

**The Christian Church in Tennessee
Sexual Misconduct and the Pastoral Relationship
Guidelines for Prevention and
Procedure for Responding to Allegations**

Introduction

Recognizing responsibility to the church and its members, the Commission on Ministry of the Christian Church in Tennessee has developed the following guidelines for preventing and responding to allegations of sexual misconduct in the pastoral relationship. Consultants were utilized during policy preparation and members of the Commission received extensive training on the issue. Ministers in the Tennessee Region were also offered the opportunity to review and provide input into policy development. After much prayer and discernment, the policy was adopted by the Regional Board on March 23, 1996. By following these guidelines, the Commission on Ministry seeks to respond compassionately and faithfully to allegations of sexual misconduct in the pastoral relationship.

The basic principles of the guidelines are that:

1. The church is responsible for promoting justice, compassion, and healing to all entrusted to its care. There, it always is to seek to do no harm and allow no harm to be done.
2. Sexual conduct in the pastoral relationship harms others and the church because it breaks pastoral trust and takes advantage of pastoral power and authority. There, it is always misconduct.
3. Since in the pastoral relationship it is the pastor who has authority and power in relation to others, it is always the pastor's responsibility to maintain appropriate boundaries.

Sexual misconduct consists of words, actions or situations of a sexual nature (welcome or unwelcome) caused or tolerated by a minister that might reasonably be perceived or interpreted by the parishioner/staff as offensive, demeaning, intimidating or coercive. Due to the special trust relationship and power differential between pastor and parishioner/staff, this definition is intended to be broader than those instances which meet the legal definition of sexual harassment.

The goal of the guidelines is to:

- Provide education for the prevention of sexual misconduct in the pastoral relationship in order to maintain the integrity of the ministerial relationship.
- Establish procedures for reviewing allegations of sexual misconduct in the pastoral relationship in order to discern the truth and take action that results in justice and healing;

The Christian Church (Disciples of Christ) established a congregation structure at its founding. Local churches have autonomy. The Region and its Commissions work with local churches but have no power to force or change a decision made by an individual church. Alleged pastoral misconduct will be investigated by the region to uphold the integrity of the ministry. The Region's primary power is to grant or remove standing to ministers in the Christian Church (Disciples of Christ).

Theological and Biblical Foundations

"In the beginning, God created the heavens and the earth and all the creatures that dwell therein. God created humanity being male and female" (*ish* and *ishah*) (Gen. 1:27). God went on to give humanity dominion, entrusting us to be good stewards of the created order. Human sexuality is one of God's gifts. We are called to be caretakers of our bodies and sexuality, tending the gift in a way that glorifies God. In many ways, the church has shied away from sexual issues, neglecting its responsibility to care for all of God's creation. Yet the highly-charged sexuality of our culture does not allow the church to ignore sexuality-related issues any longer. The church even finds sexual sickness within, among its own. The time has come for the church to re-examine what it means to be sexual beings and how we can be good stewards of our sexuality.

In our desire to follow God's will, the community of faith has called pastoral leaders, invested them with authority and trust, the ability to symbolize God's presence, and preach God's word. Because of the pastor's official and symbolic role, ministers are vested with power and influence within the community of faith.

Parishioners, counselees, and employees trust pastors. The pastoral relationship invites levels of intimacy that are not normative in everyday relationships. Parishioners seek the pastor's services because pastors possess a calling, special knowledge, and unique skills intended to build up the body of Christ, and represents God's presence in the community. By the nature of the role, pastors and those whom they serve relate in a context of unbalanced power. The parishioner, counselee, and employee are especially vulnerable to the exercise of pastoral authority and power. As one called to "feed my sheep" and to "love one another as I have loved you, the pastor is always responsible for maintaining appropriate relationship boundaries for exercising power with love and integrity. To violate boundaries involves exploiting persons who have entrusted themselves to the pastor's care thereby breaking covenant. The result is often spiritual estrangement from God and the community of faith, and emotional and physical damage to the individuals, their families, the congregation and beyond.

In seeking a healing response to pastoral misconduct, justice-making must guide the Christian community. The truth must be told, compassion shown to victims, and repentance and accountability demonstrated by the offender. Only within the context of justice-making are forgiveness and reconciliation possible.

The Regional Board of the Christian Church in Tennessee has entrusted the Commission on Ministry to maintain the integrity of the ministerial office. Therefore, any allegations of pastoral misconduct are under the care of the Commission. The Commission offers standing to shepherds/pastors who will serve and protect the flock reflection the diversity of our communities. The Commission on Ministry hears allegations of pastoral misconduct.

