

RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT BY MINISTERS IN THE CENTRAL CONFERENCE OF THE EVANGELICAL COVENANT CHURCH

This document deals with a series of possible steps to be taken when allegations of sexual misconduct are made against ministers of a church or agency of the Central Conference. The sections can be characterized as follows: 1) hearing about the complaint; 2) interaction with the complainant; 3) investigation of the complaint; 4) interaction with the accused staff member; and 5) aftercare, including interaction with the congregation. The sections can be followed in the sequence they appear when appropriate. Circumstances may exist when the judgment of those investigating the allegations dictates the sequence be varied.

When charges of sexual impropriety are made, they shall be taken seriously; nevertheless, at the beginning of any investigative process the innocence of the accused staff member shall be presumed.

The 1996 Annual Meeting of The Evangelical Covenant Church accepted the report of the Task Force on Sexual Harassment and Abuse, which included the document title "Responding to Sexual Misconduct in the Context of the Church." The definitions of sexual misconduct and examples given in that document are attached and serve to inform the discussion in this document.

This document should not be perceived as diminishing, modifying or standing in Lieu of the established response procedures for inquiry into charges of sexual misconduct as set forth in the Rules for Ordered Ministry and the Rules and Regulations of Commissioned Staff Ministers of The Evangelical Covenant Church. Those response procedures deal with discipline. The response procedures outlined here are meant to extend the love of Christ and the support of the church to everyone involved during an investigation of circumstances in which sexual misconduct by a staff member of a church in the conference is alleged, both while a determination of the validity of the allegations is ongoing and thereafter. The term "staff member" is used in this document to include all credentialed clergy.

SECTION 1: Hearing about the complaint.

The first awareness of a possible problem normally arises when the conference office receives a call from the complainant or his/her designee. The caller will typically provide somewhat general information and ask how to proceed if the complainant chooses to pursue the matter. Upon receipt of such a call, consultation regarding the next steps, staffing, policy and procedure may take place between the superintendent, the associate superintendent, and other intervention team members as may be appropriate. The conference responds to the initial call by expressing commitment to further conversation as well as intervention, if desired by the complainant.

Intervention team members may include the superintendent and/or the associate superintendent and persons with particular gifts, training and abilities permitting them to respond with insight, care, and Christian love to the complainant, as well as to the person against whom the complaint is being lodged. Upon indication from the complainant or his/her designee that she/he is ready to begin discussions about the event(s) or the means of pursuing the matter, the conference confirms its commitment to move forward and indicates a desire for contact with the complainant and complainant's designee(s) or advocate(s). The next steps in the process are explained.

If the superintendent or the associate superintendent is the accused staff member, that individual shall have no part in this process other than as the staff member. Normally such accusations

would be made known to the executive minister of the Ordered Ministry, to the president of The Evangelical Covenant Church, and to the conference chair.

Readiness to discuss the event(s) alleged to pursue the matter may be indicated as early as the first contact with the conference, so sensitivity to this indication is necessary. Failure to acknowledge the complainant's concerns may result in an incorrect impression that the conference (and by extension, the Church) is either uninterested in hearing and helping the complainant or is ignoring the complaint without considering whether it is based in fact.

At least one intervention team member shall have the responsibility of "standing with" the complainant in all parts of the process and to minister care and concern on behalf of the church so that as much as possible the complainant will experience both the perception and the reality of care and safety in the procedures followed. It is important that this team member be designated and involved immediately so the complainant understands that the concerns expressed will be treated promptly and confidentially. The initial contact by this team member with the complainant has several purposes:

- To listen carefully to the complainant's story;
- To provide information regarding conference and denominational response procedures;
- To offer to shepherd her/him through any additional processes that may be chosen consistent with policies and procedures of The Evangelical Covenant Church.

On occasion a complaint might be received in the conference superintendent's office from someone not a primary victim or a designee. In such a case the superintendent or his/her designee would request that such a complaint be presented in writing. The superintendent exercises pastoral discretion in determining how to proceed with this complaint.

