Genesee Valley Toolbox for Session Sexual Misconduct Policies

Presbytery of Genesee Valley   *#7 in a series (2018, October)*

3 Challenges: Sexuality, Abuse, & Accountability / Justice

from the Resource Center

This edition of *Genesee Valley Toolbox* continues our series of support for Sessions in the Presbytery of Genesee Valley as they develop, adopt, implement, and update their sexual misconduct policies. The series offers practical information, recommends best practices, and identifies reliable sources on numerous topics. The intent is to deepen knowledge, encourage right behaviors, and achieve important outcomes.

This edition addresses oft-heard attitudes expressed by both ruling elders and pastors when the matter of session sexual misconduct policies is raised. Even among those who recognize the practical need to review existing language and earnestly seek to craft revisions or adopt new provisions, there is frequently an underlying tone of resistance toward the *Book of Order* requirement to adopt and implement a policy (G-3.01016). The "This-is-necessary-but-not-welcome-and-not-wanted" attitude is also present as our Presbytery reviews its policy. (Echoes of people murmuring and grumbling the wilderness as they journey to a land of milk and honey!)

We affirm those faithful and dedicated disciples of Jesus Christ who step forward to work on sexual misconduct policies. We give thanks for their willingness to do what is right. They answer God's search for the few who would **repair the wall and stand in the breach** (Ezekiel 22:30). This edition explores why the task of writing a policy is challenging, and offers a different way to approach mending the wall and filling the breach.

Writing a sexual misconduct policy: Why is this <u>so</u> hard?

- Discomfort when conflict and tension emerge in the church.

- Discomfort at the necessity of "sitting in judgment of another."

- Lack of exposure to, or inexperience with, complex matters and issues related to sexual misconduct or offenses, e.g. investigatory procedures, interacting with survivors and offenders...

- Ignorance, or minimization, of the nature of the problems and their possible adverse consequences.

- Turnover of leaders leads to gaps in institutional memory about prior incidents, actions taken or not taken, and outcomes. (Records are not always retained, and, if they do exist, are not always consulted.)

- Denial about the reality of abuse in the church, or its possibility: "not in my congregation," "molesters are ogres, and nice people in churches don't do this sort of thing."

- Uneasiness with matters related to sexuality, in general, because we don't discuss it, except in debates out polity issues.

- Fear of, or anxiety about: lawsuits, false accusations, embarrassing or shameful exposure, being held accountable, making change, uncovering old cases within the congregation, loss of reputation, loss of members, loss of financial support...

- Churches resist being told by outsiders what to do. (This requires giving up a feeling of autonomy.) And outsiders don't always know what is best.

- Strong memories of personal experiences with matters related to sexual boundary violations.

- Competing priorities and needs regarding our mission and ministry divert time and energy.

- Involvement of multiple parties, points, of view, ways to analyze a situation, and options, e.g. what constitutes justice for a survivor and for an offender.

- Options that have serious and potentially unforeseen consequences.

- Secular environment factors: legal (civil and/or criminal); liability and risk; media coverage.

- While precedents exist for responsible practices for congregations and presbyteries, there is frequently a lack of consensus on the specifics.

- A congregation's perception that recommended best practices and procedures are not appropriate to its situation or circumstances.

- Church leaders typically lack: 1.) training/education related to sexual abuse/assault; 2.) experience relating to survivors and offenders; 3.) knowledge of community resources for survivors; 3.) understanding the difference between *confidentiality* and *privileged information*; 4.) what goes into an investigation, whether conducted by the church or secular authorities.

Why <u>so</u> hard? A commentary

The list on page 2 identifies specific ways sessions and congregational leaders express their difficulties while trying to adopt and implement a sexual misconduct policy. We also hear others, including, "We're waiting for the national church (or Presbytery) to tell us what do. Give us a template so we can fill-in the blanks." Then we hear, "What the national church (or Presbytery) recommends won't work for us. We're different."

By taking a few steps back and a few deep breaths, we make room for God's Spirit to cast some light beyond the specifics in the page 2 list. Now we see a bigger picture of why this topic is <u>so</u> hard for congregational leaders. Three challenges emerge, clear and distinct before us.

1.) Sexuality

When we lack a common language about sexuality, including its spiritual dimension as God-given, or its holistic dimension which includes one's identity, it is much more difficult to appreciate the resultant harms when a person is violated sexually. When we fail to discuss sexuality in the multi-generational setting of a congregation, we miss the opportunity to learn what is developmentally-appropriate in relation to children and youth – which makes it much more difficult to respond to violations of minors. Failure to discuss sexuality may lead us to miss gendered differences in how we analyze a situation or respond to a topic.

