11. Policy

Passion in
Jesus Christ,
Compassion
for All

Policy Statement on Misconduct of a Sexual Nature

Instruction for Distribution: This policy will be distributed each year by the Conference Treasurer and Director of Administrative Services to all Conference Personnel and Personnel Committees. Further, it will be distributed each year by each Superintendent to:

- the PPR/SPR chairs on their Districts with the request that the policy be shared with their congregations and personnel, and
- all clergy related to the Charge Conferences of their Districts and all those assigned by the Bishop or Cabinet.

Purpose: The California-Nevada Annual Conference of The United Methodist Church bears affirmative responsibility to create an environment of hospitality for all persons, male or female, which is free of misconduct of a sexual nature and encourages respect, equality and kinship in Christ. We support equity among all persons without regard to ethnicity, situation, or gender. The California-Nevada Annual Conference stands in opposition to the sin of misconduct of a sexual nature in the Church and society at large. The California-Nevada Annual Conference commits itself to fair and expedient investigation of any charge of misconduct of a sexual nature within the church and to take action deemed appropriate and in compliance with The 2000 Book of Discipline.

Theology: The 2000 Book of Discipline states, ¶161. "G) Human Sexuality-We recognize that sexuality if 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 also recognize our limited understanding of this complex gift and encourage the medical, theological, and social science disciplines to combine in a determined effort to understand human sexuality more completely. We call the Church to take the leadership role in bringing together these disciplines to address this most complex issue. Further, within the context of our understanding of this gift of God, we recognize that God challenges us to find responsible, committed, and loving forms of expression.

Although all persons are sexual beings whether or not they are married, sexual relations are only clearly affirmed in the marriage bond. Sex may become exploitative within as well as outside marriage. 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 exploitative, abusive, or promiscuous are beyond the parameters of acceptable Christian behavior and are ultimately destructive to individuals, families, and the social order.

We have been called into covenant with God and one another through the grace of Jesus Christ. This covenant, which we share in together in Christ's body, the Church, is intended by God to be a means of reconciliation, justice, faith, hope, and love. Misconduct of a sexual nature disrupts the sacred covenant of God with us and is unacceptable in the community where Christ's ministry of grace is proclaimed and experienced. Misconduct of a sexual nature within the faith community is a devastating betrayal of sacred trust. Therefore, all Christians are called to identify and prevent misconduct of a sexual nature whenever, however, and wherever it is encountered."

The California-Nevada Annual Conference of The United Methodist Church affirms *The 2000 Book of Resolutions*, "Sexual Abuse Within the Ministerial Relationship and Sexual Harassment within the Church," which states that sexual abuse within the ministerial relationship and sexual harassment within the church are incompatible with the biblical teachings of hospitality, justice and healing. All human beings, both male and female, are created in the image of God, and thus have been made equal in Christ. As the promise of Galatians 3:26-29 states, "all are one in Christ." We support equity among all person without regard to ethnicity, situation, or gender.

Definitions: The term "clergy" is used in this policy to include all ordained, licensed, consecrated, appointed or assigned persons serving in the California-Nevada Annual Conference, including those ministers appointed to extension ministries, those who are on leaves, those who have honorably

located, and those who are retired.

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 as a spiritual leader (appointments to extension ministries, honorable location, ministers on leaves, retired) or other ministries in which the clergy person serves a community much wider than the membership of the appointed congregations.

Misconduct of a sexual nature within the ministerial relationship is an abuse of the power of the clergy role. Such misconduct may include sexual abuse, sexual assault, sexual exploitation, and sexual harassment. Clergy misconduct of a sexual nature also includes some relationships between so-called consenting adults when they occur in the context of a clergy person's professional role.

Misconduct of a sexual nature within the ministerial relationship occurs when a person within a ministerial role of leadership engages in inappropriate sexual contact, or inappropriate sexualized behavior with a congregant, client, employee, student, staff member, co-worker, colleague or volunteer. Misconduct of a sexual nature within the ministerial relationship involves a betrayal of sacred trust, a violation of the ministerial role and exploitation of those who are vulnerable. Any such misconduct of a sexual nature is a violation by the clergy person who then bears the responsibility for his/her behavior. (Adapted from *The 2000 Book of Resolutions*, page 136)

"We define sexual harassment 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 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." *(The 2000 Book of Discipline,* ¶161.I)

Practical Application: The church is called to recognize, prevent, and stop misconduct of a sexual nature. As a part of the covenant community of faith, all clergy and laity bear sacred responsibility to address misconduct of a sexual nature as they become aware of such behavior. While we recognize that clergy are uniquely accountable to the California-Nevada Annual Conference for their actions in this regard, it is our hope is that persons serving in other leadership roles (educators, counselors, youth leaders, or other positions of leadership) will bear and uphold the same sacred responsibility. Furthermore, it is our belief that laity and clergy alike bear responsibility for confronting one another with knowledge of misconduct of a sexual nature and harassment.

