

## **POLICY STATEMENT & PROTOCOL ON CLERGY SEXUAL MISCONDUCT OF THE BALTIMORE-WASHINGTON CONFERENCE OF THE UNITED METHODIST CHURCH**

### I. Policy Statement

#### A. Introduction

The pastoral office is a position of great trust, responsibility, and power. This trust and responsibility provide the opportunity for unique relationships of grace and caring. Persons in pastoral roles sometimes violate the trust given them by the abuse of their power. Sexual misconduct is one of the gravest violations of this trust.

This Policy Statement of the Baltimore-Washington Conference deals with the specific abuse of power by those in pastoral ministry who engage in sexual misconduct. The intent of this Policy Statement is to provide for the safety of parishioners by ensuring a protective climate, protect the special covenantal relationship between pastors and those to whom they minister, and ensure the health and authenticity of clergy persons in pastoral ministries.

#### B. Theological Reflections

Our relationship with and knowledge of God guides and illuminates our reflections on pastoral behavior and sexual misconduct. Some of these reflections are:

- God created us as embodied sexual beings, male and female; there is no dichotomy between body and spirit — our selves are not separate from our bodies (Genesis 2:18-25).
- God calls us to honor the integrity of our neighbors, and their authority over their own personhood (Deuteronomy 22:25-27).
- God calls us into covenant with each other within the family of God (Deuteronomy 14:1-2; Ephesians 4:14-16).
- God, through the church, calls pastors to witness to the preciousness of bodies, our own and others, and to declare that each person is unique and of divine worth (I Corinthians 6:19-20).
- God's grace, freely given through Jesus Christ, calls us to be channels of grace, not exploitation, and to be agents of healing and redemption. In light of these understandings, when we honor the complete integrity of another, we honor and remember the Body of Christ.

#### C. Definition of Sexual Misconduct and Statute of Limitations

1. Sexual misconduct is an abuse of power through sexual contact or activity, not limited to sexual intercourse, in which a clergy person violates the free choice, or abuses the vulnerability of a parishioner (adult or minor), client, church staff person, colleague, or any other person to whom the clergy person has a professional relationship in his or her ministry.

2. Sexual misconduct may take several forms, including sexual harassment and/or sexual abuse. Sexual harassment is a form of sexual misconduct and is defined as "any unwanted sexual advance or demand, either verbal or physical, which is perceived by the recipient as demeaning, intimidating, or coercive." (1988 Book of Resolutions, p. 375. The policy on sexual harassment is further detailed in the document prepared by the Board of Ordained Ministry and adopted by the Annual Conference in June of 1992, see ¶2413, 2001 Manual on Policies & Procedures.)

3. Sexual misconduct breaks the sacred trust inherent in Licensing and Ordination. Any such sexual misconduct by a clergy person — as well as child sexual abuse, adult sexual abuse or sexual harassment — is a chargeable offense (2004 Discipline ¶2702). All clergy persons shall be responsible for their own behavior.

4. Any charges filed must be in the language of the Discipline in effect at the time the alleged offense was committed. Other limitations in the filing of complaints include:

- a. no complaint shall be considered for any misconduct which shall not have been committed within six years immediately preceding the filing of the complaint;
- b. in the case of sexual or child abuse, no complaint shall be considered which occurred prior to January 1, 1993; any offense of sexual or child abuse occurring on January 1, 1993 or afterwards shall have an unlimited statute of limitations (2004 Discipline ¶2702.1,4).

#### D. Definition of “Complainant,” “Respondent,” and “Victim”

1. In this Policy statement and Protocol, a “complainant” is understood to be a person who submits a written and signed complaint for arbitration.
2. A clergy person against whom a complaint of sexual misconduct has been filed shall be known as the “respondent.”
3. While a complainant may also be an alleged victim, the Policy and Protocol does not assume that the complainant is an actual victim. The term “victim” will be used in cases where either the respondent makes confession of alleged sexual misconduct or where the respondent is proven to be guilty.

#### E. Standards for Clergy Conduct

The following are standards which underlie this Policy Statement and its definition of sexual misconduct by clergy persons:

1. Clergy persons are responsible for avoiding sexual misconduct by establishing and maintaining appropriate personal and social boundaries in all interpersonal relationships.
2. Clergy persons are responsible for their conduct regarding the emotional, spiritual, and physical protection of all persons who come to them for help or over whom they have any kind of authority. Breach of this protective relationship is unethical and abusive even when sexual activities are initiated by the person(s) to whom the pastor is ministering. Because of the imbalance in power and trust in such a relationship, the person(s) being ministered to by the clergy person should be presumed to be unable to give meaningful consent to any sexual activity.
3. Because clergy persons often deal with individuals who are emotionally and psychologically fragile or personally vulnerable, it is imperative that clergy persons:
  - a. be as psychologically, emotionally, and spiritually healthy as possible at all times;
  - b. have adequate preparation and education for helping those individuals under their care and making appropriate referrals; and
  - c. have continued supervision to deal with the inherent risk caused by dependency and/or transference between the parties.

#### F. Responsibility to the Victim(s)

1. To be a victim of sexual misconduct is to experience a devastating betrayal of trust. The victim has trusted that the power and the authority given to a clergy person will be used for the well-being of all persons. In turning to a clergy person, persons become vulnerable and trust that their vulnerability will be respected and not abused. When a clergy person uses power to abuse and disrespect the trust and vulnerability of persons, the effects are painfully traumatic.

2. When sexual misconduct occurs, there are many victims: the person(s) who has been abused, the spouses and families of the abused person(s), the spouse and family of the respondent(s), and the congregations and the larger community surrounding them. While all these victims are not addressed by current disciplinary procedures of the United Methodist Church, all are hurt when sexual misconduct occurs. The Sexual Misconduct Response Team of the Conference will be available to provide assistance for the complainant(s) as well as appropriate intervention on behalf of the congregation(s) or the larger community (see Section III).

3. When allegations of sexual misconduct are made against a pastor, the complainant(s) and victim(s) will receive sensitive and respectful care both during the time of investigation and through the season of healing. By the same token, justice for the respondent(s) will also be maintained. Care will be taken to protect the privacy of the respondent, the complainant(s), and the victim(s).

#### G. Expectations of the Covenantal Relationship of Clergy Persons

All clergy persons are bound in a covenant of mutual respect and responsibility, including a call to exemplary living which incarnates the Gospel:

1. Because of this covenant with the church which pastors make upon their ordination or through licensing, clergy persons are called to remain faithful to the Church by not ignoring knowledge of sexual misconduct by other clergy persons:

- a. "knowledge of sexual misconduct" is understood to be specific information, not suggestions, rumors, or innuendos;
- b. this Policy Statement shall not be understood as granting other clergy persons permission to go searching for such information;
- c. a clergy person with knowledge of sexual misconduct by another clergy person is encouraged to approach the clergy in question directly and discreetly, share the knowledge, and encourage him/her to cease the behavior, and seek counseling and/or therapy;
- d. when a clergy person possesses knowledge of sexual misconduct by another clergy person and the second clergy person refuses or is unable to stop the behavior, the clergy person with the knowledge of sexual misconduct is encouraged to report the knowledge to the Cabinet and/or the bishop.

2. All clergy persons are to do their utmost to support those who feel victimized and to encourage them to submit their complaints directly. If, for whatever reason, individuals need assistance in submitting a written and signed complaint, clergy shall make every effort to help them file such a complaint. The Sexual Misconduct Response Team will be available to all clergy persons within the Conference to assist them in these efforts.

