

1 **Appendix I**
2 **Clergy Sexual Misconduct Policy**

3 This *Clergy Sexual Misconduct Policy* is Appendix I to Attachment D of the *Policies and Criteria*
4 *for the Ordering of Ministry of the Christian Church (Disciples of Christ) in Arizona (AZPCOM)*.
5 This policy has been established by the Regional Commission on the Ministry (RCOM), acting on
6 behalf of the Christian Church (Disciples of Christ) in Arizona (the Arizona Region) to assure that
7 all clergy with Standing (whether as Commissioned or Ordained ministers) within the Arizona
8 Region meet the highest standards of personal and professional conduct.

9 The RCOM has identified sexual misconduct as an extremely serious breach of ministerial
10 ethics, and, acting on behalf of the Arizona Region, has created this *Clergy Sexual Misconduct*
11 *Policy* to establish key definitions, Regional goals and general guidelines to address this issue.
12 The RCOM has also established more specific policies and procedures to identify, investigate
13 and adjudicate allegations of various types of clergy misconduct, including sexual misconduct.
14 These specific policies, as set forth in Attachment D, Sections C., D., and E., will be used to
15 respond to allegations of clergy sexual misconduct involving Ordained or Commissioned clergy
16 whose Standing as ministers in the Christian Church (Disciples of Christ) is maintained through
17 the Arizona Region.

18 **Preamble**

19 Let us begin with a statement reflecting the theological understanding of the Christian Church
20 (Disciples of Christ), in its General, Regional and congregational manifestations, of the value and
21 worth of each human being and the role of the church in honoring and protecting the dignity of
22 each person it serves.

23 Historically the church has believed, and continues to believe, that all people are created by
24 God, in the image of God, and thus have been made equal in Christ. The Church Universal
25 believes that God intends all people to have worth and dignity in all relationships with God and
26 others.

27 God intends justice for all. Pastoral misconduct involving inappropriate sexual behavior or
28 sexual harassment within the pastoral relationship is a misuse of the power and responsibility
29 of the pastoral role. Such misconduct distorts a person's feelings of equity, worth, and dignity.
30 The abused person usually has less power in the relationship than the abuser, often feels
31 dehumanized and victimized, and bears the scars of the violation of trust for years.

32 When pastoral misconduct involving sexual behavior or harassment occurs within the pastoral
33 relationship, it poses a threat to the quality of community life and compromises the church's
34 ministry. The church is called to prevent such violations and to respond with integrity when
35 allegations of pastoral misconduct surface.

36 The professional pastoral office is a position of trust, power and responsibility. As such it
37 provides unique opportunities for caring and close personal relationships and often

38 unquestioned authority. Unfortunately, a few pastors have exploited this vulnerability. This
39 policy is offered as a guideline for actions to be taken should such a situation occur.

40 Actions that violate the integrity of ministry not only injure the persons involved, but also
41 compromise the entire church and its ministry, and the effect may go far beyond these actions.
42 Considering these consequences, this policy addresses not only the individuals immediately
43 involved, but also those peripherally involved such as spouses, immediate families, and other
44 staff members.

45 What does it mean for the church to respond with integrity when a person it has authorized for
46 ministry in the name of the church is charged with violating the relationship? The church has
47 responded in a range of ways, representing many points on a spectrum.

48 At one end of the spectrum the church has strongly valued the collegium of the clergy at almost
49 any cost. Persons have gone to great lengths to assist a pastor when an allegation is made. In
50 its most extreme form, this end of the spectrum could be described as covering-up or denying
51 misconduct in the pastoral role. This extreme not only embodies an injustice to past and
52 potential victims, but also prevents the possibility for true repentance, reconciliation, and
53 restoration on the part of the clergyperson.

54 The other end of this spectrum virtually presumes the guilt of the person whose fitness is being
55 questioned prior to any careful process of investigation and adjudication.

56 Either extreme on the spectrum falls short of ensuring a genuine opportunity for assessing the
57 realities of a situation and taking actions that stand in support of the healing and integrity of all
58 persons involved, as well as ensuring the integrity of the pastoral role and the ministry of the
59 church. It is important to take seriously the pain and injustice experienced by those making
60 accusations of misconduct as well as to respond with justice and mercy to those whose fitness
61 is being questioned.

62 “It is the responsibility of each Region to have specific definitions of sexual misconduct and
63 procedures for receiving, investigating, and adjudicating sexual misconduct allegations of
64 ministers with Standing in the Region. Each Region will periodically and systematically review
65 its definitions and procedures. It is the responsibility of the Region to communicate such
66 definitions and procedures to ministers and congregations within the Region” (*TFPCOM* p. 43-
67 44).

