

**REGIONAL POLICY ON CLERGY SEXUAL AND ETHICAL CONDUCT
FOR THE CHRISTIAN CHURCH (DISCIPLES OF CHRIST)
IN THE UPPER MIDWEST**

**Adopted by the Regional Assembly October 26, 1996
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SCOPE OF THE DOCUMENT:

We are concerned:

- A. To reduce sexual and/or ethical misconduct and the conspiracies of silence around them;
- B. To provide safeguards for both those who are victims and those who are accused of sexual and/or ethical abuse;
- C. To furnish practical direction to the work of the Executive Unit of the Ministry Commission;
- D. To facilitate justice, fairness, healing and to ascertain innocence as well as guilt.

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I. THEOLOGICAL/BIBLICAL UNDERSTANDINGS

Who we are and what we do is based on our understanding of God known in the prophets and priests of the Old Testament, proclaimed by Jesus Christ and the apostles in the New Testament, and manifested by the Holy Spirit who informs and sustains the Church today. It is this God who calls us to share the good news of the gospel with love and integrity. This policy is based on the following understandings:

- A. To understand sexuality from a Christian perspective is to understand it in light of three sources: biblical teaching, church history and tradition, and human experience.
- B. Our human sexuality is a gift from God who created all things. Therefore, we must be accountable to God for the use of our sexuality. Therefore sexual accountability exists. It should be affirmed and treated with both care and stewardship.
- C. God entered into a covenant relationship with the people of Israel. A significant aspect of the covenant was the Ten Commandments. That covenant was based on God's act of liberation and the people's response through obedience to ethical regulations on which the community's life was to be based.
- D. To live in covenant relationship with God is to know shalom which is health, wholeness, well-being, unity and peace.
- E. A broken covenant (disobedience and separation from God) brings the consequences of sin: oppression, injustice, pain and death.
- F. God has particular concern for the poor, the oppressed, the abused and the harassed.
- G. Because of God's concern with justice and compassion, God always stands with and on behalf of the victims of oppression.
- H. While human sexuality is a gift from God, the church recognizes that human sexuality may be expressed sinfully. Desires for sexual fulfillment and pleasure can become the occasion for self-deception, manipulation, the abuse of others, and the distortion of God's will. Such sin contributes to the brokenness of the community, the alienation of individuals, and to human despair.
- I. The rupture of relationships by sexual and/or ethical misconduct is a sin. It injures and harms the wounded in ways which may require extended care before healing occurs.
- J. The rupture of relationships through sexual and/or ethical misconduct betrays Christ and the pastoral office in abusing the power and authority of ministry by changing it from healing and redemption to exploitation and gratification.
- K. The rupture of pastoral relationships through sexual and/or ethical misconduct rends the community in which the pastor serves and impacts the whole body of Christ in ways that are scarring and detrimental for long periods of time.
- L. From God's prophets come the call to repentance and the promise of forgiveness.
- M. Forgiveness and redemption are offered to all people through the death and resurrection of Jesus of Nazareth.

- N. The Holy Spirit is God's gift to the church today to enable faithful adherence to the desires of God as we live out our lives as sexual creatures on this earth.
- O. Today the church finds itself in the midst of theological diversity. We live with the dilemma of not diluting our ethical faith response and not becoming "rigid and fixed" in only one ethical faith response.
- P. But sin is not the final word. God has redeemed humanity and is forever redeeming us. Our sexual behavior, when affected by the realities of sin, is never without the hope of God's forgiveness and grace. The church, as the body of Christ, is part of this reality of grace.
- Q. Human sexuality is a vital part of the Christian life. It is rooted and grounded in the themes of creation, covenant, justice, faithfulness, mutuality and family. It holds the potential for great joy and contributes to human creativity. Like all other parts of being human, sexuality can be best expressed when we take the time to listen for God's call in our lives.
- R. We find in Scripture a vision of beloved community, the hallmarks of which are protection for the vulnerable, hope for the oppressed and loving respect among all of God's people, weak and strong. It is a community in which ultimately mourning, crying and pain will be no more. The Scripture calls all within the church to exhibit love that is genuine, to hate what is evil, to hold fast to what is good, to do acts of mercy, and to extend the kind of hospitality that assures safety and mutual respect.

II. DEFINITIONS (Listed Alphabetically)

A. Accuser

An accuser is any person(s) who brings any complaint or allegation of sexual and/or ethical misconduct to the attention of the Regional Minister and/or Chair of the Ministry Commission.

B. Advocate

1. A person of the accused or accuser's choice who may accompany him or her in the meeting with the Executive Unit of the Ministry Commission. The advocate's role may be:
 - a) To be an interpreter of the process outlined in this policy;
 - b) To assist the individual in articulating his or her feelings, thoughts and perceptions of the situation;
 - c) To provide spiritual nurture; and
 - d) To be a personal friend and supporter.
2. The advocate is not to be viewed as either legal counsel or as a witness for the defense or prosecution of the parties appearing before the Unit. The proceedings of the Ministry Commission are not those of a court, but a responsible body of the church concerned for the welfare of the persons involved, the credibility of the church and its gospel, and the Standing of its clergy.

C. Clergy

The term clergy in this document refers to all ministers, ordained or licensed who have Standing in the Christian Church (Disciples of Christ) in the Upper Midwest.

D. Ethical Misconduct

1. Failure to ethically discharge the responsibilities of the Order of Ministry (Section I. C. of the *Policies and Criteria For the Order of Ministry*):
 - a) transmitting the Christian tradition from one generation to another,
 - b) translating and interpreting the Scriptures,
 - c) proclaiming the gospel of Christ,
 - d) administering the sacraments,
 - e) maintaining a company of Christians in continuity with the life and faith of the Apostles, and
 - f) acting as a pioneer and leader in the church's reconciling mission in the world.

2. Failure to manifest the personal ethical qualifications necessary for fit ministry (Section I. C. 1. of the *Policies and Criteria For the Order of Ministry*):
 - a) Faith in Christ Jesus and commitment to a life of Christian discipleship
 - b) Definite and informed decision, in response to God, to serve in the Order of Ministry
 - c) Personal fitness sufficient to the demands of the office, including mental and physical capacities, emotional stability and maturity, and standards of morality.

