limited to):

1. Unsolicited and unnecessary touching, pinching, patting or closeness.
2. Sexist remarks about a person's body or clothing.
3. Sexually degrading words to describe a person.
4. Repeated propositions or explicit demands for sexual activity.
5. Sexually suggestive pictures or objects in the work place or gathering place for the group or activity.
6. Judging a person by looks or body instead of ability.
7. Unsolicited suggestive looks or leers.
8. Unsolicited attempt to fondle or kiss.
9. Unsolicited sexual comments, teasing or telling of jokes with sexual context.
10. Unsolicited letters, calls or materials of a sexual nature.
11. Offer to use influence in return for sexual favor.

**Pastoral Counseling** - Pastoral counseling is the special dimension of ministry in which a clergy person utilizes a variety of counseling perspectives and techniques to help people handle their problems and crises and thus work toward healing. A pastoral counseling relationship begins at the point that the clergy person and the person or persons seeking pastoral counseling explicitly agree to enter into a relationship wherein is understood that the clergy person shall apply special skills to assist the other person or persons in resolution of problems or crises.

**NOTE:**

The above definitions are provided solely for the purpose of this **Sexual Ethics Policy**. The definitions do not create any chargeable offenses pursuant to *The Book of Discipline of The United Methodist Church*. This policy does not sanction any conduct, which may constitute a chargeable offense pursuant to *The Book of Discipline of The United Methodist Church*.

## **Implementation Of Policy [This section updated June 2014]**

**The Oregon-Idaho Annual Conference commits itself to fast and expedient investigation of any charge of sexual misconduct within its churches and act in compliance with the current Book of Discipline.**

The Clergy Sexual Ethics policy is to be made available for all Clergy, church employees, and local churches of the Oregon-Idaho Annual Conference by annual publication in the Oregon-Idaho Annual Conference Journal.

District Superintendents are responsible for informing the Pastor/Staff Parish Relations Committee members and members of the conference personnel committees of the Clergy Sexual Ethics policy.

The following persons are required to complete an annual online knowledge test on the Sexual Ethics Policy: 1) all Oregon-Idaho clergy members (see definition of "clergy" above) and 2) all other clergy currently serving under appointment by the Oregon-Idaho Bishop. When requested, provisions will be made for the online test to be taken on paper and returned to the District Superintendent via the U.S. mail.

The following persons are also required to attend one "Sexual Ethics, Abuse Prevention, and Healthy Boundaries" training offered by the Board of Ordained Ministry each quadrennium: all clergy currently appointed by the Oregon-Idaho bishop and/or serving in a ministerial role in an Oregon-Idaho ministry setting. The Board of Ordained Ministry shall determine if a non-Board of Ordained Ministry training is equivalent to the training promoted by the Board of Ordained Ministry. Considerations will include the training's number of contact hours, content, and the qualifications of the workshop leader(s).

Applications for exemption from the required annual online test and the once per quadrennium training requirement shall be made in writing to the District Superintendent. Letters of approval for exemption shall be kept on file in the District Superintendent's office.

The appropriate District Superintendent shall insure that lay persons assigned or appointed to ministry settings within Oregon-Idaho (including Lay Persons Assigned, Certified Lay Members, Diaconal Ministers, Deaconesses, and Home Missioners) receive appropriate sexual ethics training and are knowledgeable about the Oregon-Idaho Conference Sexual Ethics Policy and standards for preventing sexual misconduct, abuse, and harassment.

Clergy members who do not meet the above requirements shall have a letter of non-compliance placed in their permanent file. Noncompliance may result in disciplinary action initiated by the District Superintendent.

Knowledge or information about clergy sexual misconduct should be reported to a district superintendent or the bishop. When allegations of clergy sexual misconduct are made, every attempt shall be made to have two District Superintendents (preferably one male and one female) investigate the matter by meeting first with the accusing party, then with the accused. Where required, further information shall be gathered and a full report made to the Cabinet. The Bishop and the Cabinet shall make every effort to resolve allegations, complaints or charges in a timely manner and within the requirements of the current Book of Discipline. Further procedural recommendations are found in the appendix of this policy.

### **Making a Complaint**

A complaint about any clergy person in violation of this policy may be made to any District Superintendent, or the Bishop. A complaint against a clergy person that involves a child may also need to be reported to the proper authorities, but there are also laws that may prevent disclosure of information obtained during a confidential discussion between a clergy person and another person seeking spiritual guidance from the clergy person. All complaints shall be dealt with promptly and in confidence according to ¶362 of the *2004 Book of Discipline of The United Methodist Church*. Persons who report misconduct or file a complaint must not be subject to retaliation. Persons who have knowledge of alleged misconduct are expected to come forward. Persons who knowingly give false information or reports shall be disciplined. All investigations of clergy shall be conducted according to ¶¶2701-2706 of the *2004 Book of Discipline of the United Methodist Church*.

# Appendices to Sexual Ethics Policy for Clergy of the Oregon Idaho Annual Conference of The United Methodist Church

## Suggested Methods of Dealing with Allegations of a Clergy Sexual Misconduct

### I. Incidents Involving Children under 18 Years Old

(For the purposes of this section, sexual misconduct includes all forms of sexual misconduct except sexual harassment.)

