

**CHRISTIAN CHURCH (DISCIPLES OF CHRIST) IN THE SOUTHWEST**  
**CLERGY SEXUAL MISCONDUCT POLICY**

*Approved by the Regional Council, February, 2005 for adoption January, 2006.*

***Sexual exploitation, sexual abuse, and employee sexual harassment constitute clergy sexual misconduct. Clergy sexual misconduct is unacceptable in the Christian Church in the Southwest and may lead to removal of ministerial standing.***

**APPLICATION OF POLICY**

**Sexual Exploitation**

*Sexual exploitation* by clergy is a betrayal of trust in a pastoral, teaching or ministerial relationship.<sup>1</sup> For the purposes of this policy, sexual exploitation is generally contact of a physical nature between adults in an unequal power relationship that may involve inappropriate touching, embraces or assault. Sexually exploitive activities may include dating, intense kissing, touching breasts or genitals, verbal suggestions of sexual involvement or sexually demeaning comments by a leader, or sexual intercourse. It includes but is not necessarily limited to pastor/parishioner, pastoral counselor/counselee (or former counselee), seminary professor/student, clergy camp counselor/co-counselor, camp counselor/camper, and pastor/employee relationships.

Clergy should be aware that theirs is a relationship of unequal power with parishioners or others with whom there is a pastoral relationship. Due to the imbalance of power existing between clergy and those with whom there is a pastoral/professional relationship, the development, or the attempted development, of a sexual or romantic relationship between a religious leader and a person with whom the leader has a pastoral/professional relationship is typically sexually exploitive.

A clergyperson cannot be a pastor to a person with whom he or she engages in a dating or romantic relationship. Because a congregation<sup>2</sup> must be able to trust in the pastoral relationship (and

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<sup>1</sup>For the purposes of this Policy, the term Apastoral relationship@encompasses the range of relationships where one@s role as a clergyperson plays a part. The term is applied broadly in this Policy as indicated further in this paragraph.

<sup>2</sup>For the purposes of this Policy, the term Acongregation@should generally be understood to include any institution employing a clergyperson who is required to have standing or in which one@s role as a clergyperson plays a part.

the consequent power and authority thereby vested in clergy), a congregation and not just the Victim is harmed when a pastor violates his or her trust and engages in a dating or romantic relationship with a parishioner or other person with whom there may be a pastoral relationship.

### **Sexual Abuse**

For the purposes of this policy, *sexual abuse* includes (1) sexual involvement or contact by a clergyperson with a person who is a minor or who is legally incompetent and (2) rape. Sexual abuse of a minor is a criminal offense and must be reported to law enforcement officials. It is Regional policy to make such reports immediately and to cooperate fully with law enforcement officials in investigating any allegations of sexual abuse.

### **Sexual Harassment (in the context of employment<sup>3</sup>)**

For the purposes of this policy, *sexual harassment* is an unacceptable form of employment discrimination.

Unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by individuals is used as the basis for employment decision affecting such individual; or,
- 3) such conduct has the purpose or effect of unreasonable interference with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, unwelcome and/or persistent sexually-oriented humor or language, questions or comments about sexual behavior, preference or orientation, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements or interaction, in a situation where there is an employment, mentor or colleague relationship between the people involved, including clergy with standing (whether ordained or licensed) or seminarians working in this Region.

The Region's authority for allegations of sexual harassment when the Region is not the Accused's employer extends only to the issue of standing.

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<sup>3</sup>For the purposes of this Policy, *employment* may include situations where the clergyperson has a supervisory or mentor role with respect to volunteers, students, or others who do not receive remuneration for services.

## **PROHIBITION AND STRICTURE**

The Christian Church in the Southwest strictly prohibits interaction with children or youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or anyone known to have a paraphilic diagnosis (e.g. pedophilia, exhibitionism, voyeurism) as defined by the American Psychiatric Association.