3. Failure to manifest ethical principles that guide professional relationships and personal conduct:
 - a) As itemized in "*My Ministerial Code of Ethics*," (available from the Regional Church Center, or the *Division of Homeland Ministries* in Indianapolis) and,
 - b) As set forth in "*The Regional Policy on Clergy Sexual and Ethical Conduct*."

E. Executive Unit of Order of Ministry Commission

1. The group certifying Standing is the Executive Unit of the Order of Ministry Commission of the Christian Church (Disciples of Christ) in the Upper Midwest.

2. The tasks of the Executive Unit of the Ministry Commission are:
 - a. To determine the clergy who have Standing with the Christian Church (Disciples of Christ) in the Upper Midwest and what is necessary to maintain Standing;

 - b. To review clergy Standing each year and submit the updated list to the General manifestation of the Church for its inclusion in the most current edition of the *Yearbook And Directory Of The Christian Church (Disciples Of Christ)*.

 - c. To offer care and counsel to clergy who are seeking to transfer ordination credentials into the Disciples of Christ from another denomination;

- d. To address ethical concerns related to Standing and enforce the Region's policies in that regard.
3. The Executive Unit of the Ministry Commission is assigned the responsibility to address any charge of clergy sexual and/or ethical misconduct brought to the Region issued against clergy with Standing in the Christian Church in the Upper Midwest.
4. The Executive Unit of the Ministry Commission consists of the Regional Minister; the chairperson of the Order of Ministry Commission; the Unit Chairs of the Commission; and two members-at-large.

F. Exonerate

Exoneration is the clearing of the accusation. A public statement will be made by the Regional Minister if the accused so chooses.

G. Permanent File

1. There is a permanent file on each clergy who has, or has had, Standing with the Christian Church (Disciples of Christ). This file is kept by the Search and Call office of the Division of Homeland Ministries in the General office in Indianapolis, Indiana. It is available only to the Regional Ministers of the Christian Church (Disciples of Christ). Each Regional Minister uses discretion in deciding what materials from this file are made available to search committees and other responsible bodies.
2. If there is a finding of guilt, actions and recommendations of the Executive Unit of the Ministry Commission for censure and removal of Standing will be entered into the permanent file.

H. Procedural File

The procedural file is a separate confidential file that is the property of the Executive Unit of the Ministry Commission and it includes the initial accusation, the response of the accused, a written log of the proceedings, all documentation that is collected in the course of the process, and a list of the actions of the Unit and the agreements with the involved parties. It is the responsibility of the Regional minister to maintain the file in the Regional Center.

I. Response Team

Two or three persons (see Section V., B., 1., a.) who will conduct the INFORMAL REVIEW. They will be assigned by the Regional Minister to obtain initial data from individual interviews with the accused, the accuser(s) and other pertinent individuals on which to base a decision about a FORMAL REVIEW.

J. Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which a reasonable person of the same gender as the victim would perceive to be intimidating, hostile or offensive.

K. Sexual Misconduct (includes one or more of the following):

1. Sexual Harassment (as defined in II. J.)

2. Sexual misconduct includes but is not limited to:
 - a. overt or covert sexual advances or contact
 - b. mental abuse (which may include risque jokes, innuendoes, unacceptable visual contact, personal put-downs, insults, ingratiating and over-solicitous behavior, seductions)
 - c. physical abuse (which may include fondling, unwelcome hugs and kisses, and genital contact).
3. There are subtle as well as overt versions of sexual misconduct. Mutual seduction resulting in mutual victimization is also considered misconduct. (Willing participation in sexual activity does not preclude it being a misuse of power in relationships involving clergy.)
4. Sexual misconduct includes, but is not limited to, kissing, any intentional touching or fondling (either directly or through the clothing) of such areas of the body as inner thigh, breast, groin, buttock, anus, pubes, or genitals.
5. Sexual misconduct also includes any case in which a minor is subjected to sexual impropriety, sexual touching, sexual assault or molestation; sexual exploitation or prostitution.
6. Sexual misconduct is any sexual activity in which the clergy person violates the free choice or abuses the vulnerability of any other person.
 - a. In the states comprising the Upper Midwest Region any person who receives mental health counseling from clergy is considered by law to be vulnerable and any sexual contact with that person is illegal.
 - b. Clergy are responsible to know the criminal code in their state.
7. Clergy sexual misconduct may occur both within and outside the marriage relationship.

L. Standing

1. As defined in the Region's "*Policies and Criteria for the Order Of Ministry*:" Standing affirms that the ordained or licensed clergy is presently engaged in the practice of ministry (whether on an occasional, part-time, or full-time basis), is a member of a Disciple congregation, and maintains continuous accountability with a congregation, organization, related institution, or a Regional or General unit of the Christian Church (Disciples of Christ).
2. Ministers with Standing at the time of retirement are continued in Standing.
3. Such clergy are listed in the most current *Yearbook And Directory Of The Christian Church (Disciples Of Christ)* and may call upon the church for services and support such as relocation assistance, ecclesiastical endorsement, scholarship aid, and have voting privileges in the Regional Assembly in the Region where they are serving and in the General Assembly of the Christian Church (Disciples Of Christ).
4. Responsibility for the certification of the Standing of clergy in the Upper Midwest is lodged with the Executive Unit of the Ministry Commission.

5. There is a distinction made by the Christian Church (Disciples of Christ) with regard to Standing and ordination. The conferring of ministerial Standing is the annual act by which the Christian Church (Disciples of Christ) identifies those clergy, ordained or licensed, whose credentials are recognized in any given year. Ordination is conferred for life, but Standing is reviewed annually with established criteria and procedures.
6. Sexual or ethical misconduct by clergy can result in the removal of Standing, and with it the removal of the attending rights and privileges mentioned in item No. 3 of this definition.
7. Any United Church of Christ pastor, hereafter referred to as UCC, serving a Disciples congregation in the Upper Midwest Region will be held responsible according to the policy set forth in the "*Mutual Recognition of Ordained Ministry*" document.
8. Any Disciples pastor serving an authorized U.C.C. ministry in the geography of the Upper Midwest Region will be held responsible according to the policies set forth in the covenants of the "*Mutual Recognition of Ordained Ministry*" and according to the governance of the Association of the Conference.

