

Safety Policy

Bethany United Methodist Church
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Bethany United Methodist Church

Safety Policy

Purpose:

Mutual respect, consideration and courtesy are essentials of the Christian community, traditional at Bethany United Methodist Church (Bethany UMC), and expected of everyone. Bethany UMC members, guests, employees and volunteers have the right to pursue their activities free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment and sexual misconduct.

This policy communicates Bethany UMC's position on sexual harassment and sexual misconduct and its expectations for appropriate behavior. It is the responsibility of members, guests, employees and volunteers who believe they have been harassed to report such behavior so the behavior can be investigated and appropriate action taken. Persons in charge of programs or activities sponsored by Bethany UMC have a responsibility to report immediately any complaint of sexual harassment or sexual misconduct that is brought to their attention.

Bethany UMC intends to maintain an environment for members, guests, employees and volunteers that is free from sexual harassment, intimidation, or misconduct. The church recognizes that sexual harassment and sexual misconduct undermine morale and interfere with the purpose for which people are present and will not be tolerated. Guidelines for reporting, investigating and preventing offenses are outlined in the following procedures.

Policy:

Bethany UMC adheres to Federal and State laws prohibiting sexual harassment and sexual misconduct. Adhering to this policy is a condition of an individual's involvement in activities or employment.

We define sexual harassment as any unwanted sexual comment, advance or demand, either verbal or physical, which 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 as an exclusively sexual issue.

Sexual harassment includes unwelcome sexual advances, and other unwanted touching, requests for sexual favors, sexually motivated physical contact, and other verbal or physical conduct of a sexual nature when:

- Submission (on the part of the recipient) to such conduct is made, either explicitly or implicitly, a term or condition of an individual's (recipient's) involvement in an activity or employment:

- Submission (on the part of the recipient) to or rejection of such conduct by an individual (recipient), is used as the basis for involvement in an activity or employment affecting such an individual (recipient); or,
- Such conduct is intended to or does create an intimidating, hostile, or offensive environment.

Sexual misconduct includes the following:

- Sexual abuse or sexual molestation of any person, including but not limited to, any sexual involvement or sexual contact with a person who is a minor or who is legally incompetent;
- Sexual exploitation which includes, but is not limited to, the development of or the attempt to develop a sexual relationship between a minister, employee, guest or volunteer, and a person (the offended person) with whom he/she has a ministerial relationship, whether or not there is apparent consent from the individual; or
- Any activity prohibited by Minnesota Statutes Chapter 148A.

Procedure:

A. Reporting:

- Persons who believe they have been harassed, have witnessed harassment, or have had incidents of harassment reported to them should promptly report these matters to one of the following:
 - The Chairperson or a member of the Staff/Parish Relations Committee or,
 - A pastor of Bethany UMC
- The Staff/Parish Relations Committee must be notified of all allegations so that it can conduct a preliminary review of the information and determine if the incident warrants a formal investigation or if the matter can be resolved in another way.
- In cases involving alleged sexual harassment or sexual misconduct of a pastor appointed to Bethany UMC, the Staff/Parish Relations Committee shall promptly report the allegations to the Southeast District Superintendent or Bishop of the Minnesota Annual Conference of the United Methodist Church. Once such report is made, the Staff Parish Relations Committee shall have no further investigatory or disciplinary role since authority in cases involving appointed clergy is vested in officials of the Minnesota Annual Conference. However, the Staff/Parish Relations Committee shall continue to be concerned and involved regarding the effect Conference actions have on the life of Bethany UMC.

B. Investigation:

- Investigations involving non-clergy employees, members, guests, or volunteers will be conducted by the Staff/Parish Relations Committee or a Sub-committee of the Staff/Parish Relations Committee. In addition to following the general guidelines of this policy, the Staff/Parish Relations Committee is expected to develop specific procedures that are appropriate for each case.
- Investigation will include interviews with all relevant individuals, including the complainant, the accused, and all known witnesses, as well as a review of all relevant information/documentation as necessary to complete the investigation.
- Efforts will be made to resolve allegations of sexual harassment within a reasonable period of time. It is recommended that the investigation be conducted and recommendations for action be developed within 30 days unless specific circumstances make a longer period appropriate. The length of an investigation may vary depending upon the scope of the alleged behavior and upon other circumstances.
- The confidences and sensitivities of all persons involved in the incident will be respected to the extent reasonably possible in the context of a complete investigation.
- The Staff/Parish Relations Committee shall be sensitive to the needs of the accused and the accuser and shall consider appropriate support, including making counseling available during the investigation.

