

7. Policy and Procedures for the Prevention and Intervention of Sexual Misconduct

Overview

- A. Sexual misconduct is a violation of a sacred trust and an abuse of power.
- B. Church personnel shall comply with all applicable governmental laws regarding sexual abuse, including child abuse reporting laws.
- C. Allegations of child abuse should be reported immediately to civil authorities with the church's investigation to follow or be concurrent with civil inquiry.
- D. The church's investigation of alleged sexual misconduct shall be for the purpose of determining its own response, with the intention of protecting all involved from further risk, either of abuse or unfounded allegations. The church's primary concern is for those harmed by the abuse.
- E. When sexual misconduct has occurred, the church's actions will be directed to the healing of victims, prevention of further offenses, and treatment of the offender. Treatment is complex and should not be attempted by people who lack experience and credentials.
- F. The church will implement measures to minimize the risks of sexual misconduct by its personnel.
- G. The church will offer educational materials and programs to its personnel on a regular basis.
- H. The church will safeguard the legal rights of people involved in cases of alleged sexual misconduct.
- I. There shall be no limitation of time beyond which the church will not accept information regarding sexual misconduct incidents.
- J. When a pattern of pedophilic activity is identified, the church will apprise local church leaders where the abuser currently resides.
- K. Individuals admitting guilt or found guilty by a court of law will be suspended immediately from any ministerial or leadership role within the church.
- L. Before permitting any abuser to resume any ministerial or leadership responsibilities, the church will require assurances of substantial treatment success over an extended period of time. (*Note:* In cases of significant abuse, the church may withhold the right to serve in ministerial and leadership responsibilities indefinitely.)

I. Introduction and Policy Intentions

The church is firmly committed to the pastoral care of people in all areas of need. This policy concerns the church's response to a particular area of need: sexual abuse and misconduct. The intent of the policy statement is to establish procedures that aid in prevention and remediation of sexual misconduct incidents within the church. This policy applies to all people serving the church whether in a volunteer, affiliate, or paid capacity. The intention of the church in outlining these procedures is to exercise its moral and ethical mandate, to comply with laws of the land, and to demonstrate pastoral concern for the victim, the victim's family, the accused, and the offender.

Sexual abuse of children or adults is unlawful, immoral, and a serious offense to the dignity of the human person as created by God. The church does not condone abusive sexual behavior or sexual misconduct in any form, and emphasizes that such behavior can never be seen as arising out of the duties or employment of people serving the church.

II. Definitions

Adult Sexual Abuse: Adult sexual abuse is the sexual exploitation of a person who has reached the legal age of majority, by another person or persons. Such abuse may include both contact or noncontact sexual incidents. The church shall also accept any other definitions applicable by law.

Child Sexual Abuse: Child sexual abuse is defined as the sexual exploitation of a person under age eighteen for the gratification of another person or persons. Sexual abuse may include contact or noncontact sexual incidents. The church shall also accept any other definitions applicable by law.

Church: This title refers to the Community of Christ.

Church Personnel or Personnel: Church personnel are the officers, employees, volunteers, affiliates, or any other persons, paid or unpaid, who work for or represent the church in its events or activities.

Minister: "Minister" refers to all members of the priesthood and all officers or leaders in the church. "Officers" and "leaders" signifies any position of authority including all elected or appointed positions.

Qualified Professional (for sexual abuse therapy): A qualified professional is a social worker, counselor, psychologist, or psychiatrist with a minimum of a master's degree in the field. Ideally, this professional should have experience in treatment of sexual abuse, sexual assault, or treatment of perpetrators, as pertinent to the case. Children should be

treated by professionals specializing in child sexual abuse, with a knowledge of play and art therapy techniques. Licensed professionals should be sought if licensing is available in the geographic area in which the incident is addressed.

Sexual Assault: Rape, as defined by law, of any person. (The church shall also accept any other definitions applicable by law.) Sexual assault is always a form of sexual abuse.

Sexual Harassment: Sexual harassment is the use of one's authority or power either explicitly or implicitly, to coerce another into unwanted sexual relations or to punish another for his or her refusal; or the creation of an intimidating, hostile, or offensive working environment through verbal or physical conduct of a sexual nature.