Allegations involving complainants who are minors shall be handled cognizant of and in compliance with legal requirements of the jurisdiction in which the complaint arose. This guideline shall also comply with any other statutory requirements. According to many states' laws, if a complaint involves a minor, the church leadership must report suspected abuse to local police or to children and youth/family authorities. A separate investigation of the allegations may be conducted by those authorities. Nothing shall be done to hamper the investigation by the public agency. Appropriate action shall be taken based upon the outcome of these investigations.

SECTION 2: Interaction with the complainant.

After the initial contact and at the earliest appropriate time, the conference superintendent, a member of the intervention team, and the appropriate denominational personnel will arrange a meeting with the complainant and accompanying person(s) of his/her choice. The purposes of this meeting are:

- To listen to the complaint;
- To present again procedural options under Covenant policies and procedures;
- To initiate an inquiry into the charges of sexual misconduct; to urge the complainant to seek and advocate and offer to help secure one whom the complainant trusts and can find useful;
- To express care and concern for the complainant;
- To inquire of any needs for proper pastoral care and/or other counseling, and to assist in finding appropriate persons who can provide such care;
- To ask whether the complainant is ready to either prepare a written statement about the sexual misconduct or to sign a written statement prepared by the Conference based upon notes of the discussions held with the complainant, and if not, to advise the Conference when he/she is ready to do so;

- To ask what is the desired outcome sought by coming forward;
- To make clear the concern that circumstances beyond the control of the church may require a breach of our intention to maintain confidentiality.

At this and all succeeding steps in the process the designated care person shall provide continuing care for the complainant by keeping him/her informed of the next steps to be taken, maintain regular contact with the complainant and otherwise serve as the conduit for communication. The complainant may be encouraged to document and report to the designated care person any instance of contact with the staff member or any apparent attempt at retaliation for having raised a complaint. It will be explained that the staff member will be advised that it is forbidden to have such contact or to attempt retaliation against the complainant.

SECTION 3: Investigation of the complaint.

The conference superintendent will consult with the appropriate denominational executive to determine the order of responsibility in pursuing the matter and to discern the appropriate action based upon the findings of the investigation and consistent with Covenant policies and procedures.

An intervention team may be empowered to investigate and determine as much as possible the veracity and extent of the charges of misconduct (except in situations where the complainant is a minor -- see Section 1, page 2). The investigators will report to the conference superintendent, the designated care person and/or to other staff who will prepare a written summary of the information provided. The designated care person will prepare a brief summary of the complaint for the superintendent's use in her/his meeting with the staff person. This care person will also continue to be in touch with the complainant during all of the investigative process to provide care as well as information about what is happening with the charges.

SECTION 4: Interaction with the accused staff member.

The conference superintendent, the executive minister of the Ordered Ministry, and a member of the intervention team will meet with the accused staff member at the earliest appropriate time. The purposes of this meeting are:

- To inform the staff member of the charges brought forward and to provide an opportunity for an initial response, though if the complainant has furnished a written statement it is at the discretion of the conference superintendent to reveal such statement and identity to the staff member;
- To assure the staff member that allegations do not create an assumption of guilt;
- To express care and concern for the staff member;
- To indicate that an inquiry into the charges of sexual misconduct has been initiated and that findings will be reported as appropriate;
- To present information about the conference's procedures for responding to complaints of sexual misconduct;
- To make clear that the superintendent cannot serve the staff member in a pastoral or confessor role, but rather as an administrator serving the interests of the entire conference;
- To urge the staff member to secure an advocate whom she/he trusts and can find useful;
- To inquire of any needs for appropriate pastoral care and/or other counseling, and if deemed necessary, to assist in finding appropriate persons who can provide such care under circumstances that provide confidentiality;
- To make clear to the staff person that the laws of the jurisdiction involved may consider the superintendent to be a mandatory reporter in instances where allegations involve minors;

- To make clear the concern that circumstances beyond the control of the church may require a breach of the intention to maintain confidentiality;
- To advise the staff member that there is to be no contact whatsoever with possible complainants, nor any retaliation nor encouragement to others to cause retaliation of any kind against any possible complainant;
- To caution the staff person that she/he will be held personally responsible for maintaining confidentiality about the investigation, and that even those who receive information from him/her, such as a spouse, therapist, lawyer, other advocate or pastoral care provider, are to hold this information in strict confidence.