While one of the prime roles of the Regional Minister is that of pastoral care giving to pastors, this role may change when responding to allegations of pastoral misconduct. The Regional Minister or

Sexual Misconduct and the Pastoral Relationship
Christian Church in Tennessee

his/her appointee will serve the Commission on Ministry/Response Team by seeing that policy and procedures are followed and records maintained. The role of the Regional Minister or his/her appointee will be to see that the coordination/administrative role is fulfilled throughout the proceedings. This includes that all conversations with the Regional Minister with any party involved in the allegation will be documented.

Prevention of Sexual Misconduct in the Pastoral Relationship

Pastoral ministry is a high-stress vocation. Preventing pastoral problems can help individuals as well as help maintain the integrity of the ministry and avoid victimization. Ultimately, the goal must be to prevent sexual misconduct in the pastoral relationship. For this reason, education and training for clergy and for congregations will be a priority in the Christian Church in Tennessee. Education and training should include:

For the pastor the Region will:"

- Offer specific training on sexual misconduct in the pastoral relationship. Training must include issues of power, trust, transference, and dynamics of sexual abuse.
- Make all clergy with standing aware of the Regional policy regarding sexual misconduct.
- Train all candidates for ordination and new ministers in the Tennessee Region annually in October during Week of the Ministry.
- Explore with all candidates for ordination the issues of professional ethics and offer additional training when deemed necessary.
- Encourage use of appropriate referrals for persons in need of counseling beyond the pastor's ability.
- Encourage pastors to maintain healthy family relationships and seek professional assistance when issues arise in the family that are stressful.
- Develop opportunities for pastors to support one another.

For congregations the Region will:

- Encourage the adoption of policies regarding misconduct in the pastoral relationship. The formation of these policies may be used as a time of theological reflection and community building.
- Train congregational members of all ages on misconduct and the pastoral relationship. The formation of these policies may be used as a time of theological reflection and community building.
- Train congregational members of all ages on misconduct and the pastoral relationship, including what it is and the regional policy regarding misconduct.

Offer training for congregational leaders regarding misconduct and the pastoral relationship.

- Encourage congregations to clarify the expectation of the pastor, including the development of a clear job description with adequate vacation/continuing education/sabbatical time.
- Encourage the establishment of a pastoral support team within the congregation.
- Encourage congregations to recognize the stress of ministry and the need for prevention.
- Offer guidance in reviewing and updating insurance policies with regard to sexual misconduct in the pastoral relationship.

The Christian Church in Tennessee
Sexual Misconduct and the Pastoral Relationship
Guidelines for Prevention and
Procedure for Responding to Allegations

Procedure for Responding to Complaint of Sexual Misconduct

I. Initiating an Investigation of Pastoral Misconduct

A. Allegations of pastoral misconduct should be made known to the Chair of the Commission on Ministry or the Regional Minister. Upon receiving an allegation, the Chair of the Commission and the Regional Minister will notify one another.

B. Allegations of pastoral misconduct may be made by:

1. Written or verbal complaint from the complainant/victim;
2. Written complaint by first hand observer;
3. Written complaint by the Commission on Ministry.

C. Upon receiving a complaint, a written log of all phone calls and communications will be maintained by all parties.

D. If the victim is a child, the Tennessee Department of Human Services will be notified immediately, as required by state law.

II. Investigation of Complaint

A. Within fourteen (14) days of receiving a complaint, a Response Team composed of members of the Commission on Ministry will hear the complaint. The Regional Minister will appoint a chair for the Response Team. The response Team will include at least two (2) members of the Commission, one woman and one man. Also present will be the Regional Minister or his/her appointee assigned to assist in the process.

B. The Response Team will first meet with the complainant. Prior to the meeting an advisor will be assigned to the complainant by the Regional Minister who has been trained by the Region. A written copy of the advisor's job description is attached to this document. The advisor will provide a copy of Sexual Misconduct and the Pastoral Relationship: Guidelines for Prevention and Response and provide procedural information. If the complainant has not written his/her complaint, the advisor will assist in the writing. The advisor may attend all meetings with the complainant. The Commission on Ministry must have a written complaint before initial meetings can be held. The purpose of the initial interview with the complainant will be:

1. To offer a pastoral presence.
2. To let the complaint be heard and assure the complainant that the complaint is being taken seriously.
3. To insure that the complainant understands that this is procedure aimed at seeking truth and justice.
4. To encourage complainant to follow the procedure established by the Region.
5. To encourage complaint to seek adequate pastoral care.

