

**UNITED CHURCH OF JESUS CHRIST
(APOSTOLIC) POLICY ON CLERGY
SEXUAL MISCONDUCT**



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PRESIDING PRELATE**

UNITED CHURCH OF JESUS CHRIST (APOSTOLIC) POLICY ON CLERGY SEXUAL MISCONDUCT

I. INTRODUCTION

The UNITED CHURCH OF JESUS CHRIST (APOSTOLIC) (known herein as “UCJC”) is an organization that was framed by those early founders led by Chief Apostle Monroe R. Saunders, Sr. As an active and growing organization with national and international churches affiliated with it, the UCJC understands that with growth, and in the current culture, issues of proper conduct and sexual impropriety must be addressed. Improper conduct or offensive communication can lead to litigation and imprisonment.

The purpose of this Policy is not to serve as the secular legal system, which is responsible for investigating, charging and prosecuting illegal behavior. Rather, the purpose of this policy is to provide a spiritual context for conduct by the clergy and national leaders of the UCJC, and to provide reasonable assurance of integrity in the ministerial office.

Moreover, UCJC desires to carry out Kingdom work without reproach, and only to the glory and honor of Jesus Christ. Bishops, Pastors, Ministers and national leaders (as defined below) hold positions of great trust, power, and responsibility. The very nature of ministry involves developing interpersonal relationships and all clergy and national leaders must be mindful of not crossing the appropriate professional boundaries. The person in the clergy/leadership role bears the burden of responsibility to maintain appropriate boundaries.

These guidelines, in addition to Article IV, Section 7 of **The Book of Church Order and Discipline of the United Church of Jesus Christ (Apostolic), Revised 2010**, seek to address the specific matter of the abuse of power by those who engage in sexual misconduct. The intent of this Policy is to provide for the safety of parishioners, to protect the special relationship between clergy, national leaders and church members, to ensure healthy relationships among colleagues in ministry, and to maintain the integrity and authenticity of the ministerial office.

For the purpose of this Policy, “clergy” refers to all persons ordained by the UCJC and all persons serving in the role of Bishop. This Policy also applies to national leaders of the UCJC, whether or not such person is a member of the clergy. For the purpose of this Policy, “national leader” refers to such persons appointed by the Presiding Bishop and/or Board of Bishops to perform a specified leadership role and/or office.

II. DEFINITIONS

SEXUAL HARASSMENT¹ As a general matter, sexual harassment includes unwelcomed sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature. This may include such conduct made through the use of technology, including, but not limited to text messaging, email, and/or social networks. Sexual harassment can occur in a variety of circumstances, including where the victim as well as the harasser is a member of the same gender. Both sexual and gender harassment are exploitation of power and are a form of discrimination by law. Such conduct will not be tolerated by the UCJC.

SEXUAL ABUSE is a sexual invasion of the body, and/or an incursion into the private, personal inner space without consent. It may or may not involve physical force. It is also an internal assault, a deliberate violation of emotional integrity, and a hostile, degrading act of violence.

Sexual abuse includes but is not limited to the following: rape, sexual assault, incest, indecent exposure, statutory rape, involuntary or voluntary deviate sexual intercourse with a child, promoting prostitution, pornography with children, indecent assault, and aggravated indecent assault.

CLERGY SEXUAL MISCONDUCT is an abuse of power through sexual or gender harassment, contact or activity (not limited to sexual intercourse) in which the clergyperson violates the free choice, or abuses the vulnerability of a parishioner, client, church staff person, colleague or student (adult, teen or child), or causes or allows the parishioner, client, church staff person, colleague or student to engage in sexual behavior with the clergyperson.

Sexual misconduct breaks the sacred trust inherent in the ministerial covenant. Any such sexual misconduct shall be seen as an offense by the clergyperson who then bears the responsibility of his or her behavior. Clergy sexual misconduct is more than a problem with the morality of an individual; it is always a social issue that harms the church even as it harms individuals.

When actions involve a minor, the following are definitions of key terms, as defined in the Annotated Code of Maryland, and shall have the meaning provided.

- “**Abuse**” means the physical or mental injury of a child or minor by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstance that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed; or sexual abuse of a child whether physical injuries are sustained or not.
- A “**Child**” or “**Minor**” is a person who has not attained the lesser of:
 - The age of 18; or
 - Except in cases of sexual abuse, the age specified by the child protection law of the State in which the child resides.