Sexual Misconduct: Sexual misconduct is defined as any sexualized behavior or contact, including, but not limited to, adult sexual abuse, child sexual abuse, sexual assault, and sexual harassment, in which the minister takes advantage of the vulnerability of another in the ministerial relationship to engage in or to suggest sexual behavior with the minister.

State: The state is the applicable government of the land, whether local, regional, or national.

III. Policy

- A. Sexual misconduct by ministers will not be tolerated. Ministers of the church will be informed that the ministerial relationship presupposes the minister will serve in the best interests of the other person and that sexualized behavior is not appropriate to a ministerial relationship; that the minister is always responsible to not abuse his or her authority and power, even if sexualized behavior is initiated by the other person; that by definition the other person in the ministerial relationship is vulnerable to abuse and when this vulnerability is taken advantage of, the minister is in violation of a sacred trust; and that in the ministerial relationship there is an imbalance of power and authority, with the minister having greater authority and expected trust, thus any possibility of meaningful consent by the other person to sexual behavior is precluded.
- B. The church recognizes sexual abuse as a crime according to all applicable laws of the land, as well as immoral and harmful to individuals and society. The church supports the state in its efforts to address particularly the sexual abuse of children and adults. All people serving the church are to comply with all applicable laws, including any pertinent child abuse reporting laws. All personnel shall also comply with internal reporting procedures set forth by the church.
- C. The church's role in a case of alleged child sexual abuse shall not usurp that of the state. Any investigation by the church into an alleged child sexual abuse

will parallel rather than precede or preclude reporting to and investigation by the proper authorities. The church's role is to report alleged or suspected child sexual abuse made known to it, allowing for prompt investigation through proper legal channels, rather than to attempt to independently determine guilt or innocence of those people involved. Knowing that failure to report to authorities could result in loss of physical evidence or undermine the state's investigative process, reports shall be made immediately to proper authorities outside the church after an alleged incident of abuse becomes known.

- D. Due to the nature of sexual abuse, valid instances of such abuse may not be prosecutable and not all acts of sexual misconduct will constitute a crime. The church's own investigation shall be for the purpose of determining its own response to the allegations. Where the evidence is unclear, the church shall reserve the right to take whatever steps it determines prudent to reduce any potential risk, regardless of the legal status of the case. No such actions shall imply judgment regarding guilt or innocence of those involved in the case, but shall represent the high priority of protecting all involved from further risk, either of abuse or unfounded allegations.
- E. When a sexual misconduct offense is found to have been committed by a person affiliated with the church, the church's actions will be based on promoting the healing of victims, preventing further offenses, and encouraging adequate treatment/monitoring of the offender. The church's role is to support the healing of all people involved in an allegation or incident of abuse, which role can best be performed by referral to experts in the field of abuse treatment.

Sexual abuse treatment is complex and should not be attempted by people who lack experience and credentials in the field. The pastoral-counseling role should be one of facilitating and encouraging the use of appropriate treatment resources in the community, while providing emotional support to those involved.

Where appropriate and authorized by the person in treatment, the church may choose to share information or collaborate with mental health professionals regarding treatment.

- E. The church will implement measures to minimize the risks of sexual misconduct by its personnel: by designating a supervisor to each minister and encouraging consultation; by encouraging collegial contact between ministers to avoid isolation; by developing and implementing clear policies, ethical guidelines, and expectations for all ministers; by providing clear job descriptions; by conducting regular performance evaluations for all ministers based on their job descriptions; by

ensuring that ministers' workloads remain reasonable; by providing resources for referral of individuals to other agencies; and by providing continuing education for all ministers regarding ethics.

The church shall encourage addressing any incidents of sexual abuse in an open and straightforward manner, while protecting the privacy of the victim(s). In all public contacts or questioning regarding the abuse, the church shall emphasize that the church's primary concern is for those harmed by the abuse.