Sexual Misconduct and the Pastoral Relationship
Christian Church in Tennessee

C. After meeting with the complainant, the Response Team will meet with the accused. Prior to the meeting, an advisor who has been trained by the Region will be assigned to the accused by the Regional Minister. The advisor will provide a copy of Sexual Misconduct and the Pastoral Relationship: Guidelines for Prevention and Response and provide procedural information. The purpose of the initial interview with the accused will be:

1. To offer a pastoral presence.
2. To listen to the accused minister's response to the allegations, including his/her account and his/her concerns about the allegation.
3. To insure that the accused understands that this is a procedure which aims at truth and justice.
4. To notify the accused that all contact with the complainant must be halted. The accused will maintain the confidentiality of the complainant. Any breach of the complainant's confidentiality or contact with the complainant on the part of the accused will be taken as an act of bad faith and viewed as an ethical violation
5. To request a written response to the allegations from the accused.
6. To encourage the accused to seek adequate pastoral care.

D. After meeting with the complainant and the accused the Response Team will determine if there is sufficient cause to justify the charge.

1. The basis for discerning if a full investigation is warranted will be two questions:
 - a. Was there a pastoral relationship?
 - b. Did sexual misconduct occur?
2. When sufficient cause is not determined all proceedings will stop.
3. When inconclusive, a full investigation will be conducted. The standard by which decisions are made in the case of pastoral misconduct will be preponderance of evidence.
4. If, after careful consideration of a complaint, the probability of sexual misconduct has not been established, the Response Team will cease its process and respond with care and concern to persons making the complaint and to the accused.
5. The Response Team will make recommendations regarding pastoral leave without prejudice if a full investigation is conducted.
6. If the victim is a child, immediate pastoral leave will be required, without prejudice.

E. Written records will be kept of all meetings. After each meeting a written summary will be prepared. All present at the meeting will receive a copy and will have the opportunity to respond in writing to the summary. The summary and responses will be kept on file. Written records of phone conversations will also be maintained by all regional staff and Commission on Ministry members during the investigation.

F. The investigation of pastoral misconduct will be viewed as an ecclesial matter, namely the fitness of a person for authorized ministry in the Christian Church (Disciples of Christ). While there may be civil or criminal issues and proceedings, the church's concern is to maintain the integrity of the ministry by implementing its policy in an ecclesial manner. For that reason, any civil or criminal decisions will not effect the procedures of the Commission on Ministry. Likewise, should the

Sexual Misconduct and the Pastoral Relationship
Christian Church in Tennessee

complainant drop the charges, the Commission on Ministry may choose to continue the ecclesial process.

G. Both the accused and the complainant must be treated with respect. It is essential that all involved in the full investigation uphold the strict principles of confidentiality. Commission on Ministry members and regional staff will refrain from discussing any written or verbal materials concerning the case with anyone not serving on the Commission.

At no time in the proceeding should the name of the complainant be made public without his/her consent. The confidentiality of the complainant is essential to providing a safe place for full disclosure. Any breach of the complainant's confidentiality on the part of the accused will be taken as an act of bad faith and is viewed as an ethical violation.

Great care should be exercised to respect the accused and his/her family. Investigation into professional misconduct can be perceived as a threat to a family's livelihood. The proceedings should be conducted in a timely and professional manner to avoid any perception of slander.

Disclosure of allegation will only be made when a full investigation is initiated and only to the extent necessary to the investigation. All disclosures will be respectfully conducted without fostering secrecy.

H. Any media contact regarding allegations will be addressed by the Regional Minister or his/her appointee. The designated person is restricted to providing procedural information contained in the policy.

I. Any party is free to bring legal counsel to proceedings for advice but said counsel has no official role or status and will not be permitted to participate directly in the proceedings.

J. No one other than the Response Team and the Regional Minister will be reimbursed or remunerated in any way for participation in the investigation.

III. Full Investigation.

A. The full hearing should be held as soon as is reasonably possible following the initial meetings. The Response Team will conduct the full hearing. The hearing will include the Regional Minister or his/her appointee.

B. The full investigation differs from the initial hearing in that the Response Team seeks additional information to aid in their discernment.

C. At the point of a full investigation, the Response Team will meet with the leadership of the ministerial setting. The purposes of this consultation are:

1. To notify the leadership of the allegation and the nature of the allegations.
2. To provide a copy of Sexual Misconduct and the Pastoral Relationship: Guidelines for Prevention and Response and provide procedural information to the ministry setting.
3. To clarify the roles and responsibilities for action and decision-making between the Christian

Sexual Misconduct and the Pastoral Relationship
Christian Church in Tennessee

Church in Tennessee and its Commission on Ministry who grant standing to a minister and the leaders in the local setting who maintain the authority to continue, terminate or suspend employment.