3. Clergy persons who are appointed to congregations where their predecessor has been sexually irresponsible find themselves living with the consequences arising from the misconduct of a previous clergy person. When friends in the ministry are caught in the web of sexual misconduct, clergy persons often find themselves caught between caring for a personal friend involved in sexual misconduct and caring for the health and authenticity of the ordained ministry. Intentional support from the bishop and the Cabinet is to be given to any clergy person who is appointed to a congregation where sexual misconduct by a previous clergy person has occurred.

4. Finally, the effects of sexual misconduct by a clergy person are also felt by both pastoral colleagues and the laity within the Conference. Whenever one of us acts in sexually inappropriate ways, all of us experience hurt and grief over the breaking of the special covenantal relationship between the clergy persons and parishioners.

#### H. Expectations of the Committee on Pastor-Parish Relations

1. The Committee on Pastor-Parish Relations of the local church is charged with monitoring the relationship of the clergy person to the congregation and cooperating, in an advisory capacity, with the bishop and Cabinet at the time of a change of a clergy person. Because of this role of leadership, members of the Committee have a responsibility to be alert to possible sexual misconduct and to report knowledge of sexual misconduct by clergy persons to the Cabinet and/or the bishop.

2. If, for whatever reason, individuals with grievances do not choose to file a complaint of sexual misconduct, members of the Committee shall do their utmost to support those who feel victimized by encouraging them to become familiar with the Policy Statement & Protocol and file such complaints directly. The Sexual Misconduct Response Team will be available to local Committees, or other personnel committees, to assist them in these efforts.

#### I. Suspension of Clergy Persons Accused of Sexual Misconduct

1. It shall be the policy of the Baltimore-Washington Conference that the bringing of an allegation of sexual misconduct by a written and signed complaint against a clergy person shall qualify as “unusual circumstances” for the suspension of that clergy person to protect the well-being of the complainant, the church and/or the clergy (2004 Discipline ¶ 362.1c).

2. When a written and signed complaint of sexual misconduct is brought against a clergy person, the bishop and/or Cabinet shall immediately recommend to the Executive Committee of the Board of Ordained Ministry that the clergy person be suspended. The bishop and the Cabinet may request that the Executive Committee take immediate action through a phone conference when there is a matter of urgency. Upon the approval of the suspension by the Executive Committee, the bishop and/or Cabinet shall immediately suspend the accused clergy person from all clergy responsibilities, but not from an appointment, for a period not to exceed sixty days while procedures are followed. Suspension is a neutral category, implying neither innocence nor guilt, during which all parties will receive fair process (2004 Discipline ¶ 362.2, ¶ 2701 and sections # II.B. 9-11 of the Protocol).

#### J. Resolution and/or Reconciliation

1. At every step in this process, following the filing of a complaint of sexual misconduct, the bishop and/or Cabinet shall seek a just resolution and/or reconciliation among all parties. These efforts shall take place as a part of the “supervisory response” (2004 Discipline ¶362.1b).

2. At all meetings seeking such a resolution and/or reconciliation, the bishop and/or Cabinet shall insure that:

- a. no verbatim record shall be made;
- b. no legal counsel shall be present;
- c. the respondent may choose another person to accompany him/her with the right to voice; and
- d. the complainant shall have the right to choose a person to accompany him/her with the right to voice.

3. At the bishop’s determination, the Sexual Misconduct Response Team of the Baltimore-Washington Conference shall serve as the trained, neutral mediation team to assist the bishop and/or superintendent during the supervisory response. The bishop may consult with any other party whom s/he determines may be helpful in the healing process.

4. If the supervisory process leads to a resolution or reconciliation between all parties, the bishop may dismiss the complaint if s/he determines that no additional action is necessary.

If the bishop decides to dismiss a complaint for whatever reason, or if there is a reconciliation, the bishop and/or the Cabinet shall keep a record of the complaint, dismissal, or reconciliation in the personnel records of the clergy person and in the supervisory files of the bishop and the Cabinet.

#### K. Breaking the Silence

1. Breaking the silence when sexual misconduct has occurred has the power to release persons, both perpetrators and victims, from the bondage of secrecy, denial, and guilt that results from sexual misconduct. When bringing incidents of pastoral sexual misconduct to the attention of proper authorities, the greatest possible care shall be taken to assure that the least possible additional harm is done to the complainant(s) and/or victim(s), the respondent(s), and the congregation(s). Procedures will be followed strictly and carefully with respect for both the complainant(s) and the respondent.

2. When a written and signed complaint alleging sexual misconduct against a pastor is made, the bishop shall communicate in writing with the Committee on Pastor-Parish Relations, or other appropriate personnel committee, concerning: the nature of the allegations, but not the specific information; the meaning of suspension; and the procedures which will follow. This information shall be provided for sharing with the congregation(s) or other appropriate entity (2004 Discipline ¶362.1e).

3. Finally, when it has been determined that a clergy person(s) has engaged in sexual misconduct, clergy colleagues within the Annual Conference will be informed either through the Clergy Executive Session or through other appropriate avenues determined by the bishop. The Clergy Executive Session may vote to release the information to all members of the annual conference.

#### L. Double Jeopardy and Untruthfulness During a Judicial Process

1. Clergy persons shall not be subjected to a judicial process a second time for the same alleged occurrence(s), that is, “double jeopardy” (2004 Discipline ¶2701.5).

2. If a clergy person has been untruthful during a judicial process, this may be considered a chargeable offense. Such a charge of untruthfulness shall not constitute double jeopardy.

### II. Protocol

#### A. Procedural Assumptions

1. All written and signed complaints of sexual misconduct will be taken as worthy of full investigation.

2. Presumption of innocence of the respondent(s) shall be maintained until such time, if any, as the respondent is proven to be guilty (2004 Discipline ¶2701, “Fair Process in Judicial Proceedings”).

3. The rights of those involved, including the complainant(s)/victim(s) and their families, the respondent and his/her family, and the congregation or institution, shall be maintained until all facts have been carefully considered and appropriate actions determined.

4. The bishop shall have the right of final approval over and supervise the implementation of all decisions and agreements reached in the process.

5. Whenever a complaint made against a clergy person involves misconduct that may be subject to mandatory reporting requirements with regard to civil processes, such as the sexual abuse of a minor or a vulnerable adult (e.g., the developmentally disabled), upon receiving such information the bishop and/or Cabinet shall consult legal counsel as to whether the allegations are in fact subject to these requirements and shall notify the civil authorities where appropriate.