M. Supervisor

A supervisor is the ordained individual assigned by the Executive Unit of the Ministry Commission to clergy against whom charges of sexual and/or ethical misconduct have been substantiated. The supervisor meets with the clergy periodically during the period of time (usually a year) between meetings with the Unit. During this interval the supervisor monitors the clergy as the requirements established by the Executive Unit of the Ministry Commission are addressed. The supervisor reports periodically to the Regional Minister on the progress of the clergy. This enhances the probability of accountability and follow-through.

III. PRESUPPOSITIONS AND ASSUMPTIONS

- A. Persons accused of sexual and/or ethical misconduct are considered innocent until the accusation has been substantiated by a preponderance of evidence.
- B. All parties will be treated with respect and dignity. The charges will be taken seriously.
- C. This policy applies to clergy with Standing in the Christian Church (Disciples of Christ) in the Upper Midwest. These are the limits of the Executive Unit of the Ministry Commission's authority. Congregations assume their own responsibility for those who are not endorsed by the Region with licensing or ordination. Still, the Region will seek to be supportive of the injured congregation.
- D. The goal of this policy is to reduce sexual and/or ethical misconduct and to outline the appropriate response of the Christian Church in the Upper Midwest if and when an accusation is made.
- E. There is a general lack of awareness among church members of existing grievance procedures within the Christian Church (Disciples of Christ) related to clergy sexual and/or ethical misconduct.
- F. The Executive Unit of the Ministry Commission is charged with the exercise of this policy and will make decisions in a timely manner.
- G. It is the aim of the Executive Unit of the Ministry Commission to act with fairness, justice and discretion.

- H. The objective is to create an environment that will reduce and eventually abolish the "conspiracy of silence". (Because accusers are ostracized when there is a forced recognition of a problem many of them have chosen to remain silent.)
- I. This policy is not designed for legal proceedings. Legal recourse is the jurisdiction of the courts. Though the Executive Unit of the Ministry Commission may occasionally seek legal counsel to insure its accuracy and fairness, it will primarily deal with matters in terms of the life of the church.
- J. This document is written and meant to be interpreted with care, compassion, and justice-concern for all parties involved. It is not intended to be legalistic or punitive.

IV. ETHICAL CONSIDERATIONS FOR CLERGY

To be clergy is to be entrusted with a sacred responsibility. It is also, by virtue of the trust persons place in the office and the person of the clergy, a position of significant authority and power. Clergy are expected to be in charge of their behavior in relationship to parishioners and all counselees and are viewed as the responsible party by the courts (civil and criminal).

It is unconscionable that any person would violate that trust and power for the sake of personal gratification, and yet the experience of the church is that it does happen. Such trust and power is misused in many ways. This policy deals with the specific abuses of power by clergy who engage [in unprofessional behavior and/or] in overt or covert sexual advances with colleagues and/or those for whose spiritual welfare they are responsible. [** p. 135]

Any improper conduct or unwanted sexual advance is damaging. The harm is increased many times when the contact comes from a person to whom the victim has every right to look for guidance, protection and care. When persons are injured by the actions of the church's servants and representatives, the church and its message are both compromised. [** pp. 135-136]

For the Christian Church in the Upper Midwest Regional responsibility is lodged with the Executive Unit of the Ministry Commission, a functioning body within the Region's Ministry Commission. "*The Design*" for the Christian Church (Disciples of Christ) charges Regions with the certification of the Standing of ministers (IV., C., 2.). These policies are intended to name the boundaries and to help the church deal sensitively and responsibly with violations in regard to Standing. All charges of sexual and/or ethical misconduct brought to the Executive Unit of the Ministry Commission are to be dealt with in the light of God's word and with a view to the well-being of persons, the integrity of the Church and its pastoral office, and the credibility of the Gospel. [** p. 136]

Congregations are free to call whomever they choose. This policy and procedure is not available to congregations who select clergy who are not endorsed with Standing. Clergy of the Region who are without Standing are not denominationally recognized ministers of the Christian Church (Disciples of Christ) and are outside the jurisdiction of the Executive Unit of the Ministry Commission.

Ethical views that underlie this document:

- A. All clergy must recognize that they are leaders of the church. Their personal ethical and sexual actions can and do reflect upon the values and standards of the church.
- B. A clergy's calling to leadership gives a sacred power, trust and status that is not to be abused in any way.
- C. Clergy are not above the law and must exemplify strict standards of discipline and responsible moral behavior.
- D. The Christian vocation demands a high standard. A specific code of conduct is required for those in positions of trust.
- E. This policy is to inform the Disciple clergy in the Upper Midwest of the Regional expectations and to request their acknowledgment of and commitment to those expectations.
- F. While the church is called to offer forgiveness to all persons, it is also called to confront acts of misconduct by any person. Justice calls for corrective action and redemption.
- G. The call to "a manner of life that demonstrates the Christian Gospel" means that clergy must not sexually harass or engage in sexual or unethical relationships with those they serve.
- H. It is important that clergy work diligently to discipline the expression of their sexual needs. The immense power of human sexuality makes it highly amenable to obsessive behavior. Because of its relationship to intimacy the satisfaction of sexual needs is easily confused with love. This gives way to rationalizing exploitative, self-serving, sexual behavior as loving acts.
- I. We celebrate and affirm our sexuality as a gift from God. The roots of sexual harassment and abuse lie not in sexuality but in the abuse of power. Care must be taken that power is not used to violate, harass or intimidate. Although offenders may believe their behavior is innocent or unintended, harassment is defined by the perception of the victim. (As defined in item II., J.)
- J. Clergy operate in both the ecclesiastical and civil realms. Therefore, it is important that they know both the requirements of the church and the requirements of the state. With regard to sexual and/or ethical misconduct there are points at which clergy can be in violation of the civil and criminal law. Clergy should know the current laws in the State in which they work. This is a field in transition. The current legal climate puts people in authority under more scrutiny.
- K. Persons are vulnerable in pastoral care and counseling relationships. Therefore, careful consideration needs to accompany all counseling. Attention should be given to the following by every clergy:
 - 1. Asking whose needs are being met;
 - 2. Being sensitive to the use of language and touching;
 - 3. Weighing when and where it is appropriate or inappropriate to be together;
 - 4. Being aware of situations that are "construable." (Perception of what is happening can be as important as reality);
 - 5. Insisting on having a "contracted" agenda on which the clergy and the client are working (an agreed upon time

frame and subject matter);