68 **Key Terms**

69 The following section contains definitions of key terms as used in this policy:

70 Clergy Sexual Misconduct: A range of behaviors defined as sexual harassment; sexual
71 misconduct; adultery and promiscuity; and child sexual abuse between a minister and their
72 parishioners, clients, and those the minister supervises or serves in a professional capacity
73 within or outside the church. Such behavior crosses appropriate professional boundaries and is
74 an abuse of the trust placed in, and the responsibilities and privileges of, the pastoral role. Such

75 misconduct violates pastoral ethics. In all instances, the minister is responsible for maintaining
76 professional boundaries, regardless of the behavior of other persons.

77 Sexual Harassment: Under applicable federal law, generally defined to include sexual advances,
78 requests for sexual favors, and/or other verbal, written, electronic, or physical conduct of a
79 sexual nature when:

- 80
- 81 • Submission to such is made either explicitly or implicitly a term of an individual's
 - 82 employment (in this case, paid or volunteer) or their continued status in an institution.
 - 83 • Submission to or rejection of such conduct by an individual is used as a basis for
 - 84 employment decisions affecting such individuals.
 - 85 • Such conduct has the purpose or effect of interfering with work performance by
 - 86 creating an intimidating, hostile, or offensive work environment based on the declared
 - 87 judgment of the affected individual.
 - 88 • Such conditions create an intimidating, hostile, or offensive environment for another
 - 89 individual regardless of the specific setting or circumstances or the relationship between
 - 90 the two individuals most directly involved.

91 Sexual Minsconduct: Includes any of the following:

- 92 • Sexual contact with a minor. (Minor is defined by law in the state or province where the
- 93 alleged misconduct occurred.)
- 94 • Sexual harassment.
- 95 • Rape or sexual contact by force, threat, or intimidation.
- 96 • Sexual malfeasance, which is defined as a breach of trust resulting from sexual contact
- 97 (contact with genitalia, buttocks or breasts) within a ministerial or professional
- 98 relationship.
- 99 • Unwelcome or offensive behaviors, including winks, leers, suggestive comments, crude
- 100 language, pinching or tickling someone, or inappropriate hugs and kisses.

101 Child Sexual Abuse: Includes, but is not limited to, any sexualized contact or interaction
102 between a minor and an adult. The behavior may or may not involve touching. Sexual behavior
103 between a minor and an adult is always considered forced.

104 **Policy Goals**

105 As noted above, the role of the RCOM, acting on behalf of the Arizona Region, is to assure that
106 all clergy with Standing (whether as Commissioned or Ordained ministers) within the Arizona
107 Region meet the highest standards of personal and professional conduct.

108 Within the Christian Church (Disciples of Christ), persons who have Standing for ministry agree
109 to abide by commonly held values and norms for the ethical conduct of ministry. These values
110 are expressed in the *"Theological Foundations and Policies and Criteria for the Ordering of*
111 *Ministry"* (TFPCOM) and in the *"Ministerial Code of Ethics of the Christian Church (Disciples of*

112 *Christ) (Ministerial Code of Ethics)."*

113 Clergy Sexual Misconduct is unethical behavior and provides the basis for disciplinary action
114 within the Arizona Region. The ministerial relationship exists whenever the bond between the
115 parties involved is primarily a result of the minister's role and identity as a professional minister
116 with standing in the Christian Church (Disciples of Christ). Because the ministerial office in the
117 Christian Church (Disciples of Christ) is one involving formal vestment, the pastor is inherently
118 in a position of power and authority relative to parishioners, employees, clients, students and
119 colleagues. This means that those with whom the minister serves in a ministerial relationship
120 are vulnerable to that power and authority.

121 Sexual contact or sexualized behavior within the ministerial relationship is therefore a violation
122 of ethics. When pastors use the power of their office to manipulate or coerce sexual contact
123 with persons whom they have been called to serve, the pastoral office has been compromised
124 and the personhood of the parishioner, client, or employee has been abused by that sexual
125 misconduct.

126 The vision of the Region is for all members to be able to work together in an atmosphere of
127 mutual support and trust. Since any form of sexual intimidation or exploitation violates trust
128 and damages the integrity and credibility of the church's mission, the RCOM's specific goals in
129 establishing this policy are the following:

- 130 • To educate pastors and congregations about sexual misconduct;
- 131 • To respond to all forms of sexual intimidation and exploitation within our Region;
- 132 • To help the perpetrator and victim address the issues of repentance, treatment, and
133 rehabilitation;
- 134 • To provide pastoral care for the victim and the perpetrator, the families of the victim
135 and the perpetrator, and the congregation(s) involved in their leadership;
- 136 • To provide support and guidance for the involved congregation;
- 137 • To provide appropriate guidelines for action when clergy are the victims of sexual
138 harassment.