4. To consult with the leadership to determine what should be disclosed to the congregation as well as when and how this information will be made known.
5. To make recommendation regarding possible leave without prejudice during the full investigation.
6. To provide information/referral about resources that might assist the congregation during the full investigation and thereafter.
7. To offer help to the congregation in processing the trauma.

D. Both the accused and the complainant will be invited to provide information that sheds light on their perspectives (for example, calendars, gifts, witnesses..).

E. The full investigation can include meetings with third parties. Whenever possible, meetings with third parties should include a Response Team member of the same gender. Written and signed third party statements as well as interviews will be accepted.

F. Once again written records will be kept of all meetings. The records of the initial meetings should be available throughout the full investigation. After each meeting a written summary will be prepared. All present will receive a copy and will have the opportunity to respond in writing to the summary. The summary and responses will be kept on file. Written records of phone conversations will be continued by all regional staff and Commission on Ministry members during the full investigation.

G. A copy of the final report will be placed in the minister's file in the Regional Office.

H. A final report by the Commission, including findings, will also be submitted to the Center for Leadership and Ministry to be placed in the minister's file.

I. Access to written records must be approved by the Commission.

IV. Resolution to Complaint of Sexual Misconduct

The full investigation will conclude with written recommendation from the Response Team to the full Commission on Ministry. Based on a review of all records the Commission on Ministry will determine a response to the allegations based on a simple majority of those present at the Commission on Ministry meeting.

A. In cases where the allegations are found to be not true, full exoneration is required. Recognizing the hardship that allegations have caused, public notice may be given according to the pastor's direction. Pastoral support will be provided to pastor and his/her family. Vocational assistance will be provided to the pastor. The pastor should be asked what the Commission can do to most fully communicate exoneration to all parties.

Sexual Misconduct and the Pastoral Relationship
Christian Church in Tennessee

B. In rare cases where evidence is not sufficient to allow the Response Team to make a determination about allegations, the response will be inconclusive findings and the case will be closed. Public notice will be given of the findings. The Commission on Ministry may choose to take additional actions in its final recommendation.

C. In cases where the allegations are found to be true, a range of responses is available to the Commission.

1. **Therapeutic Intervention**--The complaint is explored and found to involve behavior which is unwise but not clearly ethical. A plan to address the situation may be a prescribed growth plan with checkpoints to review progress. The plan may include counseling, training on pastoral sexual misconduct, boundary issues, restitution, etc. Temporary suspension of standing may be required during this process. The Commission on Ministry will determine when the conditions of therapeutic intervention have been met. If the pastor fails to meet the conditions of the intervention plan, the Commission may revise the plan, suspend or withdraw standing. The Commission will notify the pastor of any status change in writing.
2. **Supervised Ministry**--The complaint is explored and found to involve behavior which is unwise but not clearly unethical. A plan to address the situation may be to assign the pastor a pastoral supervisor. Regularly scheduled meetings, as prescribed by the Commission on Ministry, will be held to support, guide and mentor the pastor in his/her ministry. Through supervision the pastor will learn more about boundaries and pastoral relationships. The supervised ministry will end when the supervising minister writes a letter to the Commission on Ministry indicating that the pastor is once again ready for independent ministry. The Commission on Ministry will then act and notify the pastor and the pastoral supervisor of its decision.
3. **Censure/Reprimand**--Censure is an official statement by the Commission on Ministry of the church's disapproval of a behavior as unbecoming a minister. It is offered as a warning, indicating that further or similar conduct is unacceptable and could lead to suspension or termination of standing. Censure may be combined with a plan to address the problem. If the pastor has dual standing, the appropriate judicatory of the other denomination will be notified. When the censure is lifted, the same sources that were notified of the censure will be notified of the action to lift the censure.
4. **Temporary Suspension**--The commission may temporarily suspend standing for a period of time in order to implement the therapeutic intervention. While suspended, the pastor cannot perform the functions of ministry. The temporary suspension will be reported to the Center for Leadership and Ministry which will notify all relocation offices within the Christian Church (Disciples of Christ). If the suspension is lifted, the Center for Leadership and Ministry will be notified so that the pastoral profile can again be circulated. Once again, the Commission will follow the procedure to notify all congregations served by the pastor.