B. Procedures When Sexual Misconduct Is Alleged

When sexual misconduct is alleged, all of the provisions of ¶362 (“Complaint Procedures”) of the 2004 Book of Discipline shall be in effect. In concert with ¶362, the following procedures shall be in effect as the Procedural Policy of the Baltimore-Washington Conference:

1. Written and signed complaints may be received or initiated by the bishop and/or Cabinet. A complaint may be brought by a complainant(s) or by others who have verifiable knowledge and who are willing to pursue a resolution. If a complaint is submitted to a district superintendent, the superintendent shall promptly share the complaint with the bishop. In situations where sexual misconduct is perceived to have occurred, but where the complainant does not believe that a written and signed complaint is immediately necessary, the complainant may seek informal consultation with the bishop, Cabinet, or a trusted member of the clergy.
2. From the beginning of this process to its completion, the bishop and/or Cabinet shall seek a just resolution and/or reconciliation between all parties (see “Supervisory Response,” 2000 Discipline ¶359.1b). The supervisory response is not part of any judicial process.
3. The bishop and/or Cabinet shall meet with the complainant(s) and shall:
  - a. explain the process and the procedures to be followed in response to the complaint, including the meaning of the supervisory response (2004 Discipline ¶362.1b);
    - (1) the complainant(s) shall be encouraged to bring one support person with him/her to any meeting or hearing at any point in the process;
    - (2) this explanation shall also be completed in the presence of another person or persons, chosen by the bishop, who shall be present whether or not the complainant(s) chooses to bring a support person; one of these persons chosen by the bishop shall be of the same gender as the complainant(s);
    - (3) complete and total confidentiality is expected of all persons who attend any meeting or hearing during the process; and
  - b. encourage and assist the complainant(s) to provide a written and signed statement alleging sexual misconduct, and the related facts, making it clear to the complainant(s) that this information will be shared with the respondent.
4. The bishop and/or Cabinet shall make contact with the respondent to inform him/her that a complaint alleging sexual misconduct has been made. A meeting with the bishop, and/or Cabinet, and the respondent will be held as soon as possible to share: the allegations of sexual misconduct; the meaning of the supervisory response (2004 Discipline ¶362.1b); the meaning of suspension (i.e., “administrative leave”); the meaning of fair process (2004 Discipline ¶2701); and the process to be followed (2004 Discipline ¶362) and its purpose. The bishop and/or the Cabinet shall emphasize to the respondent the presumption of innocence and the right to fair process. The bishop and/or Cabinet shall also:
  - a. inform the respondent that the meeting shall deal with allegations of sexual misconduct including the fact that the respondent shall be granted “the right to be accompanied by another person to any judicial process hearing to which they are subject” (2004 Discipline ¶2701.3);
  - b. complete this explanation in the presence of another person or persons, chosen by the bishop, who shall be present whether or not the respondent chooses to bring a support person; at least one of these persons chosen by the bishop shall be of the same gender as the respondent; and
  - c. emphasize to all parties that complete and total confidentiality is expected of all persons who attend any meeting or hearing during the process.
5. At this meeting with the respondent, the bishop and/or Cabinet shall:
  - a. provide the respondent the opportunity to read the complainant’s written and

signed statement, as well as any other supporting materials; these are to be read in the presence of the bishop and/or Cabinet and shall be returned to the bishop or Cabinet before the end of the meeting; and

b. ask the respondent for a written and signed response to the allegations which is to be returned to the bishop's office within twenty-four hours.

6. The bishop and/or Cabinet shall provide the complainant(s) the opportunity to read the respondent's written and signed response, as well as any other supporting materials; these are to be read in the presence of the bishop and/or Cabinet and shall be returned to the bishop or Cabinet by the end of the meeting.

7. Following the meetings with both the complainant and the respondent, the bishop shall determine whether or not the nature of the complaint is "administrative" (a matter involving competency and effectiveness) or "judicial" (a matter involving a chargeable offense under ¶2702 of the 2004 Discipline). All administrative complaints shall be referred to the Board of Ordained Ministry. All judicial complaints (including all complaints of sexual misconduct) shall be referred to the counsel for the church who shall prepare, sign, and forward the complaint to the Committee on Investigation (2004 Discipline ¶362.1d.1).

8. When the matter is referred to the counsel for the church, the bishop and/or Cabinet shall also immediately recommend the suspension of the respondent to the Executive Committee of the Board of Ordained Ministry (2004 Discipline ¶362.1c).

9. Upon the recommendation by the bishop and/or Cabinet and the approval of the Executive Committee, suspension (i.e., "administrative leave") shall be in place for all clergy persons accused of sexual misconduct, whether or not the respondent confesses to the complainant's allegations. Suspension is not intended, nor is it to be interpreted, as punitive action toward the respondent; it is to be understood as a "neutral category" during which the procedures of this Protocol are followed:

a. during the suspension, salary, housing, and benefits will continue at a level no less than on the date of suspension; the congregation(s) or institution of employment shall assume these costs;

b. the person so suspended shall retain all rights and privileges as stated in the 2004 Discipline ¶329.2 and ¶334.1;

c. during the suspension, the respondent shall not communicate in any formal capacity, verbally or in writing, with members of any congregation s/he has served or is serving; specifically, the respondent may not present his/her case in any format outside of this Protocol during the period of suspension; all communication between the suspended pastor and the congregation(s) shall be through the district superintendent;

d. the cost of supply for the pastoral charge during the suspension will be borne by the Annual Conference;

e. if a settlement or agreement satisfactory to all parties is achieved at any point during the sixty days, the bishop shall immediately remove the respondent from suspension and shall also inform the Executive Committee of the Board of Ordained Ministry and the local Committee on Pastor-Parish Relations, or other appropriate personnel committee .

10. In the event that the respondent fails to appear for any supervisory interview, or refuses mail, or refuses to communicate personally with the bishop and/or district superintendent, or otherwise fails to respond to supervisory requests, such actions or inactions shall not be used as an excuse to avoid or delay any Church processes, and such processes may continue without the participation of such individual (2004 Discipline ¶362.2f).

11. Following the suspension of the respondent, the bishop, or district superintendent in consultation with the bishop, shall communicate in writing with the Committee on Pastor-Parish

Relations, or other appropriate personnel committee, the nature of the allegations, but not the specific details; the meaning of suspension (i.e., “administrative leave”); and the procedures which will follow. All of this information shall be provided to the Committee for sharing with the congregation(s) (2004 Discipline ¶2701.8). If the respondent confesses to the allegations or surrenders credentials as a result of the allegations during the judicial process, the bishop and/or Cabinet shall inform the Committee on Pastor-Parish Relations, or other appropriate personnel committee, and the congregation, of the confession or of the reason for the surrendering of credentials.

12. Notwithstanding any of the above, in any of the communications to the Committee on Pastor-Parish Relations or to the Executive Committee of the Board of Ordained Ministry, the identity of the complainant(s) shall not be disclosed except upon written permission of the complainant(s).

13. At any point in this process, the bishop and/or Cabinet may choose to consult with or employ the Sexual Misconduct Response Team. Steps in the deployment of the Sexual Misconduct Response Team include the following:

- a. the bishop or district superintendent shall inform the complainant(s) and the respondent that a Sexual Misconduct Response Team will meet with each party to enable feelings to be shared and expressed;
- b. one Team shall work primarily with the complainant(s) to help determine if a just resolution and/or reconciliation between all parties can be reached. No effort will be made to limit the complainant’s options in any way. The complainant(s) will be free at all times to continue the Complaint Procedure if that is his/her wish. The Sexual Misconduct Response Team shall seek to provide emotional and spiritual support for the complainant and/or the complainant’s family in any way possible. All information shared with the members of this Team by the complainant(s) shall be held confidential within the Teams;
- c. the second Team shall work primarily with the respondent to help determine if a just resolution and/or reconciliation between all parties can be reached. Again, no efforts will be made to limit the respondent’s options in any way. The Sexual Misconduct Response Team shall seek to provide emotional and spiritual support for the respondent and/or the respondent’s family in any way possible. All information shared with the members of this Team by the respondent shall be held confidential within the Teams;
- d. a third Team shall also meet with the Committee on Pastor-Parish Relations, or other appropriate personnel committee, to help insure that all issues of the congregation are heard. All information shared with the members of this Team by the members of the Committee on Pastor-Parish Relations, or other appropriate personnel committee, shall be held confidential with the Teams;
- e. in cases where a complainant(s) is a member of a congregation other than the respondent’s current appointment, an additional Team shall also meet with that Committee on Pastor-Parish Relations, or other appropriate personnel committee, to help insure that all issues of the additional congregation(s) are heard. All information shared with the members of this Team by the Committee on Pastor-Parish Relations of the additional congregation(s) shall be held confidential within the Teams;
- f. when appropriate, the District Committee on Superintendency for district superintendents, or other appropriate personnel committees, shall be consulted if a superintendent or a clergy person in an administrative position is accused of sexual misconduct. Anyone seeking to bring a complaint of sexual misconduct against a bishop is referred to the provisions of ¶413 of the 2004 Discipline. It is important to begin the process of healing in the places where the clergy person has worked. Attending to the pain of a congregation where a clergy person has been accused of acting in sexually inappropriate ways is a vital concern of the Church.