- G. The church will regularly offer applicable educational materials and programs on this policy and/or the topic of sexual misconduct to its personnel. All personnel are encouraged to seek additional education to increase their understanding of sexual abuse.
- H. The church will work to safeguard the legal rights of people involved in a case of alleged sexual abuse. The church will never ask a victim to give up any legal rights.
- I. Understanding that the circumstances of sexual abuse, especially in the case of child sexual abuse, often preclude timely and complete reporting, the church will accept information regarding sexual abuse incidents regardless of the time frame in which the abuse occurred. Likewise, any church personnel who engage in sexual abuse while serving as representatives of the church shall be held accountable for their actions, according to church policies and laws, without a time limitation. (*Note: Administrative officers should not make assumptions about whether a statute of limitations applies to criminal matters. Statutes of limitations vary from jurisdiction to jurisdiction. If administrative officers are considering not reporting an incident because a statute of limitations may apply, Legal Services should be contacted before a decision is made.*)
- J. When the victim of abuse is a minor, it is the policy of the church to report the abuse to legal authorities, local church leaders, and Legal Services at World Church headquarters. Regardless of age, such reports are to be acted on promptly, following reporting procedures just as in the case of a current instance of abuse, to the extent that such reports are accepted by legal authorities. The church will also take prompt internal investigative actions and notify local church leaders in the area where the alleged abuser currently resides, of the suspected past abuse.
- K. To facilitate the healing process, the church will respond in a manner that promotes justice and safety for victims, and provides a structure that aids perpetrators in taking responsibility for and changing their behaviors. For this reason, individuals admitting guilt, or found guilty by a court of law of child sexual abuse or adult sexual assault, will be immediately removed

from any ministerial or leadership role within the church. Church authorities shall also reserve the right to suspend the ministerial or leadership responsibilities of anyone involved in an allegation of sexual misconduct while an investigation takes place, or if the church's own investigation determines such actions are prudent, regardless of a court determination or confession of guilt.

- L. Knowing that people who sexually abuse are often addicted to and rationalize their behaviors, the church will require a written recommendation of substantial treatment success by a qualified professional in the field before considering whether a perpetrator of abuse should be allowed to resume any leadership or ministerial responsibilities if resumption of such responsibilities is advisable. The church understands that a minimum of several years of treatment, with ongoing monitoring/checkups, is necessary to the healing of most people who sexually abuse. The church also understands that due to the addictive nature of sexually abusive behavior, any leadership or ministerial roles that are resumed must, of necessity, be limited to actions performed in public or in conjunction with another representative of the church, in order to support the maintenance of healthy behaviors by a former perpetrator. Any other recommendations made regarding the extent of activities of the former perpetrator by the treatment provider will also be strictly followed.
- M. All personnel who provide ministry or leadership of an interpersonal nature shall be asked to read and abide by this policy.

IV. Procedures for Receiving and Handling Complaints of Sexual Misconduct

A. Preface:

Procedures for receiving and handling complaints will be administered uniformly and evenhandedly to honor the victim's need for healing, to prevent further acts of misconduct, and to exonerate the accused if a complaint is unfounded. Complaints may be filed with any officer of the church. Anyone making an allegation of sexual misconduct will be received in a respectful and caring way. Care will be taken to deal fairly and promptly with all those involved: the aggrieved and the family of the aggrieved, the accused and the family of the accused, the congregation, and others. The jurisdictional administrator should be alert in any type of case to the need for consultation with the attorney for the World Church.

B. Receiving a Complaint:

When sexual misconduct is alleged against a minister, the following procedures will be followed (after contacting Legal Services at World Church headquarters):

1. The jurisdictional administrator will be contacted and informed immediately by the officer receiving the complaint. (For purposes of these procedures, the jurisdictional administrator will be the mission center president. If a mission center president or higher administrative officer is accused, the jurisdictional administrator will be the next highest administrative officer.)
2. The administrator will supervise the intervention strategy and will designate two people, preferably one male and one female, to investigate the complaint. Appropriate criteria for selecting investigators are incident-specific; please contact Legal Services for assistance in making this determination.
3. The administrator will meet with the designated investigating officers and the aggrieved person to explain the policy and process that will be followed, offer a support person to the aggrieved, and solicit from the aggrieved person a clear written statement of the experience and the complaint. The administrator will solicit written permission from the aggrieved person (or the parent or guardian of a minor victim) in order to use the written complaint and his or her name in discussion with the accused. The administrator and the investigating officers will also attempt to determine whether this is a single complaint or whether others have experienced this form of sexual abuse by the accused.
4. The administrator will meet with the investigating officers and the accused to present him or her with the formal written complaint, to explain the policy and process that will be followed, to hear his or her verbal response to the grievance, to request a written response, and to advise the accused that the investigating officers will investigate the charges. The fact that the accused may deny the allegations and attempt to discredit the person making the complaint should not be allowed to prevent the administrator and the investigating officers from carrying out their responsibilities and to attempt to discover the truth, i.e., whether the accused probably did or did not engage in the behavior charged in the complaint.
5. If a child is the alleged victim, the administrator will immediately report the suspicion to child welfare authorities, observing any local legal requirements.
6. The aggrieved person is not asked to meet with the accused at this stage, although the possibility of such a meeting should not be ruled out if deemed appropriate.