6. Recognizing the limits of clergy counseling abilities when long-term counseling and therapy are needed and making appropriate referrals;
 7. Valuing the certification of those who are trained and equipped to handle counseling situations that are beyond the clergy's expertise;
 8. Seeking preparation and education for helping those individuals under the clergy's care, which includes pursuing continued care and supervision in dealing with the risks that are introduced by dependency and transference; and
 9. Considering the role of covenant in exercising such a sacred trust and responsibility.
- L. There may be difficulties when single clergy date those who are directly served by their ministry. It is recommended that single clergy carefully weigh the following factors: In the Upper Midwest Region, it may be a criminal act to date a person for some time after having counseled that person. (See Item II., J., 6., a.)
1. There are unequal levels of power in relationships between the clergy and the laity they serve because of the authority inherent in ordination, ministerial Standing and pastoral position.
 2. If the relationship dissolves, one or both of the two may need to leave the congregation.
 3. The relationship always runs the risk of being misconstrued and made the subject of gossip. It is naive to believe that there is never idle talk and slanderous rumor that are associated with dating members of the congregation.
 4. The relationship may bring about jealousy, competition and division within the congregation.
- M. Clergy often live between two desires: On the one hand, wanting to be considered "special and sacred" by virtue of pastoral authority, education and ordination; on the other hand, wanting to be considered "ordinary and commonplace" among the laity of the parish - desiring to be just one-of-the-folk in acceptance and approachability. This dilemma has ethical ramifications. Clergy must always be "in touch" with their inner motivations lest they use sex to prove either their "specialness" or their "commonness".
- N. On various matters of human sexuality each person has the need to recognize that others may have a different perspective/understanding/viewpoint. Young people and children often have a different understanding of adult words and actions. Male-female and age differences are to be understood and appreciated.
- O. We live in a litigious society. Clergy must be aware and realistic about their vulnerability to lawsuits over sexual and/or ethical misconduct.
- P. The Christian Church (Disciples of Christ) places a high value on the responsible autonomy of clergy. This autonomy needs to be balanced with an ethic that is corporate, communal and covenantal.

V. THE PROCEDURES TO BE FOLLOWED

A. In Receiving A Complaint Or Allegation

1. To begin the process, any complaint or accusation of sexual and/or ethical misconduct shall be brought to the attention of the Regional Minister and/or the Chair of the Executive Unit of the Ministry Commission, verbally or in writing.
2. Though the accusations may initially be shared verbally, the accuser(s) shall give signed permission to allow a written report/transcript and her/his name to be used by the Response Team and the Executive Unit of the Ministry Commission in the proceedings.
3. The accusation may be brought by anyone.
4. The Regional Minister will promptly contact the accused and provide him/her with a preliminary notice of the accusation. The accused will also be advised that from the moment of this notification the accused is not to make contact with the accuser(s), not to indulge in any act of retaliation, nor is he/she to publicly discuss the case with others in a manner which would prejudice, harm or bring division to the members of Christ's body. Violation of this prohibition is a further charge that can be added to the disciplinary review.
5. The Regional minister or a representative of that office will outline for the accused and the accuser the procedures to be followed for processing the case.
6. The Region will seek to extend appropriate pastoral care to all parties.
7. Throughout the entire process a written log shall be kept of the Response Team and the Executive Unit of the Ministry Commission's work on each case. This will be a part of the procedural file.
8. The accuser(s) will be asked to meet with the Response Team and may be asked to appear before the Executive Unit of the Ministry Commission. The Executive Unit of the Ministry Commission will seek to determine whether this is a single occurrence or not.
9. An appropriate person may be chosen by the accused and/or the accuser(s) to be an advocate. (See section II., B.)
10. The Response Team and the Executive Unit of the Ministry Commission are charged with thoroughly investigating the accusations. They should have a clear and precise understanding of the violations (if any), the frequency of their occurrence, and the circumstances that led to the misconduct, as this is the basis for making recommendations regarding remedy.
11. The Region assumes no responsibility for the costs of the accused, accuser or advocate or their witnesses throughout the process.
12. At any point in the process the Regional Minister may notify the executive officer of the accused's employing body, and may suggest that the pastor be given a leave of absence from pastoral duties with pay and without prejudice. The Regional Minister may also choose to offer the congregation interim alternatives for pastoral care.
13. It is not uncommon to be contacted by the media for a statement. A key role of the Region is to stand for the

integrity of the church and its ministry. Rules that govern public communication are:

- a. Designate one individual as the spokesperson to the media for the Region.
- b. Assure those who are asking questions that accusations are taken seriously, will be investigated promptly, and decisions will be made about appropriate future actions.
- c. Indicate that innocence is assumed until guilt is proven by a preponderance of evidence, and that if charges prove to be unsubstantiated, deliberate work will be done to exonerate the accused.
- d. Assure the wider community that the church is committed to ministries of integrity and will work to uphold such.
- e. While the process is ongoing, any response to the media should be, "We will not discuss a member of the clergy who is under the review process." Once the Executive Unit of the Ministry Commission has issued a ruling, the spokesperson should simply state that a review was conducted and will share the decision of the Executive Unit of the Ministry Commission. The spokesperson can also confirm whether the clergy person has Standing with the Disciples.

B. In Reviewing A Complaint Or Allegation

1. An INFORMAL REVIEW is conducted by a Response Team authorized by the Executive Unit of the Ministry Commission for the purpose of hearing the complaint(s), compiling the initial written documents, assessing preliminary evidence and interviewing any accusers willing to provide information for the Executive Unit of the Ministry Commission.
 - a. A list of persons capable of and willing to serve on a Response Team will be maintained by the Regional Minister.
 - b. From this list the Regional Minister will appoint 2 or 3 persons (preferably of different genders) to conduct the INFORMAL REVIEW.
2. The Response Team will be activated as soon as possible after the complaint has been received to interview principle parties and witnesses, to prepare a written transcript of those interviews, to collect substantiating data, and to formulate the charge(s) for presentation in written form to the minister. The first draft of the formal charge(s) shall be submitted to the clergy being accused. It shall be sent by registered mail, return receipt requested, and marked confidential.