14. If a just resolution and/or reconciliation between all parties can be reached, the Sexual Misconduct Response Teams shall report this to the bishop and/or Cabinet. Upon receiving the report, the bishop and/or Cabinet shall communicate in writing with the Committee on Pastor-Parish Relations, or other appropriate personnel committee, to be shared with the congregation(s), or other appropriate entity, that a settlement or agreement satisfactory to all parties has been reached. In cases where the respondent has confessed to the allegations of sexual misconduct, or has surrendered orders as a result of allegations of sexual misconduct, the bishop and/or Cabinet shall so inform the Committee on Pastor-Parish Relations, or other appropriate personnel committee. In the event the bishop does not approve of the resolution and/or reconciliation, the matter may be returned to the parties, with the bishop's recommendations, for further discussion until the parties and the bishop reach a just resolution and/or reconciliation or until the parties and the bishop conclude no resolution and/or reconciliation can be reached. The Sexual Misconduct Response Teams will be available for further meetings with any of the parties for continued support and consultation and may make suggestions of further therapy or other referrals for either or both of the parties.

15. When the Committee on Investigation process is involved, the bishop, and/or Cabinet, shall inform the complainant(s) of the Committee's response immediately after the respondent is informed. If the complainant(s) is dissatisfied with the decision, s/he shall be informed of procedures the complainant(s) may follow. Any further action involving the respondent by the Committee on Investigation shall be made known to the complainant(s).

16. During all parts of the Complaint Procedure, complainants, victims, and respondents are strongly encouraged to initiate steps for personal healing, especially through counseling and therapy. The Sexual Misconduct Response Teams will be particularly available to any of the parties for appropriate referrals and support.

17. Notwithstanding any of the above, in any of the communications by the Sexual Misconduct Response Teams to the Committee on Pastor-Parish Relations, the congregation(s), or any other entity, the identity of the complainant(s) shall not be disclosed except upon written permission of the complainant(s).

### C. Reconciliation and Rehabilitation in Cases Where Sexual Misconduct Has Occurred

1. "Understanding Forgiveness." Clergy persons, like members of any profession, must be subject to discipline if they have not adhered to the professional standards they are expected to follow. It is important in this regard to distinguish the concept of "discipline" from the concept of "forgiveness." As the Body of Christ, the Church proclaims God's forgiveness to all who have sinned and who ask for forgiveness. A clergy person involved in sexual misconduct receives this forgiveness like anyone else. However, the fact that a clergy person is forgiven does not mean that the clergy person can avoid the consequences of actions amounting to professional misconduct.

2. "Permanent File." In cases where the respondent is found to be guilty of sexual misconduct but where a return to itinerancy is recommended, the record of the sexual misconduct shall be carried in the respondent's permanent file and disclosed to the Pastor-Parish Relations Committee, or other appropriate personnel committee, in all future appointments.

3. "The Rights of and Responsibilities for the Victim(s) and Respondent." The bishop and the district superintendent will endeavor to:

a. initiate a process to seek healing and restoration for all of the victims including the abused person(s) and their families, the family of the respondent, and the congregation(s), and to also initiate a process to seek healing and restoration for the respondent; the Sexual Misconduct Response Team shall be one of the resources which may be deployed by the bishop or the district superintendent for healing and restoration;

- b. work with the present or new clergy person(s) to minimize further victimization by the attitudes of and actions by the congregation(s);
  - c. invite clergy colleagues, as appropriate, to be a part of the healing process;
- and
- d. clarify with the offending clergy person his/her moral and ethical responsibility for assisting financially in the rehabilitation of the victim(s).

#### D. Disclosure and Records in Cases Where Sexual Misconduct Has Occurred

1. Disclosure in cases of sexual misconduct is required. Such information shall be shared with the successor clergy person(s) and with present and future Pastor-Parish Relations Committees, or the appropriate personnel body of churches or institutions the clergy person has served.
2. When credentials have been surrendered because of sexual misconduct, the Executive Session of the Annual Conference shall be informed through the annual report of the Board of Ordained Ministry.
3. Full information of sexual misconduct and subsequent actions taken by the United Methodist Church shall be kept in the respondent's permanent record in the bishop's office. If a respondent surrenders orders as a result of sexual misconduct, the information regarding the misconduct (allegations, response, confession, result of due process, etc.) shall also be kept in his/her permanent record in the bishop's office.
4. A summary of the congregation's experience with the case of sexual misconduct, prepared by the bishop or district superintendent, shall be placed in the local church's permanent file in the district office.

#### E. Records in Cases Where a Charge of Sexual Misconduct Is Not Sustained

In cases where a charge of sexual misconduct is either withdrawn or not sustained by investigation, one (1) complete confidential record of the alleged sexual misconduct, investigation, and outcome shall be retained in the bishop's office. No other official record of the matter shall be retained.

### III. Sexual Misconduct Response Team

#### A. Team Design

1. Neutral mediation teams within the Baltimore-Washington Conference will be recruited and trained.
2. In each complaint, three women and three men may be deployed. One Team will be assigned to the complainant(s), a second Team to the respondent, and a third Team to the congregation(s), or other appropriate entity.
3. Every effort shall be made to ensure that Teams are balanced with regard to gender, ethnicity, and lay/clergy participation.

#### B. Team Recruitment and Training

1. The Commission on Clergy & Congregational Care, in consultation with the bishop and Cabinet, will be responsible for the recruitment of all Team members. Any person interested in serving as a Team member may submit his/her name to the Commission. The Commission shall recommend Team members to the bishop and the Cabinet, who will review the Task Force membership; no Team member shall be selected without the approval of the bishop and Cabinet.

2. The Commission will also be responsible for the training of all team members and will assume all related training costs.

#### IV. Publishing of the Protocol & Procedures

The Policy & Protocol on Clergy Sexual Misconduct shall be published annually in the Journal of the Baltimore-Washington Conference.

Questions and inquiries regarding the Policy & Protocol may be directed to the Chairperson of the Commission on Clergy & Congregational Care.

All clergy persons are responsible for being informed about the Policy Statement & Protocol on Clergy Sexual Misconduct.

(The original Policy & Protocol on Sexual Misconduct was first adopted by the Baltimore-Washington in October, 1992, and went into effect on January 1, 1993.)

## **POLICY STATEMENT & PROTOCOL ON LAY SEXUAL MISCONDUCT OF THE BALTIMORE-WASHINGTON CONFERENCE OF THE UNITED METHODIST CHURCH**

### I. Policy Statement

#### a. Introduction.

The exercise of lay leadership and authority within the local church and the annual conference holds within it great trust, responsibility, and power. This trust and responsibility provide the opportunity for unique relationships of grace and caring. Lay persons within the church sometimes violate the trust given them by the abuse of their power. Sexual misconduct is one of the gravest violations of this trust and will not be condoned.