7. Even when the aggrieved person chooses not to follow through with a formal complaint, the administrator can confront the accused and carry out appropriate investigative and disciplinary action to protect others in the future.

C. Investigation:

1. The investigating officers will gather information in order to form an opinion as to whether there is probable cause, that is, a reasonable ground for belief in the existence of facts warranting the complaint, and report the same to the administrator.
2. After careful consideration of a complaint, if there is no cause to believe the complaint is valid, the administrator should cease the process and respond with care and concern to the person placing the complaint (i.e., recommend counseling and an occasion for reconciliation). In addition, a record of the proceedings and the disposition of the complaint should be forwarded to the First Presidency for the file of the person accused. If the accused so chooses, a public statement may be used to exonerate him or her.
3. If the administrator believes there is probable cause for guilt based on information from the investigating officers, the administrator shall then, if he or she has not already done so, suspend the ministerial or leadership responsibilities of the accused. During suspension there shall be a cessation of all ministerial and leadership duties.
4. All rights of due process under the laws of the church, through its administrative procedures, will be extended to the accused. Nothing in these procedures shall deny the accused his or her rights under the church's administrative appeals process then in place.

D. Action Steps:

1. If, in the opinion of the administrator, the complaint is finally substantiated, the administrator shall discipline the minister by removal from office and consider the appropriateness of church court action if the minister is unrepentant. The administrator, in consultation with the First Presidency, may notify the congregation or other appropriate jurisdictions of the church by way of a letter to the membership outlining the nature of the complaint received, the process followed to substantiate the complaint, and the finding of the investigation. The administrator may provide an open meeting in the congregation or other appropriate jurisdiction for purposes of education, clarifying facts, and permitting feelings to be expressed. The administrator or designee will meet with victims to evaluate and provide ministries of restoration and justice.

2. If the complaint is not valid, the supervising officer will exonerate the accused and take steps out of consideration to the accused that will restore his or her relationship to the church.
3. Whether the accused is guilty or not, the administrator will offer caring and supportive ministries to the family of the accused to reduce their suffering and maintain well-being.
4. If the accused is guilty, the church will require treatment for and restitution from the perpetrator. Should the perpetrator not participate in a plan of treatment or restitution, church court action should be considered.
5. The church will determine whether after treatment, restitution, and the victim's experience of restoration, appropriate supervision can be given or limits established that would restore the perpetrator to service and prevent future misconduct.

V. Preventive Strategies

A. Education:

Church members and leadership should become educated as to the nature and magnitude of the problem of sexual misconduct; what the spiritual, psychological, physical, legal, and social consequences might be; what may be done to reduce or eliminate the problem; and how the victim, perpetrator, and congregation can receive help. Education may be through Temple School, *Herald* articles, seminars, workshops, classes, retreats, reunions, written materials, newsletters, and other communicative means. Leaders should encourage a positive understanding of human sexuality and images of the human body; negative images contribute to exploitive sexuality and sexual abuse. Ministers should take the lead in exemplary attitudes and outlook.

B. Congregational Programs:

The church should encourage, in cooperation with appropriate and professional resource persons and entities, programs in the congregations that help members become aware of, understand, discuss, and seek help for the problems of sexual violence so widespread in our society. The church must "break through" the conspiracy of silence about sexual violence so it can fulfill its redemptive ministry to victims.

C. Designation of Trusted Advisors:

Congregations should consider the designation of one or more people (in addition to elected officers) who are well known and respected, as the ones to whom victims or potential victims of sexual abuse can go. These designated people should be ones with whom victims or potential

victims would feel free to talk. They should be familiar with church policy and procedures and trained on the issues of ministerial sexual misconduct.

D. Ministers' Support:

Ministers are not immune from the pressures of today's increasingly stressful and chaotic culture. Sometimes the stress can lead to dysfunction in the life of the minister, who may use poor judgment and behave in ways that are damaging to others. The jurisdictions of the church, through priesthood and leadership training, should minimize the possibility of dysfunction by supporting the personal and ministerial health of the leadership, and press for initial and continuing training in greater ethical sensitivity and clarity on the part of the minister.