3. The clergy's response to the complaint will be requested in writing and is due at the Regional Church Center within one week. When received in written form, the response of the accused will be made available to the accuser for comment. However, the continuing process of the Executive Unit is not dependent upon a response from the accused.
4. Should the accuser(s) decide not to pursue the issue in a FORMAL REVIEW, the Response Team, Regional Minister and the Chair of the Commission may decide to continue the investigation if it has discovered sufficient information to suggest sexual and/or ethical misconduct has occurred.
5. The accused and the accuser shall be notified of the decision of the Response Team, Regional Minister and the Chair of the Commission whether to proceed with a FORMAL REVIEW. That notification will be sent registered mail, return receipt requested, and marked confidential.
6. The Regional Minister will set a date and place for the FORMAL REVIEW, as soon as possible, on which the majority of the Executive Unit can meet, and to which the accused person is invited.
7. In a FORMAL REVIEW the Executive Unit of the Ministry Commission will investigate the accusation(s) through information and documentation from the accuser(s), the accused, and other credible sources as appear appropriate.
8. The Executive Unit of the Ministry Commission may confer with appropriate professionals and witnesses on a consultant basis as the situation warrants. However, neither those professionals nor witnesses shall have a vote on the Executive Unit.
9. Using its best judgment the Executive Unit of the Ministry Commission shall decide upon an appropriate recommendation, which shall be communicated in writing to the accused, the accuser(s) and the executive officer of the accused's employer within one week following the determination. The decision of the Executive Unit will be sent by registered mail, return receipt requested, and marked confidential.

C. In Choosing Appropriate Actions And Recommendations

1. If the accusations are not substantiated:

The investigation will cease and every effort will be made to exonerate the clergy. A record of the review and its conclusions will be provided for the clergy and ~~may~~ [will] be included in his/her ~~permanent~~ [Regional] file. A public statement of exoneration by the Regional Minister may be made if the clergy so chooses.

The Executive Unit of the Ministry Commission will also respond with care and concern to the accuser(s). [** p. 139]

2. If the accusations are substantiated:

The Executive Unit of the Ministry Commission ~~may~~ [will], depending both on the nature of the misconduct and the reasons leading to it, respond to the accused with:

a) An Educative Advisory

The situation is not necessarily misconduct but shows poor professional judgment. Clear *advice* needs to be given to accomplish the necessary corrective. [**p. 139] This **advice** will be rendered in writing and placed in the procedural file;

b) An Educative Warning

The situation is unquestionably inappropriate and unwise behavior, but is not clearly misconduct. This clear *warning* calls for an immediate cessation of the behavior and *guidance* concerning future behavior will be offered. This **warning** and **guidance** will be rendered in writing and placed in the procedural file;

c) A Reprimand

The situation involves misconduct but has resulted in relatively minor consequences. The action is recorded and placed in the clergy's [Regional] **permanent** file and on-going **supervision, warnings and guidance** will be required for a period of time to be determined by the Executive Unit of the Ministry Commission;

d) A Censure

The clergy has clearly participated in misconduct which was persistent and/or resulted in (or could have resulted in) serious harm to others. The action shall be recorded and placed in the clergy's permanent file, but will not result in removal of Standing **if a defined program of rehabilitation** is realized. The program of rehabilitation will also incorporate definite **supervision, warnings and guidance**. Restitution may be recommended;

e) A Removal Of Standing.

- 1) A cause for removal is failure to accept and complete the recommendations of the Executive Unit of the Ministry Commission if there has been reprimand or censure; or
- 2) The clergy has exhibited misconduct which has resulted in severe harm to others and to the ministry. Protection of others from further harm and the protection of the integrity of the ministry are paramount. [** p. 140]
- 3) The action "*Removal of Standing*" is recorded and placed in the clergy's permanent file. Standing is removed in the Region, and the [Search and Call office] ~~staff Center For Leadership And Ministry~~ in the Division of Homeland Ministries is immediately notified.
- 4) The "*Removal of Standing*" shall continue until there is clear evidence that the clergy has met the expectations for change determined by the Executive Unit of the Ministry Commission based on section V., E., 2., h). At that time the clergy may petition the Executive Unit of the Ministry Commission for restoration of Standing.
- 5) Standing will not be restored should the clergy refuse a rehabilitation program.

f) Further Entries In The Permanent File

In those cases dealing with reprimand, censure or removal of Standing follow-up entries will be made to indicate compliance or non-compliance with the recommendations of the Executive Unit of the Ministry Commission.

D. In Making An Appeal If Clergy Sexual [and/or Ethical] Misconduct Has Been Substantiated

Should the Accuser(s) be dissatisfied with the actions or recommendations of the Executive Unit of the Ministry Commission each has the right of appeal to the full Order of Ministry Commission and the Regional Board of the Christian Church (Disciples of Christ) in the Upper Midwest.

Should the Accused be dissatisfied with the actions or recommendations of the Executive Unit of the Ministry Commission each has the right of appeal to the full Order of Ministry Commission, the Regional Board of the Christian Church (Disciples of Christ) in the Upper Midwest, and ultimately to the *General Commission On Ministry* of the Christian Church (Disciples of Christ).

E. In Notifying Parties If Clergy Sexual [and/or Ethical] Misconduct Has Been Substantiated

1. Responses To The Victim(s)

- a) The Regional Minister shall respond with sensitivity and care, exploring with the victim(s) the options available, helping her/him be aware of the wide range of possibilities that exist.
- b) The advocate will be encouraged to continue in a nurturing and supporting role.
- c) A list of qualified therapists may be provided to the victim(s) to be utilized at their choice and at their own expense.
- d) The Executive Unit of the Ministry Commission may encourage the offending clergy to offer financial assistance with medical and/or counseling costs.
- e) The goal is healing. It may be essential to the healing process for the victim to have the opportunity to confront the perpetrator in a "processing session" in which it can be pointed out that the sexual and/or unethical exploitation was not acceptable and how it hurt the victim.
- f) The church is to act in a pastoral and caring manner with the victim(s) and their families.
- g) Where there are multiple victims identified, an opportunity may be provided for these persons to meet together with professional counseling for mutual support and sharing.
- h) The accuser is reminded of the depth of God's grace and the cost of God's forgiveness in Christ. Encouraging faith is an important part of the church's ministry to the victim(s).