When the covenant has been broken by instances of misconduct of a sexual nature, there is pain and disruption in the community. In those moments, the church is called to bring about healing, reconciliation and restoration of all parties. This may include encouragement and support of an aggrieved person, care for one committing the offense, and initiation of complaint procedures (see ¶359, *The 2000 Book of Discipline Re: Complaint Procedures)*. Every complaint shall be taken seriously.

When incidents of misconduct of a sexual nature are alleged or proven, the greatest possible care shall be taken to assure that the least possible additional harm is done to all persons involved. When misconduct of a sexual nature occurs, there are many victims: the persons involved, the spouses and families, congregations, and the larger community surrounding them.

If any provision of this policy is in conflict with the current *Book of Discipline, The Discipline* shall prevail. Such conflict shall not be grounds for invalidating this policy.

To explore options, persons involved in or aware of possible misconduct may call the Conference Confidential Hotline for Sexual Harassment and Misconduct of a Sexual Nature. The phone number (916-374-1569) shall be published yearly in the Conference *Journal.*

- Adopted by California-Nevada Annual Conference June 2002

Abuse Prevention Policy

Introduction

Jesus, time and time again, spoke of the importance of young people being included and provided for within the community of faith. Our hope and belief today is that the church is a place where children and youth will find the unconditional love and care they so desperately need to grow and thrive.

Every 15 seconds a child is abused or neglected. Abuse often happens in settings where children, youth, and vulnerable adults should be able to feel safe - homes, schools, camps, and most sadly, the Church. Abuse does occur in churches, large and small, urban and rural. It is a problem, which cuts across all economic, cultural, and racial lines. It is real and appears to be increasing.

The General Conference of The United Methodist Church, in April 1996, adopted a resolution aimed at reducing the risk of abuse of children, youth, and vulnerable adults in the church. As Christians, we must take our responsibilities to our children, youth, and vulnerable adults very seriously. We fail in our responsibilities if we neglect to take adequate precautions against abuse in our churches. It is unlikely that we can completely prevent abuse in every situation, but it is possible for us to greatly reduce the risk by following a thorough practical policy of prevention. This policy attempts to do that for Conference agencies that deal with children, youth, and vulnerable adults.

Purpose

God has given us a sacred opportunity and great responsibility to nurture and protect children, youth and vulnerable adults, and the persons who work with them. The California-Nevada Annual Conference of The United Methodist Church bears affirmative responsibility to create an environment of safe sanctuary for children, youth and vulnerable adults, and those who work with them in a conference setting. Thus we establish this Abuse Prevention Policy to demonstrate our absolute and unwavering commitment to the physical safety and spiritual growth of all our children, youth, and vulnerable adults.

It is the purpose of this policy first of all to protect the children, youth, and vulnerable adults that come to us. The second purpose of this policy is to protect our staff, both paid and volunteer, from potential allegations of abuse.

We have developed a comprehensive plan that includes all areas of the issue: screening, training, supervision, reporting procedures, and a response plan. We will follow stringent safety measures in the recruitment and selection of workers; we will implement prudent operational procedures in all programs and events; we will educate all of our workers with children, youth, and vulnerable adults regarding the use of all appropriate policies and procedures; we will have a clearly defined procedure for reporting a suspected incident of abuse that conforms to the requirements of the laws of California and Nevada; and we will be prepared to respond to media inquiries if an incident occurs.

Definitions

Adult means a person 18 years old or older.

Child abuse as defined under California and Nevada laws means any of the following:

- A child is physically injured by other than accidental means.
- A child is subjected to willful cruelty or unjustifiable punishment.
- A child is abused or exploited sexually.
- A child is neglected by a parent or caretaker who fails to provide adequate food, clothing, shelter, medical care or supervision.

Child means any person from infancy to 11 years old.

Activities means any activity or program in which children, youth, or vulnerable adults are under supervision of staff persons or volunteers.

Conference means the California-Nevada Annual Conference of The United Methodist Church.

Staff person means any person employed by the Conference who is responsible for activities for children, youth, or vulnerable adults.

Volunteer means a person 18 years of age or older who assists in conducting activities under the supervision of a staff person.

Vulnerable Adults means any person over 18 years of age with diagnosed diminished physical, mental, or emotional capacities.

We means the California-Nevada Annual Conference.

Youth means any person from 12 years old to 18 years old.

Screening Procedures

Careful screening is one way to prevent the abuse of children, youth, and vulnerable adults. It can be time consuming and expensive, but provides some assurance that the most reliable, committed and experience staff and volunteers are in place for every program that involves children, youth, and vulnerable adults.