This Policy Statement of the Baltimore-Washington Conference deals with the specific abuse of power by those lay persons within any area of ministry with in the Conference, who engage in sexual misconduct. The intent of this Policy Statement is to provide for the safety of parishioners by ensuring a protective climate, protect the special covenantal relationship between parishioners and others within the church, and ensure the health and authenticity of all laity as a vital part of the priesthood of all believers.

#### B. Theological Reflections

Our relationship with and knowledge of God guides and illuminates our reflections on the behavior of lay persons and the relationship to sexual misconduct. Some of these reflections are:

- God created us as embodied sexual beings, — our selves are not separate from our bodies (Genesis 2:18-25).
- God calls us to honor the integrity of our neighbors, and their authority over their own personhood (Deuteronomy 22:25-27).
- God calls us into covenant with each other within the family of God (Deuteronomy 14:1-2; Ephesians 4:14-16).
- God, through the church, calls pastors to witness to the preciousness of bodies, our own and others, and to declare that each person is unique and of divine worth (I Corinthians 6:19-20).
- God's grace, freely given through Jesus Christ, calls us to be channels of grace, not exploitation, and to be agents of healing and redemption. In light of these understandings, when we honor the complete integrity of another, we honor and remember the Body of Christ.

### C. Definition of Sexual Misconduct

1. Sexual misconduct is an abuse of power through sexual contact or activity, not limited to sexual intercourse, in which a lay person violates the free choice, or abuses the vulnerability of any other person (adult or minor), client, church staff person, or colleague, with whom the lay person comes into contact because of the lay person's position or area or responsibility within the church.

2. Sexual harassment is a form of sexual misconduct and is defined as "any unwanted sexual advance or demand, either verbal or physical, which is perceived by the recipient as demeaning, intimidating, or coercive." (1988 Book of Resolutions, p. 375. The policy on Sexual Harassment is further detailed in the document prepared by the Board of Ordained Ministry and adopted by the Annual Conference in June of 1992.)

3. Sexual misconduct breaks the sacred trust inherent in baptism and church membership. Any such sexual misconduct by a lay person shall be seen as a chargeable offense (2004 Discipline ¶ 2702). All lay persons shall be responsible for their own behavior.

### D. Definition of "grievant" and "victim"

1. In this policy statement of the Baltimore-Washington Conference, a "grievant" is understood to be a person who submits a written and signed grievance for arbitration.

2. While a grievant may also be an alleged victim, the Policy and Protocol of the Baltimore-Washington Conference does not assume that the grievant is an actual victim. The term "victim" will be used in cases where either an accused lay person makes confession of alleged sexual misconduct or where the accused lay person is proven to be guilty.

### E. Standards for Lay Conduct

The following are standards which underlie this Policy Statement and its definition of sexual misconduct by lay persons:

1. Lay persons, both within the local church and the Annual Conference, are responsible for avoiding sexual misconduct by establishing and maintaining appropriate personal and social boundaries in all interpersonal relationships.

2. Lay persons holding positions of responsibility within the church are responsible for their conduct regarding the emotional, spiritual, and physical protection of all persons who come to them for help or over whom they have any kind of authority. Breach of this protective relationship is unethical and abusive even when sexual activities are initiated by the person(s) to whom the lay person is ministering. Because of the imbalance in power and trust in such a relationship, the person(s) being ministered to by the lay person should be presumed to be unable to give meaningful consent to any sexual activity.

3. Because lay persons often deal with individuals who are emotionally and psychologically fragile or personally vulnerable, it is imperative that these lay persons:

- a. be as psychologically, emotionally, and spiritually healthy as possible at all times;
- b. have adequate preparation and education for helping those individuals under their care and making appropriate referrals;
- c. and have continued supervision to deal with the inherent risk caused by dependency and/or transference between the parties.

4. Lay persons who are not members of a local congregation, the Annual Conference, or the United Methodist Church, but who may be working in a church facility with children and youth (e.g., Scout leaders, etc.) are expected to maintain the same standards of behavior as are members of the congregation of the Baltimore-Washington Annual Conference.

F. Responsibility to the Victim(s)

1. To be a victim of sexual misconduct is to experience a devastating betrayal of trust. The victim has trusted that the power and the authority given to a lay person will be used for the well-being of all persons. In turning to the lay person, persons become vulnerable to the lay person and trust that their vulnerability will be respected and not abused. When the lay person uses the power and responsibility invested in that position to abuse and disrespect the trust and vulnerability of persons, the effects are painfully traumatic.

2. When sexual misconduct occurs, there are many victims: the person(s) who has been abused, the spouses and families of the abused person(s), the spouse and family of the accused lay person(s), and the congregations and the larger community surrounding them. While all these victims are not addressed by current disciplinary procedures of the United Methodist Church, all are hurt when sexual misconduct occurs. The Sexual Misconduct Response Team of the Conference will be available to provide assistance for the grievant(s) as well as appropriate intervention on behalf of the congregation(s) or the larger community (see Section 3).

3. When allegations of sexual misconduct are made against a lay person, the grievant(s) and victim(s) will receive sensitive and respectful care both during the time of investigation and through the season of healing. By the same token, justice for the respondent(s) will also be maintained. Care will be taken to protect the privacy of the accused lay person, the grievant(s), and the victim(s).

4. This Policy & Protocol also asserts the vital importance of extending pastoral care to the grievant. In administering the initial steps in the Protocol, however, it may not be possible for the pastor of the church to also provide pastoral care to the grievant. Pastors are therefore encourage, in consultation with the PPRC, to offer alternate pastoral care opportunities to either the grievant, the accused, or both. When the pastor presents such possibilities to the grievant or the accused, no assumptions should be made by either part or by members of the congregation, as to the pastor's disposition of the case.

G. Expectations of the Covenantal Relationship of Church Members.

Lay persons are bound in a covenant of mutual respect and responsibility, including a call to exemplary living which incarnates the Gospel:

1. Because of this covenant with the church inherent in baptism and membership, lay persons are called to remain faithful to the Church by not ignoring knowledge of sexual misconduct by other lay persons:

a. "knowledge of sexual misconduct" is understood to be specific information, not suggestions, rumors, or innuendos;

b. this Policy Statement shall not be understood as granting other laity permission to go searching for such information; if the information comes to a lay person, the lay person is to approach the individual directly and discreetly;

c. a lay person with knowledge of sexual misconduct by another lay person is encouraged to approach the lay person and share the knowledge, encourage the other party to cease the behavior, and encourage the individual to seek counseling and/or therapy;

d. when a lay person possesses knowledge of sexual misconduct by another lay person and the second individual refuses or is unable to stop the behavior, the lay person with the knowledge of sexual misconduct is encouraged to report the knowledge to the pastor, bishop, or the district superintendent.

2. Lay persons are to do their utmost to support those who feel victimized and to encourage them to submit their grievances directly:

a. if, for whatever reason, individuals with grievances do not choose to make a report, the lay person who has knowledge of allegations of sexual misconduct by another lay person shall make every effort to work with the alleged victim(s) to help him or her to make a full report of the grievance, especially including referring the grievant to appropriate places for healing;

b. the Sexual Abuse Task Force will be available to the laity within the Conference to assist them in these efforts.

3. A lay person who joins a congregation where other laity have been sexually irresponsible find themselves living with the consequences arising from lay sexual misconduct. When friends in the church are caught in the web of sexual misconduct, lay persons often find themselves caught between caring for a personal friend involved in sexual misconduct and caring for the health and authenticity of the church at large. Intentional support from the bishop and the Cabinet is to be given to both to churches and other areas within the Annual Conference where sexual misconduct by a lay person has occurred.