### ***PROCEDURE***

#### **FOR RESPONDING TO COMPLAINTS OF CLERGY SEXUAL MISCONDUCT**

### **GENERAL**

All complaints of sexual misconduct as defined in the Policy will be referred to the Regional Minister for investigation in accordance with the provisions set out below.

### **SPECIFIC PROCEDURES**

1. All Complaints of Sexual Abuse shall be referred to appropriate officials having jurisdiction as required by law.
2. A Complaint may be made by:
  - (a) any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of any alleged Victim who is under a disability, or (iii) the spouse or adult child of a Victim; or
  - (b) the Regional Minister if he or she shall have good and sufficient reason to believe that any clergy has violated this Policy; or
  - (c) the Executive Committee (or analogous body) of any congregation who believes that a member of the clergy has violated this Policy.
3. The Regional Minister shall receive Complaints of sexual misconduct by clergy who have standing in this Region.
4. The Regional Minister or the Regional Minister's designee generally shall provide notice to the congregation employing the Accused of the receipt of a Complaint. Such notice is sufficient if provided the chairperson of elders, the board moderator, or an equivalent officer of the congregation.
5. A written summary of the Complaints shall be provided the Accused and shall be placed in the Accused's confidential file. The Regional Minister in her or his discretion, and with the participation of an appropriate Area Minister, may meet with the Accused to review this Policy and its procedures and to share any pastoral concerns that seem appropriate.

6. Even if the Accused resigns standing, the Regional Minister shall appoint one or more Church Investigators. The Church Investigator(s) shall promptly make an investigation of the matter.
7. Within sixty days after appointment by the Regional Minister, unless delayed for good and sufficient cause stated, the Church Investigator(s) shall render a confidential Report to the Misconduct Committee. The Report shall include evidence and findings. It may also include recommendations that the Church Investigator(s) deem to be pertinent in the interest of justice and the good order and discipline of this Church. The Report of the Church Investigator(s) shall be confidential for all purposes as between the Church Investigator(s) and the Misconduct Committee and may include a recommendation or not for a hearing. Provided, however, the Misconduct Committee shall in any case share the Report of the Church Investigator(s) with the Regional Minister for inclusion in the Accused's confidential file.
8. If the Church Investigator(s) recommend against a hearing, the Report shall state reasons why.
9. If a hearing is recommended by the Church Investigator(s), within thirty days after the receipt of the Report, the Misconduct Committee shall schedule a hearing upon reasonable notice to the Accused. The Accused will be provided a copy of the Report prior to the hearing. The Misconduct Committee will give an opportunity to be heard to the Accused, the alleged Victim, and the Complainant; further, it may hear from other persons and may receive additional evidence that it in its sole discretion deems appropriate. Upon the conclusion of the hearing, the Misconduct Committee shall deliberate and render a decision about the retention of ministerial standing by the Accused.
10. If the Church Investigator(s) either recommend against a hearing or make no recommendation about a hearing, within thirty days after the receipt of the Report, the Misconduct Committee shall convene either in person or by conference telephone call to consider the Report. After reviewing the Report and any other evidence that the Committee deems pertinent, the Misconduct Committee may schedule a hearing on its own motion.
11. If the Accused resigns standing prior to hearing, the Misconduct Committee will determine whether a hearing is necessary.
12. If no hearing is scheduled, the Misconduct Committee shall prepare a memorandum addressed to the Regional Minister stating its reasons for that decision and shall provide copies to appropriate parties, such as the Accused, the alleged Victim, the Complainant, and/or the congregation.
13. Non-compliance with time limits set forth in this Procedure shall not be grounds for the dismissal or reversal of a Complaint unless such non-compliance shall cause material and

substantial injustice to be done or seriously prejudice the rights of an Accused as determined by the Misconduct Committee on written motion of the Accused at hearing.

14. After a hearing, the Misconduct Committee shall communicate in writing its judgment to the Accused, to the Complainant or alleged Victim, and to the congregation served by the Accused upon conclusion of its deliberations and reaching a decision. A copy of the judgment shall be placed in the Accused's file.