139 In order to maintain the integrity of the ministerial office and to protect those who are
140 vulnerable to exploitation and abuse within a ministerial relationship, it is necessary to adhere
141 to policies that define and appropriately respond to allegations of clergy sexual misconduct
142 involving Ordained or Commissioned clergy with Standing in the Arizona Region. As noted
143 above, the purpose of this *Clergy Sexual Misconduct Policy* is to provide a theological
144 framework and to establish key definitions, Regional goals and general guidelines.

145 In addition to providing general guidelines, the RCOM has also established detailed policies and
146 procedures for the identification, investigation, and adjudication of all types of clergy
147 misconduct, including alleged clergy sexual misconduct, which are set out in Attachment D,
148 Sections C., D., and E. Establishing and utilizing standard practices for all types of alleged clergy
149 misconduct assure consistency and avoid unnecessary duplication of efforts. These policies and

150 procedures provide for the following:

- 151 • A resource pool of professional advisors and a standing trained Response Team
- 152 prepared to conduct an investigation, if appropriate;
- 153 • Provision of pastoral care for those primarily involved throughout the process;
- 154 • Opportunity for negotiation and early resolution, if possible;
- 155 • A formal hearing process where the Response Team, complainant(s) and minister can
- 156 provide input, including witness testimony;
- 157 • Timely disposition by the Hearing Board or the RCOM, ranging from dismissal of the
- 158 complaint to voluntary or involuntary termination of the minister's Standing;
- 159 • Limited appeal rights to the Regional and General church; and
- 160 • Possible restoration of Standing.

161 In addition to its other goals, the RCOM, acting on behalf of the Arizona Region, will, from time
162 to time, sponsor continuing education events which address areas such as maintaining
163 appropriate personal and professional boundaries, sexual ethics, use and abuse of power, and
164 managing stress. The student-in-care process, periodic review, and times of transfer of
165 Standing are strategic occasions for the Region to communicate expectations regarding
166 professional behaviors as well as the required Healthy Boundaries Training every four years.

167 The Region will continue to encourage all Ordained and Commissioned ministers, Regional staff
168 persons, paid professional church staff and volunteer leaders to be sensitized to risk factors
169 that may lead to the violation of professional boundaries. In particular, clergy and laity are
170 encouraged to seek support from Regional staff at the first indication of a questionable
171 situation. Often, early intervention or counsel can help to avert a more serious situation.

172 The Region will use multiple communication channels to make the *Clergy Sexual Misconduct*
173 *Policy (Attachment D, Appendix I)* available to church members and to the public.

174 **Role of Regional Minister/Staff**

175 In responding to allegations of Clergy Sexual Misconduct, there is great potential for confusing
176 the roles and responsibilities of the Regional staff. Therefore, the Regional Staff will receive
177 special training in responding to allegations of Clergy Sexual Misconduct

178 The Regional Minister will respond promptly to all allegations of Clergy Sexual Misconduct.
179 However, there is a unique tension between the pastoral, administrative and adjudicative
180 functions of the office of Regional Minister. It may not be possible to function effectively as the
181 pastor to either party or the congregation, or as staff to the RCOM which will investigate, act on
182 the charge, and determine the disposition of the allegation. In that case, the Regional Minister
183 may recuse themselves from some or all of these functions and make provision for other
184 Regional Staff/Ministers to assume related responsibilities. The role of the Regional Minister is
185 primarily to coordinate the various functions, not necessarily to personally perform them.

186 After the investigation has begun, the Regional Minister may meet with all parties if they desire,

187 permitting each to have an advocate present. The Regional Minister may be present at all
188 hearings and may address questions to all parties, but may abstain from voting on the final
189 adjudication.

190 Other Regional Staff/Ministers not otherwise involved may serve as the advocate for the
191 accused minister or be called upon to provide procedural counsel and advice to the RCOM.
192 Regional/Staff Ministers may consult with other Regional Ministers for guidance and support in
193 implementing this policy.

194 If the person being investigated is the Regional Minister, the process for investigation and
195 hearings shall be carried out as outlined in this policy, but the recommendation will go to the
196 appropriate Regional and/or General church authorities which shall be authorized to take
197 appropriate action. If the Regional Minister is the person being accused, they shall also be
198 allowed to have pastoral advocacy, but this may need to come from outside the region. Only
199 the appropriate Regional and/or General church authorities can terminate the Regional
200 Minister's employment or remove their Standing in the Arizona Region (*TFPCOM*, p. 25).