4. Upon request, the Baltimore-Washington Conference shall provide a list of legal resources, in addition to the Conference Chancellor, who will be available to offer confidential and legal counsel of any of the following: lay persons who themselves are now, or who once were, involved in sexual misconduct; lay persons or pastors with knowledge of sexual misconduct by another lay person; lay persons who believe they have been falsely or unfairly accused of sexual misconduct; or lay persons who may feel that they are victims of sexual misconduct. The purpose of this endeavor shall be to recommend legal counsel pertaining to sexual misconduct. Those providing such legal counsel shall also be asked to encourage any of the above to seek direct counseling and/or therapy.

5. Finally, the effects of sexual misconduct by a lay person are also felt by other parishioners within the local church, by pastors appointed to the church, and by the laity at large within the Conference. Whenever one of us acts in sexually inappropriate ways, we experience hurt and grief over the breaking of the special covenantal relationship between members in the Church of Jesus Christ.

#### H. Expectations of the Committee on Pastor-Parish Relations

1. The Committee on Pastor-Parish Relations of the local church is charged with monitoring the general health of the congregation. Because of this role of leadership, members of the Committee have a responsibility to be alert to possible lay sexual misconduct within the congregation and to report knowledge of such behavior to the pastor, and either the district superintendent or bishop. If, for whatever reason, individuals with grievances do not choose to make a report of sexual misconduct, members of the Committee shall do their utmost to support those who feel victimized and encourage them to become familiar with the Policy Statement & Protocol on Lay Sexual Misconduct and to submit their grievances directly. The Sexual Misconduct Response Team will be available to local Committees, or other personnel committees, to assist them in these efforts.

2. As an established policy of the Baltimore-Washington Conference, all lay persons, both salaried and volunteer, who work with children and youth shall be screened on an annual basis ("Questionnaire & Response Form on Sexual Misconduct by Lay Persons & Unappointed Clergy Who Work with children & Youth"). By action of the Annual Conference, the Questionnaire shall be administered by all churches in the Baltimore-Washington Conference, and by all conference agencies which minister to children and youth. The PPRC of each local church, or the appropriate Conference agency, is charged with administering the Questionnaire & Response form.

3. In addition to the issue of sexual misconduct, as defined above in this Policy (#1.c.1-3), the Committee on Pastor Parish Relations may also be confronted with the related issues of sexual harassment or sexual abuse by lay persons within a local congregation or within the Annual

Conference. The Sexual Misconduct Response Team is available to the PPRC, and to other appropriate conference agencies, for consultation and suggested courses of action in responding to such issues.

4. The members of the PPRC shall be trained by the Conference Commission on Clergy & Congregational Care on issues related to confidentiality and sexual misconduct.

#### I. Suspension of Lay Persons Accused of Sexual Misconduct

1. It shall be the policy of the Baltimore-Washington Conference that the bringing of an allegation of sexual misconduct by a written and signed grievance by a grievant against a lay person shall qualify as circumstances appropriate for the suspension of that lay person from any staff position held within the church or Annual Conference, or from any voluntary or elected position (2004 Discipline, ¶ 259.2.f.12) held within a local church or Annual Conference, to protect the well-being of the church and the lay ministry of the church.

2. When a written and signed grievance of sexual misconduct is brought against a lay person, the pastor of the church, in consultation with the district superintendent, shall immediately suspend the accused lay person from any area of responsibility within the local church (“administrative leave”), salaried or voluntary. In the case of salaried personnel, consultation with the PPRC shall also take place (2004 Discipline, ¶259.2.f.12). When the accused lay person holds positions of responsibility with the Annual Conference, either salaried or voluntary, the district superintendent and/or the bishop shall suspend the said lay person from all areas of responsibility. All lay persons against whom allegations of sexual misconduct are made shall be suspended for a period not to exceed sixty days while procedures are followed. Suspension is a “neutral category”, implying neither innocence nor guilt, during which all parties will receive fair process (2004 Discipline, ¶2701).

#### J. Responsibility to the Accused.

1. In every instance in which allegations of sexual misconduct are made against a lay person, every effort shall be made to maintain justice for the accused. Presumption of innocence of the accused lay person shall be maintained until such time, if any, as the lay person confesses guilt or is proven to be guilty (see 2.A.1). It is imperative, therefore, that the pastor, the chairperson of the PPRC, and the members of the PPRC adhere to the highest standards of impartiality throughout all of the proceedings. Throughout, the pastor and the chairperson of the PPRC shall reiterate, as often as should prove necessary, that the Protocol implies neither innocence nor guilt on the part of the accused lay person.

2. This Policy & Protocol also asserts the vital importance of extending pastoral care to the accused lay person. In administering the initial steps in the Protocol, however, it may not be possible for the pastor of the church to also provide pastoral care to the accused lay person. Pastors are therefore encouraged, in consultation with the PPRC, to offer alternate pastoral care opportunities to either the grievant, the accused, or both. When the pastor presents such possibilities to the grievant or the accused, assumptions should not be made by either party or by members of the congregations as to the pastor’s disposition of the case.

3. In cases where a grievant withdraws a written and signed grievance, or where it is determined that the allegations against a lay person are false, every effort shall be made by the pastor and the chairperson of the PPRC, or by the district superintendent and/or bishop in cases in the Annual Conference, to protect and rehabilitate, when necessary, the reputation and name of the lay person.

#### K. Breaking the Silence.

1. Breaking the silence when sexual misconduct has occurred has the power to

release persons, both perpetrators and victims, from the bondage of secrecy, denial, and guilt that results from sexual misconduct. When bringing incidents of lay sexual misconduct to the attention of proper authorities, the greatest possible care shall be taken to assure that the least possible additional harm is done to the grievant(s) and/or victim(s), the perpetrator(s), and the congregation(s). Procedures will be followed strictly and carefully with respect for both the grievant(s) and the accused lay person.

2. When a written and signed complaint alleging sexual misconduct against a lay person is made, it shall be presented to the pastor and to the chairperson of the Committee on Pastor-Parish Relations. The grievant, after consultation with the pastor and chairperson of the PPRC and under conditions of complete confidentiality, may decide to share the allegations with the members of the PPRC. If the allegations are to be investigated in the church, this information, in summary form, shall be provided for sharing with the congregation(s) or other appropriate entity of the Annual Conference.

3. If the accused lay person confesses guilt in such cases, or when it has been determined that the lay person is guilty, the pastor shall seek to forward such information to new congregations with which the lay person may affiliate. By so doing, churches in the Baltimore-Washington Conference agree to insure the health of the whole church to the best of their ability.

## 2. Protocol

### A. Procedural Assumptions

1. All written and signed complaints of sexual misconduct will be taken as worthy of full investigation.

2. Presumption of innocence of the accused lay person(s) shall be maintained until such time, if any, as the lay person confesses guilt or is proven to be guilty.

3. The rights of those involved, including the grievant(s)/victim(s) and their families, the accused lay person and his or her family, and the congregation or institution, shall be maintained until all facts have been carefully considered and appropriate actions determined.

4. The bishop shall have the right of final approval over and supervise the implementation of all decisions and agreements reached in the process.

5. Whenever an allegation made against a lay person involves misconduct that may be subject to mandatory reporting requirements, such as the sexual abuse of a minor or a vulnerable adult (e.g., the developmentally disabled), upon receiving such information, the pastor in consultation with the district superintendent and/or the bishop and the chairperson of the PPRC, shall consult legal counsel as to whether the allegations are in fact subject to these requirements and shall notify the civil authorities where appropriate.