¹ Definitions of such criminal conduct vary by jurisdiction, as well as the elements required to prove such crimes. In this instance, the definitions were provided by Holston Conference, and related processes.

- “**Law enforcement agency**” means a State, county, or municipal police department, bureau, or agency.
- **Child abuse** - any physical, mental, or emotional abuse of a child or children involving harm or the threat of harm to a child by an adult who is responsible for the child’s health and welfare.
- **Child neglect** - any act of neglect that results in an unreasonable risk being posed to a child’s health or welfare by an adult who is responsible for the child’s health and welfare – also, the failure to act in a manner that would prevent or eliminate that risk by a responsible adult who has (or should have) knowledge of that risk.
- **Sexual abuse and exploitation** - any behavior by an adult that uses a child for sexual stimulation, whether it involves actual touching or not, and regardless of consent or apparent consent.

In some jurisdictions, the clergy may be “mandatory reporters”, which requires immediate reporting of abuse, neglect, sexual abuse and the like to the designated authorities. Please reference the relevant statutes for your jurisdiction, and/or contact competent legal counsel.

III. PROCEDURES

A. PRESUMPTIONS UNDERLYING PROCEDURES

1. Persons accused of sexual misconduct are to be considered innocent until the accusation has been substantiated. This presumption of innocence, however, shall not minimize the person’s grievance, which shall be taken seriously and dealt with appropriately.
2. The UCJC Executive Board, as established by The Book of Church Order and Discipline of the United Church of Jesus Christ (Apostolic), Revised 2010, shall cooperate in all reasonable manners with the State, should a charge (or multiple charges) be filed against a member of the clergy or a national leader.
3. For purposes of any civil action, care should be taken by the person bringing the grievance to comply with all relevant local, state and federal laws.

B. MINISTRY AND LEADERSHIP REVIEW BOARD

The UCJC Executive Board shall create the Ministry and Leadership Review Board (“MLRB”), which shall review, develop and recommend a policy for good ministry practices, including those pertaining specifically to unethical behavior and practices of UCJC clergy and national leaders. The MLRB shall serve as the initial point of action regarding any case of sexual misconduct by clergy or national leaders.

- 1) **Nature** The MLRB shall be a standing board, established by and serving at the pleasure of the Executive Board. The MLRB shall serve as an advisory arm of the Executive Board. The MLRB shall render an initial decision in charges of sexual misconduct and shall forward to the Executive Board a recommended action. All decisions by the Executive Board are considered final.
- 2) **Composition** The MLRB shall be composed of not less than seven (7) and not more than twelve (12) persons who are Pastors, Bishops, Elders and laity in good standing in the United Church of Jesus Christ (Apostolic), and shall include not less than 1/3 women. Additionally, with all reasonable diligence, the MLRB should ensure that its composition includes one person holding a Juris Doctorate, who is also part of the United Church of Jesus Christ (Apostolic).
- 3) **Criteria** To serve as a member of the MLRB, one must be in good standing at the local church (or Organization), be a tither, be recommended by his/her Pastor and Diocesan Bishop, be a member of his/her recommending church for at least 1 year, and be not less than 22 years of age. Anyone with an offense of sexual misconduct is automatically disqualified from serving on the MLRB.
- 4) **Term** Service on the MLRB shall be for a term of three (3) years, which may be renewed subject to the review of the UCJC Executive Board.
- 5) **Grievance Process** Any person who believes he/she has a basis for filing a grievance shall promptly notify in writing a member of the MLRB of his/her grievance. Information provided by the complainant to the MLRB shall, whenever reasonably practicable, include at a minimum the following information:
 - a. The name of the Complainant;
 - b. The name of the Accused;
 - c. A description of the aggrieved behavior;
 - d. Date (s), location (s) of the violative behavior.
- 6) **Appeals** In cases when an individual who filed a grievance or the accused believe the MLRB has rendered an unacceptable decision, the individual can appeal for just cause. Within seven (7) days of receiving the decision from the MLRB, the individual shall submit in writing an explanation stating why he/she is appealing. After receiving an appeal request, the MLRB may choose to forward the appeal to the EPAC for further review. The MLRB will forward its final recommendation from an appeal to the Executive Board whose decision is final. The individual will be informed of the Executive Board's final decision by the MLRB within ten (10) days.