E. Screening Process:

A screening process should be established for all paid employees of the church and all volunteer workers who serve as ministers. While such a process to some may seem personally invasive, it will be of substantial benefit to the church in its ongoing effort to provide a safe environment for its children and youth. The procedures used should consist of personal interviews, questionnaires, reference and public record verifications when and as appropriate. (See "Protection of Children and Youth.")

VI. Ministry of Restoration and Justice

The jurisdictional administrator on behalf of the church is responsible for extending the ministry of restoration and justice to victims and abusers. The church's tradition requires it to make justice where there has been injustice and to bring healing and wholeness where there is brokenness. The church and its sacraments are based on an understanding of covenant, not only between the individual and God but between the body of the church and God. The task of the church is to minister to the victim in such a way that the victim is freed from or healed of the abuse that should not have occurred. Asking the victim or the church to extend forgiveness without first facilitating the healing and justice-making process is inappropriate. Treatment alone is not a sufficient response for the one who has committed sexual abuse, because the violation of sacred trust and misuse of power is so grievous that what is lost may never be fully restored. The following ministries of healing and justice, though imperfect, may bring opportunities for the restoring of trust so that at least partial healing for the victim and abuser may take place. The supervising minister is responsible for seeing that such ministries are in place.

A. Truth Telling:

Silence allows abuse to continue. Truth telling is not just fact telling, but is an expression of the emotional, psychological, and spiritual dimensions of those involved, and that experience must be heard.

B. Acknowledging the Violation:

The feelings and the experience of the victim must not only be heard and understood, but the victim must be assured that what happened was abusive and should never have happened. If the church listens to the victim's account but never condemns the alleged behavior, it is in essence sanctioning the behavior and participating in the injustice. This ministry goes beyond simply saying, "We believe you," but also understands the nature of the harm done, that there is regret that it happened, and that the victim is not at fault and should not assume guilt. Setting in motion the appropriate procedures as soon as a complaint is made can provide a partial acknowledgment of the violation.

C. Compassion:

Compassion means "suffering with," or empathy. Unfortunately, accounts heard of another's suffering at times can be explained away, minimized, or avoided emotionally. Instead, supervising ministers must listen empathetically and communicate their emotions about what the victim tells them, be present to his or her pain, and help counteract the isolation a victim often feels. Compassion creates a connection between the church and the victim, which is the first step toward healing the brokenness brought about by the abuse. Compassion restores the connection between the church and the victim, which was broken by the abuse.

D. Protecting the Vulnerable:

Once the church is aware of the potential of abuse, it must do whatever it can to prevent it. If a minister is accused of sexual abuse, steps should be taken to prevent further harm. To do otherwise is to collude in the harm. Suspending the minister from his or her duties until the

complaint is adjudicated may be one means of protecting the vulnerable.

E. Accountability:

The church is accountable to its people. When leaders violate their roles, the institutional church should confront them officially and impose consequences based on misconduct. Holding an offender accountable is the first step in restoring him or her to health. It is also essential for the victim's healing.

F. Restitution:

It is improbable that the broken relationship can ever be fully restored, but often the victim can identify how restitution can be made. Restitution does not mean necessarily that the relationship will be fixed, nor that what has been taken away will be returned to the rightful owner, nor payment for damages. Restitution is an opportunity for the abuser to acknowledge the harm done and extend help to repair the damage. This has a symbolic value and, in cases in which the need for payment or reimbursement of monetary costs is significant, is a very practical benefit.

G. Vindication:

Vindication for the victim is the ultimate goal of justice. Vindication means "to set free." When a violation has occurred, the key to physical, emotional, and spiritual healing is to be set free from the suffering it created. It is important that the supervising minister, on behalf of the church, explore with victims what must occur for healing to take place in their lives. Since the church's primary concern is for the victim, the needs and experience of the victim should be seriously considered and support and counseling provided as needed to deal with the experience.

Note: The categories in section VI of this chapter were developed by the Center for the Prevention of Sexual and Domestic Violence, Seattle, Washington. Additional materials from the center were useful in the development of this policy. (Adopted by the Standing High Council, January 20, 1994)