C. Action:

- The Staff/Parish Relations Committee will review the finding and, if needed, retain legal counsel to assist the Staff/Parish Relations Committee in its investigation and resolution of the matter.
- Upon reaching conclusion as to the appropriate course of action, the Staff/Parish Relations Committee will meet with the accused, accuser and other appropriate persons to communicate the results of the investigation and the proposed resolution.
- The Staff/Parish Relations Committee can recommend any reasonable course of action to address substantiated allegations including, but not limited to counseling, education, or termination of an employee or volunteer who is subject to the direction of Bethany UMC.
- Where validity of the complaint cannot be determined, action will be taken to assure that all involved parties are familiar with the contents of this policy.
- If the investigation reasonably establishes that the alleged conduct did not occur, the complainant shall be informed that false sexual harassment claims will not be tolerated under this policy. The Staff/Parish Relations Committee will offer assistance to the complainant in these cases. Appropriate action may be recommended to assure the wrongly accused person that the false charges will not affect his/her employment by or involvement at Bethany UMC.

D. **Nonretaliation:**

- This policy prohibits retaliation against anyone who, in good faith, reports allegations of sexual harassment or sexual misconduct or assists in investigating charges.
- Anyone found to have participated in retaliatory actions will be confronted by the Staff/Parish Relations Committee and appropriate action will be taken which may include termination as a volunteer or employee of Bethany UMC.

E. **Prevention:**

- Bethany UMC is committed to creating and maintaining an environment free of sexual harassment and sexual misconduct for all people involved at Bethany UMC. As a result, the following procedures shall be implemented within a 24 month period from the policy's adoption or within 12 months of their adoption in amendment:
 - *National Criminal Background Checks* are required of all paid church staff. *State or national Criminal Background Checks* may be done on volunteers working in the Nursery, Sunday School, Vacation Bible School and other ministries with children and youth.
 - *Safety Training* shall be provided annually by the Staff/Parish Relations Committee and the Education Work Area, and all church staff and volunteers in ministry to children, youth and vulnerable adults shall be certified through the training at least every four years.
 - *Safeguards* for those working with children, youth and vulnerable adults will be provided through (1) record keeping that includes a signed release giving permission for a criminal background check, a signed application with at least two non-family references (If the volunteer is an extern or intern minister, he or she is to have two letters of reference sent to Bethany: one from the lead pastor of home church and one from their faculty advisor), preferably local and one of institutional nature, the date of safety training, and a photocopy of a valid driver's license if transportation is involved, and (2) the presence of a second adult or outside visual access in the ministry setting (e.g. through a window or open door), and (3) a minimum of six months of active participation in the congregation prior to assuming a volunteer ministry role.
- Each church staff member, volunteer, and guest is encouraged to suggest policies, procedures, educational programs and other means to address this serious issue. Consequently, the following shall be done:
 - The Bethany UMC Safety Policy shall be distributed to all staff and ministry volunteers during safety training.
 - The Bethany UMC Safety Policy shall be provided to parents/guardians of children, youth and vulnerable adults who participate in a church ministry.

- Copies of the Bethany UMC Safety Policy shall be available through the church office and its availability publicized at least semi-annually through the church newsletter and bulletin.

Amendments:

Suggestions for amendments to this policy may be submitted to the Church Council. Suggestions must be submitted in writing, be accompanied with the rational for making the change and include the name and telephone number of the person submitting the suggestion.

Definitions:

Boundary/Sexual boundary – A personal boundary is what sets us apart from one another, gives us our personal identity and defines our areas of personal control. Boundaries provide us with our set of protective defenses concerning our safety, integrity, autonomy, well-being, independence, individual competence and self worth. A sexual boundary is our conscious and unconscious 'contracts' with those around us to remain safe and comfortable or provide safety and comfort with another with regard to gender, sexual intimacy and sexual behaviors. *(Adapted from definitions provided by Dr. Nils C. Friber at MN Annual Conference workshop in St. Cloud, June, 1996: "Creating Safe Havens for Children & Youth: Sexual Boundaries Awareness Training and Policy Development for Local Churches").*

Church Staff – Church staff includes all paid and unpaid employees. They include ordained clergy, deacons, extern ministers, secretaries, custodians and paid musicians.

Dual relationships – A dual relationship is one in which a person attempts to fulfill two roles with the same person—for example, to have a professional and a personal relationship with the same person.

Sexualized behavior within a professional relationship, or any attempt to sexualize a professional relationship, automatically creates a dual relationship—namely, a relationship between a professional and a congregant/client AND a relationship between intimate partners.¹

Extern minister – An extern minister is a graduate student in training at an approved seminary serving on staff, paid or unpaid.