- I) Give frequent reassurance that the victim(s) will not be abandoned in the midst of their pain and powerlessness.
- j) The persons involved should avoid making interpretations of what the experience means to the victim(s).
- k) The victim's right to be in control of the recovery process should be respected.

2. Responses To The Accused Clergy

- a) Our response to the clergy and their family members should be understood as a pastoral and caring act of the Regional church.
- b) The intent is vocational and personal redemption and healing through a fair and just process.
- c) The advocate will be encouraged to continue in a nurturing and supporting role.
- d) The accused is reminded of the depth of God's grace and the cost of God's forgiveness in Christ.
- e) It is important to distinguish between confession and absolution, on the one hand, and restoration to pastoral ministry, on the other. [** p. 141]
- f) Occasions of confession and absolution should be practiced with care and not in haste.
- g) Full restoration to pastoral ministry requires the best judgment of the Region through the Executive Unit of the Ministry Commission.
- h) A requirement of therapeutic evaluation and/or treatment should be clearly communicated to the accused and monitored as appropriate over time and may be utilized in combination with any of the responses mentioned above based on consideration of:
 - 1) A description of all offenses or misconduct;
 - 2) Personal adjustment;
 - 3) Clarity about professional boundaries;
 - 4) The type of ministry and the nature of supervision available;
 - 5) Nature of the persons served; and the nature of persons with whom clergy has boundary problems; and
 - 6) Miscellaneous, special, or situational factors (r.e. marital problems, out of the ordinary events in clergy's life, extenuating circumstances).
- I) The supervisor will monitor the requirements established by the Executive Unit of the Ministry Commission and make written reports quarterly to the Regional Minister.

- j) As an act of fairness, justice and repentance the clergy may be encouraged to make financial restitution to the victim(s) for their medical and/or therapy expenses and financial restitution to the Region for its expenses in convening the Executive Unit of the Ministry Commission, handling the investigation, and working with the congregation for its rehabilitation. This may be a prerequisite for maintaining or reinstating Standing.
- k) The Executive Unit of the Ministry Commission will assign the appropriate steps to be taken by the accused clergy according to the level of action chosen in section V., C., 2.
- l) Where therapy is indicated, the offending clergy may choose from a list of possible counselors presented by the Executive Unit of the Ministry Commission or one agreed upon by the Regional Minister.
- m) Reinstatement of the clergy may be dependent upon the joint conclusions of the therapist and the Executive Unit of the Ministry Commission and fulfillment of the plan for reinstatement.
- n) If Standing is removed the Center For Leadership And Ministry in the General Office will be notified of the action so that the clergyperson will not be allowed circulation in the relocation process. The appropriate U.C.C. office will be notified if the offending clergy holds Standing with the United Church of Christ.
- o) Once removed from the practice of ministry, the matter of restoration is not merely an issue of absolution or forgiveness. The clergy is forgiven, but the question of qualification for the office of minister must be assessed by the Executive Unit of the Ministry Commission. [** p. 142]

3. Responses To The Congregation

- a) The Regional Minister shall respond with sensitivity and care.
- b) Where appropriate the Regional Minister or a representative of that office may meet with a congregation to report the results of the process with special attention to the disciplinary action taken and its implications. If a report is made, it will be in written form, and will cover the particulars of the charges, and the action taken by the Executive Unit of the Ministry Commission. It will not list the names of the accusers and/or victim(s).
- c) This should be understood as a pastoral and caring act of the Regional church toward the congregation.
- d) The goal is healing.
- e) The Regional church will give frequent reassurances that the congregation will not be abandoned in the midst of their pain and powerlessness.
- f) The Regional church will respect the congregation's right to be in control of its recovery process.
- g) If requested by the congregation, Regional leadership will be provided them to assist in addressing its concerns so as to bring healing to its brokenness. This will place no financial obligation upon the Region.

4. Responses To The Regional Staff

Case by case the Regional minister, at his/her discretion and on a need-to-know basis, will share the allegations of the accuser and the process and recommendations of the Executive Unit of the Ministry Commission with the Regional staff of the Christian Church in the Upper Midwest.

5. Responses To Necessary Civil Entities

- a) The Executive Unit of the Ministry Commission will report, as appropriate and in consultation with an attorney retained on behalf of the Christian Church (Disciples of Christ) in the Upper Midwest, any violations of the law to law enforcement authorities and in response to Court orders.
- b) If a minor is involved, the appropriate agency will be notified of any suspected child abuse, pursuant to governing statute relating to child abuse reporting. Extreme care will be exercised to prevent disclosure of the minor's name. The documents generated in the review process will simply use initials of the minor to protect against inadvertent disclosure.
- c) Information as necessary may be disclosed to insurance carriers.

F. In Following Up If Clergy Sexual [and/or Ethical] Misconduct Has Been Substantiated

1. With Parties During The Follow-up Period of Care:

- a) A list of qualified therapists will be provided to involved persons to be utilized at their choice and at their own expense.
- b) Unless warranted, the Executive Unit of the Ministry Commission would not see the accused for a period of one year. In the interim a supervisor of the Unit's choosing would monitor the progress of the clergy and make periodic written reports to the office of the Regional Minister.
- c) If financial restitution has been suggested, the supervisor will give attention to the clergy's progress in keeping good faith with this requirement.
- d) The one year review process can be repeated as often as the Executive Unit of the Ministry Commission deems it necessary.

