

PROVISIONAL GUIDING PRINCIPLES AND PRINCIPLES OF PROCEDURE REGARDING CLERGY SEXUAL MISCONDUCT

Christian Church (Disciples of Christ) in Indiana

I. Preface

The following guidelines are for use by the Reference and Counsel Team of the Commission on Ministry of the Christian Church (Disciples of Christ) in Indiana. They seek to respond with integrity to situations where the fitness of a person for authorized ministry is called into question by charges of clergy sexual misconduct.

This resource is intended to supplement procedures for conducting special disciplinary reviews outlined in the Commission on Ministry Manual, Christian Church in Indiana [V.B.10].

The ethical conduct of all who minister in the name of Jesus Christ is of critical importance to the church because, through its leaders is conveyed an understanding of God and the good news of the gospel. Their manner of life should be a demonstration of the Christian gospel in the church and the world.

As (God) who called you in holy,
Be holy yourselves in all your conduct . . .

. . . tend the flock of God that is in your charge . . .
not under compulsion but willingly . . .
not for sordid gain but eagerly.
Do not lord it over those in your charge
But be examples to the flock.

You know that we who teach
Shall be judged with greater strictness.
I Peter 1:15, 5:3; James 3:1, NRSV

II. Guiding Principles

1. Clergypersons are not to engage in any sexual relationships with parishioners or staff (outside the covenants of marriage). The role of clergy in the congregation is a role in which clergy are granted such power by members of the congregation that there can never be the equality that is the prerequisite for free choice and consent. It is always the responsibility of the clergy to set appropriate boundaries in any relationship with parishioners or staff.
2. Clergy sexual misconduct is any activity in which the clergyperson violates the free choice or abuses the vulnerability of a parishioner or staff member by causing them to engage in sexual behavior. Such misconduct is understood to be both a violation of appropriate clergy role and an abuse of power. Examples of sexual misconduct

include (but are not limited to), making unsolicited advances, requesting sexual favors, inducing a person into a sexual relationship, giving unwanted sexual attention to a person, punishing a refusal to comply with sexual demands, or engaging in sexual behavior with minors. This may involve a wide range of behavior from verbal innuendo, subtle suggestions and inappropriate sexual jokes and remarks to over demands and physical abuse.

III. Principles of Procedure

1. All claims of clergy sexual misconduct will be taken seriously by the Christian Church in Indiana. When received in a signed written format, such claims will be responded to as quickly as possible by the Reference and Counsel Team, and the Regional Minister or his/her designee will be advised of such claims.
2. In the case of the receipt of such a signed, written complaint, the Chair of the Reference and Counsel Team, in conjunction with the Regional Minister (or his/her designee) will make an initial review of the allegation and advise the accused of the complaint. The accused will be invited to submit a written, signed response which can be shared with the complainant. The Chair of the Reference and Counsel Team will also request the support of the Regional Minister, or his/her designee, for assistance with the initial review.
3. In the initial review, concern and care for the welfare of the complainant and the accused will be exhibited, and steps will be taken to protect the community involved and other potential victims. Where such reporting is required by law, suspected violations of the law will be reported to civil authorities. The innocence of the accused in regard to the allegations will be presumed until unethical conduct is admitted or proven.
4. At the conclusion of the initial review, if the Chair of Reference and Counsel (and/or his or her designee) can resolve the complaint with satisfaction to all parties involved, and if there is concurrence by the Regional Minister and/or his or her designee, then the matter will be considered closed and a report of the process and its disposition will be retained by the Regional Minister or his/her designee for the protection of all parties.
5. The interest of the accused's employing congregation/agency in the matter is affirmed. Upon counsel with the Regional Minister (or his/her designee), the Chair of Reference and Counsel will seek appropriate ways to involve the congregation's or agency's leadership in the matter, recognizing the complexity and sensitivity of the issues involved.
6. If, after review is completed, the complaint cannot be resolved to the satisfaction of all parties, a hearing shall be held as soon as possible by the Reference and Counsel Team concerning the matter. Such a hearing will be guided procedurally by the latest drafts of the "Reference and Counsel Committee Procedures and Guidelines" and "Guidelines Concerning Information Gathering Processes, Confidentiality, and Access to Records."

7. After such a hearing, if the Reference and Counsel Team sustains the complaint, it may take a variety of actions in regards to the accused as outlined in “Commission on Ministry Manual” and the “Reference and Counsel Procedures and Guidelines,” including, but not limited to, revocation of standing, suspension of standing, mandatory counseling, etc. As a matter of working principle in this situation, the Team shall seek to offer the victim of clergy misconduct support and care, seeking that the interests of justice and healing be served.
8. In the event that the accused is a member of the Regional Ministerial Staff, all of the above procedures and process described in Section III, 1-7, will be followed, but with the following specific changes:
 - a) Upon initial receipt of a signed, written complaint, the Chair of Reference and Counsel shall consult with the Regional Moderator. The Moderator shall name a person to be Consultant Staff to the Team; the Consultant Staff will carry the responsibilities and duties outlined above that would ordinarily be carried out by the Regional Minister or his/her designee. The Consultant Staff will ordinarily be an Indiana minister with standing in the Christian Church (Disciples of Christ), and who has no staff relationship to the Christian Church in Indiana. The Moderator and Chair of Reference and counsel shall insure that the Consultant Staff has necessary access to all persons and documents that would be needed to carry out his/her work for the Team. The Moderator may, at his/her discretion, grant a stipend to the Consultant Staff for this work and for support services if needed. The Regional Minister and his/her designee will play no staff role in the Team’s processes. The Moderator, Chair of the Team, and Consultant Staff will consult with the Office of General Minister and President, the General Commission on Ministry, and other Regional Ministers as necessary. However, the Regional Minister will ordinarily be advised as to the processes and procedures that will be followed in the review. The Moderator will ordinarily serve as spokesperson regarding the handling of public communication in the region and beyond.
 - b) If the complaint is not resolved at the initial review stage of this process (Section III,2-4) and is dealt with by the full Team (Section III, 7), the Reference and Counsel Team shall, if the complaint is sustained, make a report and recommendation to the Regional Pastoral/Personnel Relations Committee concerning this matter. This recommendation shall be in addition to any actions taken by the Team (subject to favorable receipt by the Commission on Ministry) which shall affect ministerial standing. If the complaint is not sustained, the Moderator, the Regional Minister, the Chair of Reference and Counsel, and the accused staff person shall determine appropriate responses and statements to be made, and the accused staff person shall have the right to have a statement noting that the complaint was not sustained, made a part of his/her regional personnel file.

9. As provisional, these guidelines will be reviewed from time to time by the Reference and Counsel Team and Commission on Ministry. It is expected that these procedures will function as a draft to guide the Team's work and will be subject to modification.

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