- 5. Termination of Standing**--If the allegation is sustained and the severity of the violation warrants, the Commission on Ministry may terminate a minister's standing. In the case of child sexual abuse, the minister's standing will automatically be terminated. Termination of standing will be considered when unethical conduct resulted in substantial harm to others, the church and/or the ministry. A violation dictating termination raises fundamental concerns for the protection of others from harm and for the integrity of the ministry. The termination of standing will be reported to the Center for Leadership and Ministry which will notify all relocation officers within the Christian Church (Disciples of Christ). A pastor who has lost standing is no longer able to have his/her profile circulated within the Christian Church (Disciples of Christ).

Though every situation is unique, some of the factors considered by the Commission on Ministry determining the response to the allegations include:

Mitigating circumstances

1. Responsibility, recognition of harm done;
2. Formal apology in person to Commission, complainant and church;
3. Demonstration of willingness to abide by the decision of the Commission;
4. Demonstration of firm intention to develop a new direction for professional life;
5. Possibility for rehabilitation substantiated by professional assessment, intervention and recommendation.

Aggravating circumstances

1. Severity, repetition and/or duration of conduct;
2. Age of the victim;
3. Inappropriate denial of offense and/or trivializing thereof;
4. Demonstrated unwillingness to cooperate with the Commission.

V. Appeal

The accused may appeal the Commission's decision and actions the Regional Board by writing to the moderator of the Region. The accused may appeal the finding or the Commission's response. The decision of the Commission will be represented by the chair of the Commission on Ministry. The decision of the Regional Board is final, except in the case of withdrawal of ministerial standing in which case the minister may appeal to the General Commission on Ministry. (See the Policies and Criteria for the Order of Ministry, the Christian Church (Disciples of Christ), Section V.F.

VI. Response to Sexual Misconduct in the Ministerial Relationship

A. Victim--The church must be active in offering the elements of healing to the victim. A list of qualified therapists should be provided to the victim as well as information on support/therapeutic groups for survivors. Restitution from the offender is encouraged to enable the victim's counseling. The Region will work to insure that an acceptable restitution plan is arranged. Most important is asking the victim what he/she needs to begin their healing process and how the church can help.

Sexual Misconduct and the Pastoral Relationship
Christian Church in Tennessee

B Congregation--At the conclusion of the process, the Commission on Ministry will provide a forum for congregational members to express their brokenness. A congregational meeting will include an opening prayer, an explanation of the process/policy, the reasons for the response, a time for expressing feelings (not discussion or debate), and a closing prayer. Special meetings might be planned for youth. A second congregational meeting should be scheduled in 3-6 months. Between the meetings, therapists should be made available to groups within the congregation and classes may be encouraged to study the theological foundations undergirding this policy. A worship service for healing and wholeness is recommended the congregation. Should the pastor leave the congregation it is recommended that the congregation receive an intentional interim for the purpose of caring and leading the congregation back to health.

C. Offender's Family--The hidden victims in the process include the offender's family. The spouse, children and parents face the struggles of guilt, shame, anger, fear, ostracism and financial loss. The church must reach out to their pain and offer healing to the family.

D. Reconciliation--The process of reconciliation can lead to healing for both the victim and the offending pastor. But there is danger in promoting reconciliation. The church may, in Jeremiah's words, "...have healed the wound...lightly saying peace, peace when there is no peace." (Jeremiah 6:13-14). Authentic reconciliation must come at the end of a process of true repentance by the offending pastor and true forgiveness by the victim.

- a. Repentance--Repentance involves a turning oneself around so that past behavior is not repeated. Repentance is a spiritual/emotional transformation of the offender. Repentance includes a clear understanding of conditions/beliefs that led to the violation, evidence of rejecting those beliefs, and adoption of new ethical ways to relate. Repentance also involves a response to the victim that acknowledges the violation and makes restitution for the pain caused.
- b. Forgiveness--Forgiveness does not involve the forgetting or minimalizing of the offences. Authentic forgiveness is an intentional decision by the victim to let go of anger. For forgiveness to be real the victim must receive justice, be empowered by God's grace, and experience sufficient healing to let go of the anger and pain. Authentic repentance and forgiveness may require time, perhaps many years, and should not be rushed.

Adopted by the Regional Board March 23, 1996.

**Covenant Statement
Between**

**And the
Christian Church in Tennessee**

As a minister with standing in the Christian Church (Disciples of Christ) and serving in the Tennessee Region, I affirm that I have read the document "Sexual Misconduct and the Pastoral Relationship: Guidelines for Prevention and Response," I have reviewed the video tapes "Not in My Church" and "Once You Cross the Line" and have attended a region sponsored training on the subject of sexual misconduct and the pastoral relationship (or a comparable training). I covenant to maintain the integrity of the ministerial relationship by protecting the trust placed in me and using my authority to build up the Church.

Name

Date of training session attended