2.) Abuse

Sexual boundary violations in a faith community constitute betrayals of trust because they involve religious role relationships, e.g., a pastor who exploits the vulnerability of a member of the congregation who is grieving a recent and significant death in the family, or a youth group leader who takes advantage of a young adolescent's immaturity and insecurity. Note the power imbalance, or asymmetry, in each of those examples. Note individuals' compromised capacity, or lack of capacity, to consent. The context in which questionable behaviors occur is critical to understanding the nature of the victimization process.

Beyond the differing accounts of a survivor and an offender, our grasp of the nature of abuse may be confounded by the multiple and competing perspectives of secular law enforcement officials (federal and state, civil and criminal), clinicians and human service providers, lawyers, insurance companies (risk management professionals), and advocates for survivors. However, avoiding conversations about abuse leaves us seriously unprepared to respond when it is discovered.

3.) Accountability & Justice

While factors of sexuality and abuse each make it difficult to write a misconduct policy, another factor stands before us, that of accountability and justice. How will your

congregation's (or our Presbytery's) leadership respond when a person comes forward with a reasonable concern that someone may have been sexually violated in the context of your mission or ministry? How will leadership respond to circumstances involving a minor?

Some of us are immediately concerned about wrongful accusations, and point to the procedural fairness embedded in the *Book of Order*. (In the Presbyterian Church nationally, cases of intentionally false accusations are quite rare. We know of none in our Presbytery.) On the other hand, we are well aware of offenders in our Church, both clergy and laity, who denied committing offenses and then were found guilty, either through Presbyterian judicial proceedings or in criminal courts. In addition to fairness and justice, we must care about achieving the outcomes of determining the truth, preventing offenders from harming others, protecting people at risk, promoting the recovery of people who are survivors, renewing trust, and restoring integrity within our faith communities.

Complexity of our rules

To write our policies and procedures requires us to set boundaries, write rules, and establish definitions. Since Presbyterian polity does not prescribe what must be in a session's sexual misconduct policy, imagine how many variations there are among sessions! Just count the number of churches. However, to be effective, a session policy will take into account the contents of both the *Book of*

Order and our Presbytery's *Sexual Misconduct Policy*.

For example, the *Book of Order*...
- Mandates that Deacons and Ruling Elders are reporters of sexual abuse. (Does your session's policy provide for training your Deacons and Elders regarding this mandate?)
- Defines the disciplinary offense of "sexual abuse of another person." (Does your session's policy integrate that definition?)

For example, the Presbytery's *Policy*...
- States: "The practice of this presbytery shall be to disclose to an affected congregation the basic facts regarding commission of sexual misconduct, or other related matters." (Does your session policy contain a similar commitment? Disclosing the truth is a means of promoting **accountability and justice**, and a way to preserve or restore trust.)
- Quotes from another PGV policy that automatic administrative leave of a minister who is a PGV member is required in all instances in which a formal allegation of "sexual abuse of another person" has been filed with the Presbytery. (Does your session policy acknowledge this possibility?)

Rule-oriented policies and procedures may quickly become legalistic, err by containing way too much detail, or err by being way too vague. Some polices are long on procedure, but omit any statement of goals or outcomes to be achieved. This provides no guidance to

congregational leaders in a situation not directly addressed by the procedures, but which forces leaders to make decisions. Many, many situations are far more gray than black or white, and a policy's goals can be the difference-maker in the absence of procedure.

Where's the relational focus?

A typical sin of omission in rules-oriented policies and procedures is ignoring the relational implications of the combination of sexuality plus abuse plus accountability / justice. It's easy to do. In the last 2 cases of formal disciplinary proceedings against ministers in our Presbytery, both renounced jurisdiction of the Church before the proceedings were completed. While renunciation terminated the cases, the two affected congregations were still part of our faith community. However, because those involved with the case were pre-occupied with a culture of rules, Presbytery follow-up with the affected sessions and congregations regarding their residual feelings, questions, and concerns was minimal, at best. Under the strain of a disciplinary case, people's focus narrowed. It was an ecclesiastical version of the *fight*, *flee*, or *freeze* ways of coping with a threat. The well-being of the affected congregations was not part of a rules-oriented culture of a formal PGV trial.

In overwhelming numbers, our sexual misconduct policies ignore the spiritual implications of accountability / justice because the relational dimensions of a case involving *sexuality* and *abuse* are ignored. Consider this question: In general, are we comfortable with conflict in our faith communities? No. And addressing accountability / justice requires entering into conflicted circumstances. It is an unsettling experience, to say the least.

The results of 3 "so hard" challenges

When these challenges – sexuality, abuse, and accountability / justice – converge for those who are writing a session sexual misconduct policy, we can expect…

- …the variations in our life experiences, our roles and positions in church, our social power and status or lack thereof, and our individual perspectives to be revealed.