### B. Procedures When Sexual Misconduct Is Alleged

When sexual misconduct is alleged, the following procedures shall be in effect as the Procedural Policy of the Baltimore-Washington Conference:

1. Written and signed grievances may be received or initiated by the pastor, the district superintendent, or the bishop. A grievance may be brought by a grievant(s) or by others who have verifiable knowledge and who are willing to pursue a resolution. If a grievance is submitted to a pastor, the pastor shall promptly share the grievance with the district superintendent and/or bishop.

a. In situations where sexual misconduct is perceived to have occurred, but where the grievant does not believe that a written and signed grievance is immediately necessary, the grievant may seek informal consultation with the pastor, the superintendent, and/or the bishop;

b. In situations where the pastor initiates the written and signed grievance, the pastor shall excuse him or herself from the case; in such situations, the district superintendent shall

administer the Protocol.

2. The pastor and/or district superintendent in consultation with the bishop, shall meet with the grievant(s) and shall:

a. explain the process and the procedures to be followed in response to the grievance;

(1) the grievant(s) shall be encouraged to bring one support person with him or her to any meeting or hearing at any point in the process;

(2) this explanation shall also be completed in the presence of the chairperson of the Pastor-Parish Relations Committee, and/or PPRC members, who shall be present whether or not the grievant(s) chooses to bring a support person; one of these persons chosen by the pastor shall be of the same gender as the grievant(s);

(3) complete and total confidentiality is expected of all persons who attend any meeting or hearing during the process;

b. encourage and assist the grievant(s) to provide a written and signed statement alleging sexual misconduct, and the related facts, making it clear to the grievant(s) that this information will be shared with the accused lay person.

3. The pastor shall be authorized to suspend the lay person accused of sexual misconduct (i.e., “administrative leave”); from all responsibilities and duties within the church which shall be confirmed by the Committee on Pastor-Parish Relations within ten days. When the lay person holds positions of responsibility within the Annual Conference, the district superintendent and/or bishop shall be authorized to likewise suspend lay persons accused of sexual misconduct from all responsibilities within the Annual Conference.

4. The pastor, in consultation with both the district superintendent and the chairperson of the PPRC, shall make contact with the accused lay person to inform him or her that allegations of sexual misconduct have been made. A meeting with the pastor and the PPRC chairperson and the accused lay person will be held as soon as possible to share: the allegations of sexual misconduct; the meaning of suspension (i.e., “administrative leave”); and the process to be followed and its purpose. The pastor and the PPRC chairperson shall emphasize the presumption of innocence and the right to fair process:

a. having been informed that the meeting shall deal with allegations of sexual misconduct, the accused lay person shall be encouraged to bring one support person with him or her to any meeting or hearing at any point in the process;

b. this explanation shall also be completed in the presence of another person or persons, chosen by the pastor in addition to the PPRC chairperson, who shall be present whether or not the accused lay person chooses to bring a support person; one of these persons chosen by the pastor shall be of the same gender as the accused lay person;

c. complete and total confidentiality is expected of all persons who attend any meeting or hearing during the process.

5. At this meeting with the accused lay person, the pastor, in consultation with the district superintendent, shall:

a. provide the lay person the opportunity to read the grievant’s written and signed statement, as well as any other supporting materials; these are to be read in the presence of the pastor and the PPRC chairperson and shall be returned to the pastor before the end of the meeting;

b. ask the lay person for a written and signed response to the allegations which is to be returned to the pastor’s office within twenty-four hours;

c. inform the lay person that his or her suspension (i.e., “administrative leave”) from all areas of responsibility, salaried or volunteer, is effective immediately. This suspension will

be submitted to the full membership of the Committee on Pastor-Parish Relations for confirmation within 10 days.

6. Suspension (i.e., “administrative leave”) shall be in place for all lay persons accused of sexual misconduct, whether or not the accused lay person confesses to the grievant’s written and signed complaint. Suspension is not intended, nor is it to be interpreted, as punitive action toward the accused lay person; it is to be understood as a “neutral category” during which the procedures of this Protocol are followed:

a. during the suspension, all salary benefits for lay persons employed by a local church or by the Annual Conference will continue at a level no less than on the date of suspension; the congregation(s) or institution of employment shall assume these costs;

b. during the suspension, the accused lay person shall not communicate in any formal capacity about the accusations, verbally or in writing, with members of the congregation where he or she is a member or with members of the congregation where he or she is employed or with members of the Annual Conference agency where the lay person is employed; specifically, the accused lay person may not present his or her case in any format outside of this Protocol during the period of suspension; all communication between the suspended lay person and any other party shall be through either the pastor and the PPRC chairperson or the bishop and district superintendent, depending upon the circumstance;

c. in cases where the local congregation chooses to make use of the Sexual Misconduct Response Team, the Administrative Board or Administrative Council of such congregation shall be responsible for providing the team’s consultation fees; such fees shall be commensurate with fees used in the Policy and Protocol on Clergy Sexual Misconduct; when the Sexual Misconduct Response Team is requested by any other agency or committee in the Annual Conference in cases of lay sexual misconduct, such agencies or committees shall assume responsibility for providing the team’s consultation fees;

d. if a settlement or agreement satisfactory to all parties is achieved at any point during the sixty days, the pastor shall immediately remove the lay person from suspension; in cases where the lay person is employed by the Annual Conference, the bishop or district superintendent shall remove the lay person from suspension upon such settlement.

7. Following the suspension of the accused lay person, the pastor and/or the chairperson of the PPRC, in consultation with the bishop and/or the Cabinet, shall communicate to the congregation:

a. that the accused lay person has been suspended from all areas of responsibility within the congregation because of the filing of a complaint of sexual misconduct; the meaning of suspension (a period of time not to exceed sixty days during which procedures will be followed to examine the complaint and reach a determination in regard to it); and that neither the pastor, the chairperson of the Pastor-Parish Relations Committee, nor any other member of the PPRC shall provide any further information or details to the congregation, or to any other party, about the nature of the allegations; and

b. that the exact format of this communication shall be as follows: “Within our congregation, a written and signed complaint alleging sexual misconduct has been made against (name of accused lay person). According to the Policy of the Baltimore-Washington Conference, (name of accused lay person) has been suspended from all areas of responsibility within our congregation during the period of suspension. Suspension implies neither innocence nor guilt but is a period of time not to exceed sixty days during which the PPRC shall make a determination of the matter. Neither the pastor nor any member of the PPRC shall provide any further information to the congregation, or to any other party, about the nature of the allegations. If you have a question or a concern about this process, a confidential telephone contact with the Sexual Misconduct Response

Team from the conference is available. The number is: (telephone number).”

8. The pastor, in consultation with the district superintendent and/or the bishop, shall provide the grievant(s) the opportunity to read the accused lay person’s written and signed response, as well as any other supporting materials; these are to be read in the presence of the pastor and shall be returned to the pastor by the end of the meeting:

a. when appropriate, the pastor shall bring the grievant(s) and the accused lay person together in a face-to-face meeting to explore the possibilities of resolution and/or reconciliation;

b. when resolution occurs in the process, the pastor shall communicate with the congregation or other appropriate entity, that a resolution between the parties has occurred.

9. The Pastor-Parish Relations Committee shall be the body within the local church charged with making a determination in cases where allegations of sexual misconduct are made against a lay person. When allegations against a lay person arise from settings within the Annual Conference, the bishop and/or the district superintendent shall designate the particular district or conference committee which shall make a determination in such cases.