If it appears that disciplinary action is likely, the conference superintendent and normally at least one other member of the intervention team will jointly see that the staff member has received information about the church's policies and procedures for responding to complaints of sexual misconduct. If the staff member has no advocate, she/he will be encouraged to obtain one. The superintendent will again caution the staff member that the superintendent cannot serve as pastor to the staff member. If the staff member has failed to secure pastoral and/or other counseling, she/he will again be urged to obtain it from someone who can provide such care under circumstances that provide confidentiality.

SECTION 5: After care, including Interaction with Congregation.

The superintendent will determine the best method of informing the congregation of the situation. A non-exclusive list of such methods is given in the report produced by the Task Force on Sexual Harassment and Abuse titled "Responding to Sexual Misconduct in the Context of the Church" accepted by the 1996 Annual Meeting of The Evangelical Covenant Church.

When a staff person leaves a congregation in the wake of charges of sexual misconduct, normally an appropriate disclosure is helpful to the healing process of all parties, including the complainant(s) and the staff member and their families, the congregation, and the community. To promote such healing the conference superintendent or his/her designee may find it advisable to inform an affected congregation of the confirmed sexual misconduct allegations, as well as any corrective action taken to resolve the situation. In that event the determination of how much to disclose may be tailored to the needs of the people and groups most affected. Disclosure may include the essential facts of the situation such as the nature of substantiated charges against the staff member, whether there were multiple victims, whether any victim as a minor, care and disciplinary action taken by the congregation, conference, and denomination, and any follow-up strategy. Disclosure should not include revelation of the identity of any complainant or facts that would allow the complainant's ready identification unless he/she specifically requests such revelation after being assured that this is not required. When meeting with the congregation, the superintendent is usually accompanied by a member of the intervention team.

If the allegations are proven true, it is inappropriate for the offending clergy or staff member to send a letter or communication of any kind to the congregation or its members, or to use any forum for self-defense before that community. Any communication or apology or remorse is appropriately conveyed through the leadership of the denomination, conference or church.

When it is deemed necessary, the conference should assist the congregation in locating the services of a trained consultant or therapist to facilitate a process by which people can express their concerns and feelings raised by the crisis. The congregation should be made aware that the process of collective healing it will undergo is multi-layered, complex and may take a considerable time. Care will be appropriately taken to guard against premature reconciliation or easy

forgiveness. Biblical instruction (for example, Luke 17:3-4 and Matthew 18_15-17) and experience teach that justice-making requires a remorseful recognition of wrongdoing by the offender, a genuine desire to make amends, and a commitment to changed behavior. All parties to the matter must understand the differences between forgiveness, reconciliation and restoration.

When a determination is made that the allegations are unfounded, care must be taken to preserve the future ministry of the staff member and to support the ministry in that place. The conference superintendent will consult with the staff member, together with such other staff members of the church or authorities in the congregation as deemed appropriate to consider what disclosure may be helpful to the healing process of all parties, including the staff member and the complainant(s) and their families, the congregation, and the community. To promote such healing the conference superintendent or his/her designee may find it advisable to inform an affected congregation that allegations of misconduct had been made, as well as the fact that the allegations were deemed unfounded. In the event the determination of how much to disclose should be tailored to the needs of the people and groups most affected. Disclosure may include the essential facts of the situation, steps being taken to render care for those affected by the allegations, and any follow-up strategy. Disclosure should not include revelation of the identity of any complainant or facts that would allow his/her ready identification.