2. With Appropriate Forgiveness & Restitution

- a) The church in dealing pastorally with offenses and offenders must not only adhere to accepted legal standards of justice and due process, it must also be guided by the law and gospel of God and by the Spirit of God who alone knows how and when to apply both law and gospel in exercising the church's authority to bind and loose, to forgive or not to forgive sins. [** p. 136]
- b) Forgiveness and restoration to positions of trust for persons who have violated that trust should not be quickly or lightly given. "Do not be hasty in the laying on of hands, nor participate in another person's sins; keep yourself pure," (I Timothy 5:22). [** p. 136]

- c) The goal should always be to restore even the most serious offender to fellowship with God and communion with the church, even when forgiveness and reconciliation cannot be extended to include restoration to pastoral office. "Brothers and sisters, if anyone is overtaken in any trespass, you who are spiritual should restore that one in a spirit of gentleness. Look to yourself, lest you too be tempted," (Galatians 6:1). None of us is safe from temptation. [** p. 136]
- d) Forgiveness becomes possible when a perpetrator of injustice admits the injustice, repents and accepts disciplinary action that offers some satisfaction to the victim(s) and some assurance that such behavior will not occur again. Forgiveness that short cuts any of these steps is inappropriate for the Christian community and is a further betrayal of the victim(s).
- e) The quarterly reports of the supervisor concerning the progress of the accused in meeting the requirements established by the Executive Unit of the Ministry Commission will be made a part of the case log. These notes can indicate and verify good faith on the part of the accused toward seeking restitution.
- f) In situations where the minister's Standing is removed the offending clergy may petition the Executive Unit of the Ministry Commission for restoration of Standing upon fulfillment of the requirements of restitution, the completion of rehabilitative treatment, and/or demonstration of competence.
- g) Should Standing be reinstated by the Executive Unit of the Ministry Commission, this action will be added to the minister's Permanent File.
- h) The Executive Unit of the Ministry Commission is interested in the person and the redemption of his or her ministry. The process for reinstatement is a responsible and orderly means of reaffirming the individual's re-qualification for ministry.
- I) The restoration of a minister's Standing indicates that the Executive Unit of the Ministry Commission sees this person as fit to do ministry and recommends his or her circulation in the relocation process.

G. Disposition Of Documentation

All materials distributed to members of the Executive Unit of the Ministry Commission which relate to the accusation brought before the Unit are eventually to be returned to the Regional Minister for their destruction. At the conclusion of the Unit member's term of service on the Executive Unit of the Ministry Commission all their materials will be turned in to the Regional Minister.

VI. EDUCATIVE AND PREVENTATIVE STRATEGIES

A. For The Clergy

Clergy are encouraged to utilize:

1. The workshops and seminars offered in denominational and ecumenical settings on such issues as:

counseling, substance abuse, family and marital concerns, developmental stages, conflict management and self-care in ministry. [** pp. 150-151]

2. Support groups for clergy with their peers which are regular and intentional in their focus on dealing with personal issues. These may be sponsored denominationally or ecumenically or may be self-constituted by a group of concerned clergy who trust each other and work well together.
3. Pastoral mentoring programs and/or spiritual directors so that clergy can benefit from the experience and maturity of capable Christian mentors.
4. Individual consultation or clinical supervision with competent trained professionals. This can aid clergy in reducing the factors which place them in risky situations, and help clergy learn ways to reduce stress in situations of pastoral intimacy. Lists of such professionals are available through the American Association of Pastoral Counselors. This strategy can also be utilized in small group consultations. [** p. 151]
5. Referral of counseling cases. Appropriate referral is good pastoral care for the self and for the client. They should know the limits of their own ability, time, and strength. [** p. 152]
6. Personal, family and marital counseling for their own well-being.
7. Trusting relationships with persons who can be listeners to their confession and who can be incarnational expressions of forgiveness. Make the expression of confession and the receiving of forgiveness a significant part of your spiritual discipline.
8. The counseling and educational services which are available in the area where they live.

Clergy are encouraged to:

1. Take time off regularly and systematically in order to prevent the stress and burnout that can contribute to sexual [and/or ethical] misconduct.
2. Avoid professional isolation, and when appropriate reach out and ask for help.
3. Sign and display in their office "*My Ministerial Code of Ethics*" which refers to "high moral standards in sexual [and ethical] behavior."
4. Read from among the significant writers and writings in this discipline.
5. Be knowledgeable of the following ministry policies endorsed by the Region: "*The Policy On Criteria And Order Of Ministry*" and the "*Regional Policy On Clergy Sexual [and Ethical] Conduct.*" (These are distributed annually by the Regional Minister with the "*Annual Standing Review*" form and are the operational documents for the Region's Executive Unit of the Ministry Commission.)

B. For The Congregation

1. Congregations are encouraged to use this policy as a model for designing a local policy on sexual [and ethical] conduct that details the procedures for filing a complaint. We recommend that the local church include the following in its bylaws, policies and procedures:
 - a) That clergy serving this body may continue their professional practice only so long as they maintain ministerial Standing in this Region.
 - b) Provisions for a Pastoral Relations Committee.
 - c) A congregational policy relating to alleged violations of professional ethics.
2. Congregations can consider budgeting to help undergird the pastor in utilizing several of the above options, thereby becoming a partner with their clergy in enhancing her/his ministry to them.
3. Congregations are encouraged to provide educational opportunities for studying about sexual harassment, sexual abuse, child abuse, inclusive language, masculine and feminine images of God, positive images of the human body, human sexuality and the roles of men and women in today's society. [Negative images of women and men, sexuality and the human body contribute to exploiting sexuality and sexual abuse.]
4. Clergy and their congregations are encouraged to address human sexuality from the pulpit and in the classroom from a Christian Biblical perspective.
5. Congregations are encouraged to know their legal options and the legal implications of their actions in handling cases of sexual [and/or ethical] misconduct.

C. For The Region

1. The Regional Staff of the Christian Church in the Upper Midwest will make available this policy along with "*My Ministerial Code Of Ethics*" to each congregation. The Standing of clergy depends upon a willingness to acknowledge these ethical standards.
2. The Regional Staff of the Christian Church in the Upper Midwest will present this policy along with "*My Ministerial Code Of Ethics*" to new ministers who come into the Upper Midwest Region so that they will be informed that their Standing depends on their willingness to acknowledge these ethical standards. They will be distributed by the Regional Center by mail to new clergy upon their call to a ministry in this Region.
3. The members of The Order of Ministry Commission of the Upper Midwest Region will be asked to regularly apprise their constituency of this document.
4. Regional leadership responsible for the relocation process will seek, on behalf of the local congregation, information regarding any previous accusations or incidences of sexual misconduct in their previous places of employment. (This is required by State statute.)
5. Regional leadership will share this policy with search committees indicating that clergy Standing is dependent upon acknowledgment of it.