10. In seeking to make a determination in cases of alleged sexual misconduct against a lay person, Committees on Pastor-Parish Relations, or other committees of the Annual Conference are encouraged to make use of the Sexual Misconduct Response Team:

a. the Sexual Misconduct Response Team shall serve as the designated trained neutral mediation team within the Baltimore-Washington Conference of The United Methodist Church;

b. in such cases, the Sexual Misconduct Response Team shall provide consultation to the PPRC, or other conference committee, regarding: justice for and reconciliation between all parties; suggested approaches for the PPRC, or other conference committee, as it seeks to make a determination; and possible mediation in which all parties are assisted in reaching a settlement or agreement satisfactory to all parties;

c. Upon request, members of the Sexual Misconduct Response Team will be available to any of the parties throughout this process. Grievants, victims, and accused lay persons are strongly encouraged to initiate steps for personal healing, especially through counseling and therapy. The Sexual Misconduct Response Team will be particularly available to any of the parties for appropriate referrals and support.

11. In making a determination in cases where lay persons have been charged with sexual misconduct, the PPRC, or other appropriate conference committee, shall seek to arrive at a consensus (“an opinion held by all or most”) within the committee. While this is not always possible, great care shall be taken within the committee to ensure: that all facts in the case have been presented clearly and fairly; that all parties have had the opportunity to express their most deeply-held responses to the case; and that all feelings and opinions of committee members in closed session shall be fairly and sensitively received by the PPRC.

a. in cases where a settlement or agreement satisfactory to all parties has been reached, the pastor and/or the chairperson of the PPRC, or other appropriate committee, shall report to the congregation, or other body, that such a settlement has been reached; specific details of such settlements or agreements shall not be revealed to the congregation;

b. in cases where the lay person has confessed to the allegations of sexual misconduct, or has surrendered church membership as a result of allegations of sexual misconduct, the pastor and/or the chairperson of the PPRC, or other appropriate committee, shall so inform the congregation;

c. in cases where the PPRC, or other committee of the Annual Conference, determines that the allegations of sexual misconduct are either true or not true, the pastor and/or the

chairperson of the PPRC shall report the nature of the determination to the congregation;

d. in cases where the PPRC, or other committee of the Annual Conference, is unable to make a determination, the pastor and the members of the PPRC shall discuss other options with both the grievant and the accused lay person; when discussing such options, the pastor and the PPRC shall make clear to each party that the committee's inability to make a determination neither validates nor invalidates the nature or substance of the grievant's allegations or the nature and substance of the lay person's response to the allegations.

12. In cases where the lay person has submitted a written and signed confession to allegations of sexual misconduct, or in cases where the lay person has been found guilty of charges of sexual misconduct through the civil courts ("due process"), the pastor, in consultation with the bishop and/or the district superintendent and the chairperson of the PPRC, shall relieve the lay person of all areas of oversight and responsibility within the local church. When the lay person who submits a confession and/or who has been found guilty of such charges is serving in either a volunteer or salaried position at any other level with the conference, the bishop and/or district superintendent shall remove the lay person from all areas of oversight and responsibility within the conference.

13. Notwithstanding any of the above, in any of the communications by the pastor, the chairperson of the PPRC, members of the PPRC, or the Sexual Misconduct Response Team to the congregations, or any other entity, the identity of the grievant(s) shall not be disclosed except upon written permission of the grievant(s).

### C. Reconciliation and Rehabilitation in Cases Where Sexual Misconduct Has Occurred

1. "Understanding Forgiveness." Lay persons within the life of the church must be subject to discipline if they have not adhered to the standards and expectations of membership. It is important in this regard to distinguish the concept of "discipline" from the concept of "forgiveness." As the Body of Christ, the Church proclaims God's forgiveness to all who have sinned and who ask for forgiveness. A lay person involved in sexual misconduct receives this forgiveness like anyone else. However, the fact that a lay person is forgiven does not mean that he or she can avoid the consequences of actions which amount to professional misconduct, especially in situations where the lay person is employed by the local church or be an agency of the Annual Conference. When such lay persons' behavior is determined to be "disqualifying", he or she shall not continue in any staff position within the Baltimore-Washington Conference.

2. "Permanent File." In cases where the lay person makes a confession as a result of the allegations, or is found to be guilty of the charges, the Committee on Pastor-Parish Relations, or the Council Director (on behalf of CPPP), shall keep a permanent record of the misconduct in the church's files, or in the Office of the Council Director.

3. "The Rights of and Responsibilities for the Victim(s) and Accused Lay Person." The pastor, in consultation with the district superintendent and/or the bishop, will endeavor to:

a. initiate a process to seek healing and restoration for all of the victims including the abused person(s) and their families, the family of the accused lay person, and the congregation(s), and to also initiate a process to seek healing and restoration for the accused lay person; the Sexual Misconduct Response Team shall be one of the resources which may be deployed by the pastor, the district superintendent and/or the bishop, for healing and restoration;

b. work with the Committee on Pastor-Parish Relations, or other appropriate committee of the Annual Conference, to minimize further victimization by the attitudes of and actions by the congregation(s);

c. clarify with the offending lay person his/her moral and ethical responsibility for assisting financially in the rehabilitation of the victim(s).

D. Disclosure and Records in Cases Where Sexual Misconduct Has Occurred

1. Disclosure in cases of sexual misconduct is required. Such information shall be shared with the successor pastor(s) and, as may be wise or necessary, with present and future Pastor-Parish Relations Committees, or the appropriate personnel body of churches or institutions involved.
2. When an office has been surrendered because of sexual misconduct, the Pastor-Parish Relations Committee, or the appropriate personnel body shall be informed.
3. Full information of sexual misconduct and subsequent actions taken by the United Methodist Church shall be kept by the pastor in a permanent record and may be forwarded to the bishop's office. If a lay person surrenders an office as a result of sexual misconduct, the information regarding the misconduct (allegations, response, confession, result of due process, etc.) shall also be kept in a permanent record by the Pastor-Parish Relations Committee.
4. A summary, prepared by the bishop or district superintendent, shall be placed in the local church's permanent file in the district office of the congregation's experience with the case of sexual misconduct.

E. Records in Cases Where a Charge of Sexual Misconduct Is Not Sustained

In cases where a charge of sexual misconduct is either withdrawn or not sustained by investigation, one (1) complete confidential record of the alleged sexual misconduct, investigation, and outcome shall be retained in the bishop's office. No other official record of the matter shall be required.

3. Sexual Misconduct Response TeamA. Team Design

1. Each team deployed in case of alleged sexual misconduct against a lay person will consist of one woman and one man. When possible, each team shall also be racially inclusive.

B. Team Recruitment and Training

1. The Commission on Clergy & Congregational Care, in consultation with the bishop and Cabinet, will be responsible for the recruitment of all Team members .
2. The Commission will also be responsible for the training of all team members. The chairperson, or co-chairpersons, of the Sexual Misconduct Response Team shall be responsible for the assignment of team members to specific cases.

4. Publishing of the Protocol & Procedures

The Policy & Protocol on Clergy Sexual Misconduct shall be published annually in the Journal of the Baltimore-Washington Conference.

Questions and inquiries regarding the Policy & Protocol may be directed to the Chairperson of the Commission on Clergy & Congregational Care or to the chairperson, or co-chairpersons, of the Sexual Abuse Task Force.

Lay persons of the Baltimore-Washington Conference of The United Methodist Church are responsible for being informed about the Policy Statement & Protocol on Lay Sexual Misconduct.