The following shall be MINIMUM standards:

All adults, volunteer or staff persons, who have regular and direct contact with children, youth, and vulnerable adults shall be required to fill out an application that includes:

- Standard contact information
- Voluntary disclosure of past criminal history and allegations of criminal activity
- Listing of 3 non-related references with complete contact information for all references
- A signed release and waiver form allowing the Conference to perform a background check.

The policy shall be implemented in the following manner:

All staff persons and volunteers, who have regular and direct contact with children, will submit to the screening procedures as outlined by this policy.

All new applicants, persons having a break in service of one or more years, and

those persons who have not been screened in five years since their last background check shall submit to the screening procedures again.

The staff person in charge of the event and/or their designee is responsible for review and approving each application before a person's service begins.

All records are confidential and will be maintained by the Annual Conference.

When the Conference is hosting an event in which the local church is requested to bring adult chaperones, we recommend that all brochures and other written material specify these procedures as requirements for all adults serving as chaperones at the event.

Supervision

Competent and trained adults are important to any event. The procedures described below are designed to reduce the possibility of abuse to children, youth and vulnerable adults, and to protect staff persons and volunteers from unfounded accusations. These are MINIMUM standards and each event may adopt more stringent requirements if necessary.

1. Training is required for all persons having direct contact with children, youth, and vulnerable adults in Conference activities. The minimum standard shall include an annual orientation that includes information about this Policy, training in the supervision of children, youth, and vulnerable adults, and training in the identification and reporting of abuse.

2. Minimum standards shall include the two adult rule. The two adult rule requires that there will always be two unrelated, adults present.

3. In the case of children and youth, no person shall supervise an age group unless he/she is AT LEAST 5 years older than the children or youth with whom they are working with.

4. The Conference shall employ an open space rule. The open space rule requires that all activities shall occur in open view. Each room or space where children are being supervised shall have a window in the door or the door shall be left open.

5. Registration materials for activities in which children, youth, or vulnerable adults are outside the direct supervision of their parents/guardians shall require signed permission forms, which include health supervision and the parents/guardians permission to treat a child, youth, or vulnerable adult if they are injured or become sick during an event.

6. All participants who can understand a behavior agreement shall sign a participation covenant. This covenant can be in the form of clear, posted rules that are explained to the participants at the outset of the event.

Reporting

According to California and Nevada law, every person who has reason to believe that a child or youth under the age of 18 has been abused is mandated to report the suspected abuse. Volunteer leaders and workers are no exception. ,

At any Conference event, if an adult suspects the abuse or neglect of a child, youth, or vulnerable adult, whether it has occurred at the event or prior to the event, that person must report his/her suspicions to the leader of the event and together they must ascertain the details needed to make an accurate report. This report must be made within 24 hours. The report should include the following information, if obtainable:

1. The name, address, age and sex of the alleged victim;
2. The name and address of the alleged victim's parents or other person responsible for his/her care;
3. The nature and extent of the alleged abuse or neglect;
4. Any evidence of previously known or suspected abuse or neglect of the alleged victim or their siblings;
5. The name, address and relationship, if known, of the person who is alleged to have perpetrated the abuse or neglect; and
6. Any other information known to the person making the report that would be helpful to the investigation of the alleged abuse.

The event leader shall contact the appropriate state or county agency to file the abuse report and forward the aforementioned information to the agency as soon as possible. The person making the report should keep a copy of the report and consider it confidential information. Another report should be sent to the Conference staff person overseeing the event at which the alleged abuse occurred.

The alleged perpetrators of the abuse will be required to refrain from all events involving children, youth and vulnerable adults until the incident report is resolved. In any removal of a person from any activities, care must be taken to handle this in a discreet manner, recognizing that an investigation is still being conducted.

Response Plan

A quick, compassionate and unified response to an alleged incident of child abuse is expected. All allegations will be taken seriously. In all cases of reported or observed abuse in a children's activity, the entire staff of that activity shall be at the service of all official investigating agencies.

The Conference Director of Communications, or his/her designee, is the only person(s) authorized to make statements to representatives of the media. All requests for statements should be directed to the Director of Communications. Training in how to handle media requests should be a regular part of Conference staff training. A spirit of cooperation in helping the media find the "official spokesperson" is often helpful.

If the allegation is against a Conference staff person or volunteer or if it occurred in the course of a Conference activity, the staff person in charge of the activity and the Conference Crisis Management Team shall be contacted immediately. The Conference Crisis Management Team will advise the Conference's insurance carrier.

In either case, pastoral support will be available to all persons involved with the incident as indicated.

- Adopted by California-Nevada Annual Conference June 2004