

CONFERENCE POLICY ON SEXUAL HARASSMENT

The Alabama-West Florida Conference of the United Methodist Church, Inc. affirms *The 2004 Book of Resolutions*, *Sexual Abuse Within the Ministerial Relationship*, and *Sexual Harassment Within the Church*, which states that sexual abuse within the ministerial relationship and sexual harassment within the church are incompatible with biblical teachings of hospitality, justice, and healing. In accordance with *The 2004 Book of Discipline* ¶161 (F), we affirm that all human beings, both male and female, are created in the image of God, and thus have been made equal in Christ. As the promise of Galatians 3:26-29 states, all are one in Christ. Therefore, this Conference of the United Methodist Church supports equity among all persons without regard to ethnicity, situation, or gender.

Statement of Purpose

Clergy members of this conference are in a position of sacred trust, responsibility and power which affords the opportunity for unique relationships of grace and caring. Sexual misconduct by the Clergy violates this trust and constitutes an abuse of the power and position of the clergy. It is the purpose of this policy to prohibit sexual abuse, sexual harassment and sexual misconduct by the clergy members of this conference in the performance of their responsibilities as ministers of the gospel. It is also the purpose of the policy to provide a method for reporting such misconduct and a procedure for resolution of complaints of misconduct involving clergy members of the conference.

Theological Foundation

All persons are created by God. Scripture teaches that male and female are created in the image of God, and are of equal value in Christ. Jesus was sent into the world that all persons may experience whole relationships with God and each other. We are called to live in a right relationship with God, with one another, and with ourselves. This calling to live in the fullness of our God-created humanity requires that we sustain a vital relationship to God so that we may maintain the dignity of all life, and treat each other with respect and dignity. *The 2004 Book of Discipline* states: "We believe persons may be fully human only when that gift is acknowledged and affirmed by themselves, the church, and society."

Definitions

Sexual harassment is defined by *The 2004 Book of Discipline*, ¶161 (1) as —any unwanted sexual comment, advance or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating, or coercive. Sexual harassment must be understood as an exploitation of a power relationship rather than an exclusively sexual issue. Sexual harassment includes, but is not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender. Sexual harassment may occur in any environment where the work of the church takes place. Sexual harassment also includes intimidating or coercive behavior that threatens or results in a tangible employment action.

Gender Harassment is behavior that is harassing in nature against a woman because she is a woman or against a man because he is a man.

Sexual abuse is conduct of a sexual nature that is in violation of the legal rights of others and/or

conduct that is prohibited by law. Sexual abuse includes criminal sexual conduct or sexual contact by force, threat, or intimidation that is in violation of the laws of the States of Alabama or Florida. As applicable to interactions with children or vulnerable persons, the term "sexual abuse" includes the subjection of a child or vulnerable person to any sexual act by any person responsible for their care in violation of the laws of the states of Alabama or Florida. To uphold the moral standards of the United Methodist Church as defined by *The 2004 Book of Discipline*, no person under the age of 18 nor any vulnerable adult may give consent to sexual acts. Sexual abuse within the ministerial relationship occurs when a person within a ministerial role of leadership (pastor, educator, counselor, youth leader, or other person of leadership) engages in sexual contact or sexualized behavior with a congregant, parishioner, client, employee, student, staff member, co-worker, or volunteer.

Sexual Misconduct is conduct which is a chargeable offense within the meaning of ¶2702 of The 2004 Book of Discipline. Sexual misconduct may also be an abuse of power through sexual contact or activity (not limited to sexual intercourse) which exploits the vulnerability of a parishioner, client, staff member, or volunteer, or conduct which causes or allows those persons to engage in sexual conduct with a person in a professional relationship (whether paid or unpaid) to this annual conference. Sexual misconduct may also include any sexual contact or activity (not limited to sexual intercourse) between a person in a therapeutic or counseling role or relationship with a parishioner or client. In such instances, consent is not a defense. Such behavior is inappropriate and immoral.

Policy Statement

Sexual harassment, gender harassment, sexual abuse, and misconduct of a sexual nature within the life of the church interfere with its moral mission. The Alabama-West Florida Conference of the United Methodist Church, Inc. prohibits and will not tolerate these, which are sinful, demeaning, abusive and wrong. This conference commits itself to the fair and expedient investigation of any complaint of sexual and gender harassment, sexual abuse or misconduct of a sexual nature within the conference and will take action deemed appropriate and in compliance with the *Book of Discipline*. Further, it shall be the policy of The Alabama-West Florida Conference of the United Methodist Church, Inc. to create an environment of hospitality for all persons, male or female, which is free from this type of sinful conduct and which encourages respect, equality, and kinship in Christ.

Procedure for Reporting Complaints

Some instances of harassment can be resolved informally by conversation between the parties or facilitated by mediation. In all other instances, conduct that is in violation of this policy must be reported immediately. Such a report may be made either to the Presiding Bishop of the Conference or a district superintendent of this conference. A report of such misconduct may be reported to the Presiding Bishop at the Bishop's office in Montgomery, Alabama, or to the district superintendent at any of the district offices within the conference. Upon receipt by a district superintendent of a report of clergy misconduct of a sexual nature, the district superintendent must immediately report such complaint to the Presiding Bishop.

Non-Retaliation for Reporting

The Alabama-West Florida Conference of the United Methodist Church will not retaliate against any person who brings forward a complaint or reports any conduct prohibited by this policy. All

staff, leaders, and volunteers are expected to immediately report any knowledge of harassment, abuse, or misconduct to anyone of the persons listed above. Prompt and appropriate investigation and corrective action, where appropriate, will be taken, including discipline. Persons who make false accusations may also be disciplined in the event that the accusations have been proven false.

Investigations

All investigations and remedial measures shall take place according to the pertinent provisions of the *Book of Discipline*. Nothing contained in this policy shall be construed to in any way alter or enlarge on any requirement of the *Book of Discipline*. All complaints or reports of conduct that is in violation of this policy shall be promptly and thoroughly investigated in accordance with the *Book of Discipline*. All investigations shall be consistent with fair process as set forth in ¶2701 of the 2004 *Book of Discipline* and the Decisions of The Judicial Council of the United Methodist Church.

Confidentiality

While The Alabama-West Florida Conference of the United Methodist Church, Inc. cannot guarantee absolute confidentiality, it will make every reasonable effort to maintain confidentiality by disclosing information concerning the complaint or the investigation only on a "need to know" basis and as necessary to promote God's call for justice, reconciliation and healing.

Mandatory Reporting

The Alabama-West Florida Conference of the United Methodist Church, Inc. will comply with all applicable state or federal laws regarding the mandatory reporting of misconduct of a sexual nature committed by any clergy.

Mediation and Reconciliation

The Alabama-West Florida Conference of the United Methodist Church, Inc. encourages resolution of disputes and conflicts by mediation and reconciliation. Where appropriate, the conference encourage parties to utilize mediation in order to reach a just and equitable resolution of the matter, giving due consideration to the severity of the situation, the position of the parties and nature of the conduct involved. Where appropriate, the conference encourages the utilization of mediation.