D. For The Seminary

1. Address issues of clergy sexual [and/or ethical] misconduct in Seminary by offering courses of instruction dealing with ~~sexual~~ [clergy] ethics.
2. Seminaries of the Christian Church (Disciples of Christ) will be informed about this document and encouraged to introduce their students to it as part of their seminary education.

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BIBLICAL REFERENCES RELATING TO SECTION ONE

The following Scriptures relate to section one of this document, "Theological/Biblical Understandings". What follows are a few of the primary texts that might be examined. While they are suggestive of important verses for your consideration, the list is not meant to be exhaustive. A. in this list corresponds to A. in that list, etc.

- A. Acts 18:24-28; Romans 15:4; I Corinthians 10: 1-13, 11:2, 15:1-3; Galatians 3:23-29; II Thessalonians 2:15, 3:6; II Timothy 3:14-17.
- B. Genesis 1, 2; Psalm 105; Song of Solomon 8:6-7; I Corinthians 4:1-2, 9:24-26; I Timothy 4:1-5; Titus 1:15; James 1:17.
- C. Exodus 20:1-21, 24:3; Deuteronomy 5, 6; Psalm 119; Matthew 11:28-30, 22:34-40; I John 5:3.
- D. Psalm 85; Jeremiah 31:31-34; Zechariah 8:11-17; Matthew 13:44-45; Luke 7:36-50; John 10:10; I Thessalonians 5:23; Hebrews 13:20-21; James 3:13-18.
- E. Deuteronomy 31:16-22; Judges 2, 21:25; Psalm 78; Jeremiah 2:20-28; Hebrews 9.
- F. Exodus 3:7-9; Amos 8:4-6; Matthew 25:31-46; Luke 4:18-21; James 2:1-7, 14-17.
- G. Exodus 2:23-25; Amos 5:21-24; Matthew 18:6-7, 10-14.
- H. Matthew 5:27-30; Romans 1:18-32, 13:12-14, 16:17-19; I Corinthians 3:18-20; Ephesians 5:3-13; I Thessalonians 4:1-8; Hebrews 13:4; I Peter 4:1-5.
- I. II Samuel 11:2-12:24; Romans 14:13-19; I Corinthians 6:12-20; Galatians 6:1-10.
- J. Romans 2:17-23, 6:15-23; II Corinthians 5:18-20, 6:3-10; I Timothy 4:6-16.
- K. Proverbs 6:32-33; Jeremiah 7:8-15, 23:9-17; I Corinthians 5:12; II Corinthians 2:4-11.
- L. Isaiah 1:10-20; Jeremiah 18:1-11; Ezekiel 18:30-32; Micah 6:8; Acts 3:17-26.
- M. Acts 2:37-42, 10:34-43, 26:12-18; Colossians 1:13-14, 2:13-15; 1 John 1:5-2:2, 12.
- N. John 14:25-26; Romans 8:26-27; Ephesians 3:14-19, 6:10-18; II Timothy 1:13-14
- O. Isaiah 43:15-19; Romans 8:1-17, 10:5-13, 14:1-23; II Corinthians 5; Philippians 4:8-9; James 1:5-8, 3:13-18.
- P. I Corinthians 8; II Corinthians 3:4-18; Galatians 5:13-25; James 2:8-13; I Peter 2:16.
- Q. John 8:3-11; Romans 3:23-26, 5:1-21; Ephesians 1:3-10; Titus 2:11-3:8; James 2:8-13.
- R. Matthew 19:4-6; I Corinthians 7, 11:11; Ephesians 5:21-33.
- S. Revelation 21:4; Romans 12; I Corinthians 13; II Peter 1:3-11; Jude 20-23.

CREDITS

Resources Read And Used In Writing This Document:

"The Sexuality and Ordination Study Of The College Of Professional Christian Ministers Of The Christian Church In Illinois-Wisconsin"*

"Appendix: Sexual Misconduct By Clergy Within Pastoral Relationships" from *Is Nothing Sacred?* by Marie Fortune*

"Sexual Contact By Pastors And Pastoral Counselors In Professional Relationships"*

Central Rocky Mountain Region's "Guidelines For The Review Of Ethical Misconduct By Ordained Or Licensed Church Professionals"*

"Sexual Harassment And Abuse" The Presbyterian "Policy Regarding Sexual Misconduct By Those Involved In Ministry"*

"Sex and Violence In The Family and Church" by Loren Broadus

"Soul Stealing: Power Relations In Pastoral Sexual Abuse" by Pamela Cooper White from *The Christian Century*

"If This Isn't Love, It Could Be A Fix" by John Bradshaw September 1990 *Lear's*

"It's More Than A Scandal" by G. Lloyd Rediger from the January 1990 issue of *Church Management - The Clergy Journal*

"Dealing With Attraction In Working Relationships" by Celia Allison Hahn in the September/October 1990 issue of *Action Information* (Alban Institute)

"Five Ways Your Parish Can Work To Become A Safe Place" by the ELCA Commission For Women

Growth Associates Clergy Tele-lecture by Bob Carlson on "The Sexual Confusion Rules The Parish" (An undocumented Newspaper Article)

"Journal Of A Broken Ministry" from the Fall Quarter 1986 issue of *Leadership* [An Evangelical Perspective.]

"Preserving Professional Boundaries: Individual Personal And Professional Health" prepared by the Center for the Prevention of Sexual and Domestic Violence

"Personal Report For The Executive" in the May 1, 1989 report of the National Institute of Business Management

Study and reflection documents presented to the 1991 General Synod of the United Church of Christ.

*Those annotated above were relied on heavily and in some cases quoted from broadly in the preparation of this policy.

The copyrighted source frequently quoted is the appendix to *Is Nothing Sacred?* by Marie Fortune. Those quotations are "used with the permission of the Center for the Prevention of Sexual and Domestic Violence." Extended citations are noted with a double asterisk [] followed by the page number from the Fortune text.