When it is deemed necessary, the conference should assist the congregation in locating the services of a trained consultant or therapist to facilitate a process by which people can express their concerns and feelings raised by the crisis.

Regardless of the outcome of the investigation, the conference should continue to express care and concern for the staff member and the complainant, to inquire after their needs for proper pastoral care and/or other counseling, and to assist them in finding appropriate persons who can provide such care. The conference should also take such steps, both short-term and long-range, as will further the goals of grace and healing for the complainant and the staff member, their families, other staff members and employees of the church, the congregation and the broader community of which they are a part. We are all sinners standing in need of God's grace and forgiveness and of God's healing touch.

Ministerial Care Committee

The Central Conference of The Evangelical Covenant Church

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We thank the members of the Covenant's Task Force on Sexual Harassment and Abuse whose able work in this area has fostered dialogue and understanding and has proven invaluable in generating this document and the examples that follow.

Definitions of Sexual Misbehavior

We may view sexual misbehavior as a continuum with gradations that differ in degree of intention, offensiveness, and harmful effects or consequences. By distinguishing three points along this continuum, we hope to help sort offensive behavior and educate people to the reality that subtle and overt injustice can pervade any situation. All the gradations of misbehavior miss the mark of loving as Jesus loved.

- I. **Sexual Insensitivity:** Behavior that, though unintentional by virtue of ignorance or lack of feeling for others, is offensive to the object of such behavior whether based upon gender, marital status, sexual orientation, or any like reason. Insensitivity may be verbal (e.g., jokes,

demeaning comments, slurs); physical (e.g., body contact or blocking movements); or visual (e.g., any offensive sights).

II. **Sexual Indiscretion:** Behavior of a sexual nature which is offensive or intimidating by virtue of the perpetrator's poor judgment in conduct or speech and which demonstrates an overt lack of respect for the object of such behavior or disregard for the effects of such behavior on the persons involved. Indiscretion may be verbal (e.g., demeaning comments, jokes, slurs, belligerent or threatening words); physical (e.g., body contact or blocking movements); or visual (e.g., offensive sights of any nature).

III. **Sexual Misconduct:** Behavior of a sexual nature that is offensive or intimidating to the object of such behavior and which intentionally disregards that person's directly or indirectly expressed reactions or feelings of discomfort. Previously described behaviors are considered sexual misconduct when the perpetrator knowingly continues offensive behavior. Sexual misconduct can be divided further into:

A. **Sexual Harassment:** Any form of direct or implied sexual behavior which is unwelcome by the person to whom the behavior is directed or which creates a sexually offensive, hostile or intimidating atmosphere. Sexual harassment may include verbal behaviors (e.g., sexual jokes, innuendoes, or solicitation); physical contact (e.g., touching, hugging, rubbing against, blocking movements); or visual offenses (e.g., ogling, offensive sexually-explicit sights, pictures, objects).

B. **Sexual Abuse:** Sexual behavior by any person in a position of authority or responsibility toward another. This includes verbal, physical or visual offenses by which the perpetrator defies the other person's aversion or intentionally violates sexual, ethical, or moral standards in relation to those under their implied or direct authority. Sexual abuse involves the misuse/abuse of trust and power, personal and professional. Such behavior includes the following classifications which are not mutually exclusive:

1. **Sexual exploitation by a person in authority:** any sexual contact between persons in authority and those under their care (e.g., a parent, relative or family friend and a child/youth; a Sunday School teacher and a student; a childcare worker and a child; a youth worker and a youth; a church leader and a parishioner; a therapist/counselor and a client, including pastoral counselors or those acting in a counselor role; an employer and an employee). Such contact may include the use of a deception (representing to the person that the sex will be educative, healing or therapeutic).