- …the meaning of, and the emotion connected to, those 3 challenges, both as discrete factors and in combination, will be intensified.

- …how individuals perceive the significance and symbolism of the language of the policy and procedures to vary.

- …our reaching a consensus will be impeded, tension will be created, and discomfort will be triggered.

It is no wonder, then, that we are reluctant to want to step forward to "repair the wall and stand in the breach." (Ezekiel 22:30)

Can we get beyond a narrow, rules-oriented mindset to writing a session sexual misconduct policy?

Is there a way to approach this that we introduce a relational component?

Is it possible for our faith to play a more central part of our writing process?

Yes, *Yes*, and *Yes*!

Let's begin at another starting point. Let's begin with ourselves. Rather than immediately discuss what in a policy needs to be updated, deleted, added, or revised, let's change our culture within which we talk about the policy.

What is *culture*? It's the collective pattern of our assumptions, attitudes, values, goals, customs, and behaviors. It's present in our meetings, and though it's silent, it shapes us. And we can choose to change it!

Rather than conduct a working meeting to write policy rules, let's first gather as people of faith to hear each other.

What if the session's task force to write the policy began by listening. Here's the first invitation to each person:

"We're each challenged by these matters that involve the mixture of sexuality, abuse, and accountability / justice. Which of these are you most personally comfortable talking about? And, if you're willing, tell us why."

After listening to every person's responses, with no discussion or debate, the second invitation is extended:

"Which of these are you least personally comfortable talking about? And, if you're willing, tell us why."

After listening to every person's response, with no discussion or debate, the third invitation is extended:

"How does your faith inform or guide you as you deal with the challenges of sexuality, abuse, and accountability / justice?"

To change our culture – the collective pattern of how we approach sexual misconduct policies – is a deliberate, strategic move to go beyond solely rules-oriented policies, and a turn toward ones which also integrate relational dimensions. This is a move away from avoidance of the challenging issues, and a turn toward open and honest dialogue between sisters and brothers in Jesus Christ who engage in prayerful and thoughtful reflection. By first practicing mutuality and respect, we begin to create that necessary relational culture. A safe setting for conversation is itself a prevention measure. It lets people know that first, they will be heard.

There is biblical precedent for a relational culture. And the source is strongly rule-oriented. It's the Book of Deuteronomy, fifth book of the Hebrew Scriptures and part of the Torah, Judaism's biblical core for law and practice. (Be honest. You did <u>not</u> see that coming…) In Deuteronomy 5, Moses gathers the people to give them ten commandments received from God. Yes, commandments inscribed in stone are as rule-oriented as it gets! But Deuteronomy does not stop with a list of statutes and ordinances. At Deuteronomy 6:4-5, Moses' stirring prose appeals directly to that which is deeply personal, intimate, and make us truly human:

> "Hear, O Israel: The Lord is our God, the Lord alone. You shall love the Lord your God with all your heart, and with all your soul, and with all your might."

Love of God is way more than behavioral compliance. Think about committing <u>all</u> your heart, soul, and might. Love is more than following a set of imposed rules. The culture into which the commandments call God's people is not founded on legalisms. Verse 6 goes on to emphasize our capacity to make a spiritual choice, rather than demanding our rote conformity:

> "Keep these words that I am commanding you today in your heart."

Deuteronomy 6 guides us into a living covenant with God and each other as partners in a community of faith. This covenant is a covenant of spirit. It embraces, but also transcends, rules on stone tablets. The soul commitment is the basis for our righteous and ethical conduct. A culture which recognizes the relational and spiritual nature of sexual boundary violations in faith communities is a covenantal culture. It helps us set boundaries for right relationships, and helps us teach what is wrongful.

How might a relational approach affect a sexual misconduct policy?

Here is an example. After an incident is discovered or resolved, a policy section would guide your Session to disclose to the congregation as many facts as possible. Telling the truth is a means to achieve relational goals of leaders holding themselves accountable, and of restoring trust after a betrayal. Such a provision is in PGV's *Policy*, VI. Intervention Procedures, H. Disclosure, and Attachment D. https://pbygenval.org/committees/committee-on-ministry/sexual-misconduct-policies-resources/ Has this been implemented and does it work? See *PGV Disclosure Manual*: https://pbygenval.org/committees/committee-on-ministry/sexual-misconduct-policies-resources/ Yes, it does, indeed!

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The 7 editions of the Toolbox series are posted on the PGV website in the dedicated folder of the Committee on Ministry: https://pbygenval.org/committees/committee-on-ministry/sexual-misconduct-policies-resources/genesee-valley-toolbox/