A. If any incident of sexual misconduct is known or suspected to have occurred involving clergy and a person under the age of 18, the nearest agency or authority charged with child protection must be contacted immediately and a report given. This report is mandatory as outlined by the Idaho Code § 16-1619(a), (c) (Supp. 1998) and Or. Rev. Stat. Ann. § 419B.010(1) & Or. Rev. Stat. Ann. § 419B.005(3)(h). However, there are also laws that may prevent disclosure of information obtained during a confidential discussion between a clergy person and another person seeking spiritual guidance from the clergy person.

B. Do not confront or discuss the incident with the alleged perpetrator.

C. Contact the District Superintendent or other church authority to inform them of the report that you have made.

### II. Clergy Sexual Misconduct Against Persons 18 Years Old or Older

(For the purposes of this section, sexual misconduct includes all forms of sexual misconduct except sexual harassment.)

A. If a clergy commits an act of sexual misconduct against you:

1. Contact the Bishop or a district superintendent who shall act according to his/her responsibility as outlined in ¶362.1 of the *2004 Book of Discipline of The United Methodist Church*. In addition, the bishop or district superintendent may include third parties for mediation and consultation.

2. It is advisable to keep a journal which documents all incidents in question, including conversation and contacts with the person, dates, times, witnesses and descriptions of the incidents.

3. When the alleged conduct constitutes a criminal act, report it to the police.

B. If you are accused of sexual misconduct:

1. Listen objectively when confronted with behaviors that have caused discomfort or harm to another, whether intended or not, and be open to ways that your behavior can change.

2. It is advisable to keep a journal which documents all incidents in question, including conversations and contacts with the person, dates, times, witnesses and descriptions of all incidents.

C. If sexual misconduct is reported by complainant to you as Clergy, Christian Education Director, Diaconal Minister, Staff-Parish Relations Committee Chairperson:

1. Listen objectively and take it seriously with due consideration and sensitivity given to the safety and emotional needs of the complainant.

2. Make certain the complainant is aware of the Oregon Idaho Annual Conference's Sexual Ethics Policy and his or her option to report the incident. Affirm with the complainant the decision to participate in reporting the incident(s) is in the hands of the complainant. The person hearing the report should resist making decisions for or attempting to influence the complainant.

3. Alleged sexual misconduct is reported to the district superintendent. If the alleged perpetrator is the district superintendent, contact the bishop. If it is the bishop, contact the Council of Bishops.

### III. Sexual Harassment

#### A. If you are sexually harassed by a clergy:

1. It is advisable to keep a journal which documents all incidents of sexual or gender harassment including dates, times, witnesses and descriptions of the incidents. If you receive any written letters, cards, or memos of a suggestive nature from the harasser, it is advisable to keep them, noting the date received and how received (mailed to your home, left on your desk, etc.)
2. If you choose, confront the alleged harasser before taking official action.
  - a. Tell the alleged harasser firmly and clearly what behavior is not acceptable to you. If you choose, take another person with you for support. Be as specific as possible. This action, in many cases, will be sufficient or
  - b. Contact the alleged harasser in writing. Clearly state what behavior(s) and action(s) are not acceptable to you, or
  - c. Contact another pastor or supervisor and ask them to talk with the alleged harasser. Clearly state what behavior(s) and action(s) are not acceptable to you.
3. If you choose not to confront the alleged harasser, contact a district superintendent.

#### B. If you are accused of sexual harassment:

1. Listen objectively when confronted with behaviors that have caused discomfort or harm to another, whether intended or not, and be open to ways your behavior can change.
2. It is advisable to keep a journal which documents all incidents in question, including conversations and contacts with the person who confronts your behavior, dates, times, witnesses and descriptions of the incidents.
3. If there is no one-on-one resolution you may contact a district superintendent.

#### C. If acts of sexual harassment are reported by complainant to you as Pastor, Deacon, Christian Education Director, Diaconal Minister, Staff-Parish Relations Committee Chairperson:

1. Listen objectively and take it seriously with due consideration given to the safety and emotional needs of the complainant.
2. Give complainant the Oregon-Idaho Annual Conference's Sexual Ethics Policy and review with her or him the option to report the incident to the district superintendent.

**Statute of Limitations:** Limitations of claims for sexual misconduct apply only to the extent that the behavior in question was one listed in *The Book of Discipline of The United Methodist Church* in effect at the time the behavior took place. A person may be charged with an offense only if it was a chargeable offense in *The Book of Discipline of The United Methodist Church* in effect at the time the action was committed. The applicable limitation periods for sexual misconduct and sexual or gender harassment may be found in ¶¶ 362.1.d, 2702.4, and 2704 of the *2004 Book of Discipline of The United Methodist Church*.

#### Endnotes:

<sup>1</sup> The basic format of this document, along with portions of the content, was originally developed by the East Ohio Annual Conference of the United Methodist Church

<sup>2</sup> This Theological Reflection is found in the 2006 Sexual Misconduct Policy presented by the Board of Ordained Ministry of the Oregon-Idaho Annual Conference of the United Methodist Church.