2. **Child sexual abuse:** any form of direct or implied sexual behavior between an adult and a minor or between an older minor and a younger minor, either within or outside of family relationships.

3. **Sexual molestation and rape:** any sexual contact (not limited to sexual intercourse) that is achieved by force, coercion, threats, blackmail, manipulation, trickery or deceit. In many states legal definitions include varying degrees of criminal sexual conduct and attempted criminal sexual conduct.

Non-exclusive List of Examples of Sexual Misbehavior

The list below is intended to provide illustrations of sexual misbehavior. It is not an exclusive list, as there are numerous other situations that also constitute improper sexual behavior.

1. Seeking a relationship even remotely sexual in nature with a person being counseled, or making improper sexual comments during counseling, thereby abusing the counseling relationship and the role of the clergy as spiritual, appointed or generally accepted authority.
2. Providing members of a confirmation class "confidential" questionnaires about their sexual activities, followed up by in-depth "private" interviews. Submission is likely to be induced, explicitly or implicitly, by such use of spiritual, appointed or generally accepted authority.

3. Routinely joking about their sexual features with members of the youth group that may cause them to think acceptance of such behavior is an expected part of program participation, either initially or on a continuing basis. When people express discomfort or react in embarrassed silence, being told that the comments were mere “kidding around” and that being part of the group is learning to accept such teaching does nothing to lessen the inappropriateness of the behavior.
4. Calling a church member weekly to request a date despite being told each time, “I don’t want to date you. Please stop calling.” An expression of discomfort on the part of the other person should cause the related activity to cease immediately.
5. Providing a poor performance review of an employee of the church as punishment for rejecting improper sexual behavior, or conditioning a good review or other benefit of employment (such as training opportunities, promotion, decisions regarding placement, recommendations or references) upon acceptance of the sexual behavior.
6. Telling jokes or stories of a sexual nature, making off-color or lewd comments or engaging in inappropriate physical touching or contact which unreasonably interferes with a person’s participation in employment or activities within the church, or which create an intimidating, hostile or offensive environment.
7. Enthusiastic hugging in the course of greeting, which goes beyond the comfort level of the one receiving the hug.

RESOURCES ON RESPONDING TO SEXUAL MISCONDUCT

Prevention and Awareness - Printed Resources

“Issues Related to Clergy/Church Misconduct,” James A. Serritella. (*Occasional Paper No. 2*), Covenant Publications, 3200 W. Foster Ave., Chicago, IL 60625. (800) 621-1290

Statement adapted from a talk given by attorney James Serritella to the 1990 Midwinter Conference of the Evangelical Covenant Church.

At Personal Risk: Boundary Violations in Professional-Client Relationships, Marilyn Peterson. W.W. Norton, 1992.

The author stresses the importance of the professional’s obligation to place the client’s needs first. It is a helpful and hopeful book for ministers (and others in “helping” professions) who struggle with the power of their role and the difficulty of maintaining healthy boundaries.

The Cry of Tamar: Violence Against Women and the Church’s Response, Pamela Cooper-White. Fortress, 1995.

A comprehensive overview of the many forms of violence that women experience, including sexual harassment, child sexual abuse, and clergy sexual abuse. She also offers suggestions for response by the church that are both pastoral and proactively preventive.

Is Nothing Sacred? The Story of A Pastor, the Women He Sexually Abused, and the Congregation He Nearly Destroyed, Marie Fortune. United Church Press, 1999.

The story of one congregation’s experience with a sexually abusive pastor, it explores the role of the pastor, the victims, the congregation, the community, and denominational leadership.

Safe Connections: What Parishioners Can Do To Understand and Prevent Clergy Sexual Abuse [ISBN: 6000058152], Jan Erickson-Pearson. ELCA, 1996. (800) 328-4648 \$2.00

This 52-page booklet by a Lutheran pastor outlines the importance of boundaries in relationships and most specifically the relationship of pastor to congregation. While written for Lutheran congregations, it is a valuable resource for all congregations and pastors.