Intern minister – An intern minister is an undergraduate student enrolled in a course of study in Christian ministry.

Meaningful consent – Meaningful consent to sexual activity requires a context not merely of choice, but of equality; hence meaningful consent requires the absence of any constraint or even the most subtle coercion. When there is an imbalance of power between two persons arising out of role differences, there is no real equality. Between adults and children or youth there are additional power imbalances that make meaningful consent impossible.²

Ministerial relationship – A ministerial relationship occurs whenever a person within the faith community is identified by that community, or identifies themselves to others, as a person who acts as a representative of a congregation in any capacity. This person may be lay or professional – such as a pastor, deacon, extern minister, educator, church camp counselor, pastoral counselor, choir director or youth leader. We use the adjective "ministerial" to refer to the relationship of authority and trust in which these persons are involved. When sexual harassment, abuse, or exploitation occurs within a ministerial relationship it is a violation of the ministerial role, and a betrayal of sacred trust. In some cases, this behavior is also illegal (see the definitions of sexual harassment, sexual abuse and sexual exploitation listed below).

¹ Ibid, p. 35

² Ibid, p. 48.

Power – Power is relative and contextual. It is neither good nor bad in and of itself; it is how it is used. Power is a measure of one person's (or one group's) resources as compared to another person's (or group's) resources. Those who command greater resources than others have power relative to them. As people in a ministerial relationship, we possess a certain degree of power in relation to our children and youth. Our role; age; gender; sexual orientation; race; physical, economic; intellectual, psychological, and social resources; and life circumstances can each be sources of power or vulnerability. Power differentials pose a risk for boundary crossing. Yet, it is possible for extreme power differentials to exist without abuse.³

Sexual abuse – Sexual abuse includes rape/criminal sexual conduct or sexual contact by force, threat, or intimidation that is in violation of the Minnesota Criminal Sexual Conduct Code (See Minnesota State Statutes 609.345 and 609.3451). Sexual abuse involves the subjecting of a child or vulnerable adult by any person responsible for their care to any sexual act which is a violation of the Minnesota Criminal Sexual Conduct Code. To uphold the moral standard of The United Methodist Church as defined by this document and *The 2000 Book of Discipline*, no person under 18 years of age nor any vulnerable adult can give consent to sexual acts.

In cases of suspected child abuse or abuse of vulnerable adults, Minnesota law mandates reporting to County Protective Services any "reasonable suspicion" of child or vulnerable adult maltreatment by those in professional relationships with children and vulnerable adults outside of the "confessional setting" (See Minnesota State Statutes 626.556).

Sexual exploitation – Sexual exploitation includes any sexual contact or activity (not limited to sexual intercourse) between a person in a therapeutic or counseling role/relationship and a congregant/client. It may also include being asked to date the counselor, or any representation by a counselor that sexual contact will help in dealing with the emotional struggles the client is having (this is called "therapeutic deception"). Consent by the complainant is not a defense (see MN Statute 148A.02). Such behavior is illegal under Minnesota law, and can give rise to civil and criminal penalties. Minnesota state law also specifically addresses sexual contact by a person who is, or claims to be, clergy with someone (other than a spouse) during one or more private meetings for spiritual aid and comfort as a criminal offense (see MN Statutes 609.344(I) and 609.345(I)). Here again, consent by the complainant is not a defense.

Sexual harassment⁴ – We believe human sexuality is God's good gift. One abuse of this good gift is sexual harassment. We define sexual harassment as any unwanted sexual comment, advance or demand, either verbal or physical, which 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 as 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.

Contrary to the nurturing community, sexual harassment creates improper, coercive and abusive conditions wherever it occurs in society. Sexual harassment undermines the social goal of equal opportunity and the climate of mutual respect between men and women. Unwanted sexual attention is wrong and discriminatory. Sexual harassment interferes with the moral mission of the Church.

³ Ibid, p. 38.

⁴ ¶161(I) The Book of Discipline of The United Methodist Church 2000

Vulnerability vs. Risk

Vulnerable – Vulnerable means "able to be injured or damaged." In the context of abuse, "vulnerable" is a valid description of those who are in danger of being abused, NOT those who are in danger of abusing others. All of those with whom we have a ministerial relationship or for whom we have responsibility are vulnerable in relation to us, by virtue of our respective roles.

Risk – Risk characterizes the position that ministers face because of our respective roles. We are the ones who might *cause* the injury or damage if we fail in our responsibility to maintain the boundaries of the ministerial relationships.⁵

⁵ Center for the Prevention of Sexual and Domestic Violence. Clergy Misconduct: Sexual Abuse in the Ministerial Relationship Workshop Manual, 1992, p. 51.