Sex in the Forbidden Zone, Peter Rutter. Ballantine Books, 1989.

A therapist writes of the dangers to everyone when helping professionals (including clergy) become involved with those they are helping. Includes material on the power dynamics of such relationships and prevention strategies for avoiding abuse.

Sexual Abuse in Christian Homes and Churches, Carolyn Holderread Heggen. Herald Press, 1993.

A Christian psychotherapist writes this book to give congregations, clergy, and lay people the knowledge and tools to become effective channels of healing and grace for victims, perpetrators, families, and congregations wounded by sexual abuse. She also aims to give the information needed to prevent further abuse and to work toward the development of healthy sexuality.

“Sexual Dilemmas,” *Leadership* (Summer 1995)

Articles include: “Traits of a sexually healthy pastor;” “Sins of the family,” an account of a women’s experience of complaining about the conduct of one of her pastors; and “Creating a harassment-free church.” Sidebars include: “What harassment looks like, examples in a church;” “The law on sexual harassment;” and “Before it happens: How to develop a church policy on sexual harassment.”

Sexual Harassment No More, Jim Conway and Sally Conway. InterVarsity Press, 1993.

At a time when men and women are often unsure how to relate to one another, the Conways offer a good introduction to the cost and the causes of harassment in the home, the church, the workplace, and dating relationships. They also offer ways to combat harassing situations.

Too Close for Comfort: Understanding and Responding to the Reality of Abuse, Beth A. Swagman. CRC Publications, 1994.

A six-session study guide written as a Christian response to abuse in the home, the believing community, and society. It offers practical information on the subject of abuse as well as instructions on how best to respond to victims in crisis.

Prevention and Awareness - Videos

Understanding the Sexual Boundaries of the Pastoral Relationship, Communication Office of the Archdiocese of St. Paul and Minneapolis, 1992.

Video with accompanying questionnaire/bibliography. Available through the Conference office.

Not in My Church, the Center for the Prevention of Sexual and Domestic Violence. (206) 634-1903.

A 45-minute video docudrama that tells the story of a church faced with betrayal of trust by its pastor.

Choosing the Light, Greater Milwaukee Synod, ELCA, 1990. (414) 671-1212 - \$18.00

In this 28-minute video, two victims of clergy sexual misconduct share their stories. Comes with a study guide.

Prevention and Awareness - Internet

Center for the Prevention of Sexual and Domestic Violence - website: <http://www.cpsdv.org>

Resources for Healing

A Winter’s Song, Jane A. Keene. Pilgrim Press, 1991.

A liturgy for persons (most specifically women) who are seeking healing from sexual abuse in childhood, which is useful at whatever stage they are in the process of recovery. Can be adapted for use with persons who have been abused as adults.

The Congregational Response to Clergy Betrayals of Trust, Nancy Myer Hopkins. The Liturgical Press, Collegeville, MN 56321, 1998.

This 50-page booklet provides counsel to congregations whose trust has been misled by a priest, minister, or other spiritual leader, and suggests how a congregation might work through conflict and confusion caused by such mistrust, and emerge as a stronger and renewed community.

Healing Spiritual Abuse and Religious Addiction, Matthew Linn, Sheila Fabriant Linn and Dennis Linn. Paulist Press, 1994.

Discusses behaviors that lead to religious addiction and spiritual abuse, and describes how spiritual abuse can also be sexually abusive. Offers ways of healing the roots of those behaviors so that we are free to do what Jesus would do.

Restoring the Soul of a Church: Healing Congregations Wounded by Sexual Misconduct, Nancy Myer Hopkins and Mark Laaser, eds. Alban Institute, 1995.

Experts in a variety of fields describe the nature of the damage done to churches by sexual misconduct and offer help for churches in this crisis and strategies for long-term healing.

Additional resources are available from the Covenant Resource Center (800) 338-IDEA
Chicago

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