C. ETHICAL PRACTICES APPEALS COMMITTEE

The MLRB shall from its members, form the Ethical Practices Appeals Committee ("EPAC" or "Committee"). The purpose of the Committee is to review all acts, complaints or accusations of clergy and/or national leaders' sexual misconduct.

- 1) **Nature** EPAC shall serve as a committee of the MLRB and shall receive from the MLRB all grievances for initial review and any appeals from decisions rendered by the MLRB. Additionally, any grievance reviews that do not involve a Bishop shall be initiated by the EPAC. If the grievance is against a Bishop, the complaint shall immediately be transferred to the MLRB for review.
- 2) **Process** The person bringing the grievance may bring a witness to any meeting at any point in the process. If requested, a trained support person (lay or clergy) shall be made available to this person early in the process who may serve as advocate, interpreter of the process, and/or pastoral presence. A grievance may be brought by another person who has verifiable knowledge and who may be willing to pursue a resolution.
- 3) **Procedure** The Committee shall promptly:
 - a. Confirm with the MLRB verbally and/or in writing any grievance not more than twenty-four (24) hours of the Committee's receipt of the same;
 - b. Explain to the person bringing the grievance the procedures to be followed in response to the grievance;
 - c. Verify and clarify the grievance and the procedures with the person bringing the grievance. It is advisable that both men and women be in attendance;
 - d. Request that the Executive Board assign two (2) persons from the Committee to go to the person against whom the grievance is made to do the following:
 - i. Inform him/her about the existence of a grievance;
 - ii. Explain the process to be followed, emphasizing the presumption of innocence and the right to due process;
 - iii. Share the grievance and receive his/her written response. (Written response should be received within seven (7) days);
 - iv. Instruct him/her that any retaliation toward the person bringing the grievance will not be tolerated;
 - v. Inform him/her that the review process is to be kept confidential and he/she is not to discuss the review, except as required by law.
 - e. Make available a summary of the accused clergy's or national leader's response to the person bringing the grievance for comment within (7) days after receipt;
 - f. Ascertain whether or not sufficient cause exists for pursuing the accusation further;
 - g. Request, and if necessary assist, the person bringing the grievance in writing a formal complaint;
 - h. Alert the accused of the fact that a written complaint has been received and that a disciplinary procedure for handling it will be followed. The clergy person will be apprised of his/her rights and options, including the surrendering of credentials.

D. DETERMINATION OF SUFFICIENT CAUSE

If, in the above process the Committee determines that there is not sufficient cause for a grievance of sexual misconduct, an investigative record shall be provided to and be kept by the Executive Board. If the involved clergy/national leader so chooses, an appropriate statement to any church-related group may be issued indicating the lack of sufficient finding.

In the event there is substantial evidence, but no written complaint from the person bringing the grievance, the Executive Board may determine whether to move forward with a complaint, after first meeting with the accused clergy/national leader.

E. WHEN SUFFICIENT CAUSE IS DETERMINED

If sufficient cause is determined to exist by the Committee, such notice shall be provided in writing by the MLRB and/or the Executive Board to the clergy/national leader. If the alleged sexual misconduct is substantiated, the clergy/national leader shall be removed immediately from his/her appointment and a written notice shall be promptly sent to the clergy/national leader advising him/her of such action.

F. FOLLOW-UP CARE

The Committee shall recommend, in each situation where a grievance is substantiated, the following:

1. The appropriate response to the offending clergy/national leader to minister to him/her.
2. The appropriate response to the victim to minister to him/her.
3. The appropriate response to the congregation to serve and keep the continuity of fellowship at the local church.

G. RECORDS

Written records shall be kept at the National Office from the beginning to the conclusion of the review and proceedings. Full information of proven misconduct and subsequent action by the Executive Board shall be kept in the clergy's or national leader's permanent record.

H. TRAINING

The UCJC shall provide regular training for its Bishops, Pastors, Ministers and national leaders on the Policy, and review and revise the same as necessary.

The UCJC shall require that all ordained ministers and national leaders submit a signed and dated certification that they have read and understand the Policy. (see Form A attached)

I. LOCAL CHURCHES

A Church affiliated with UCJC should adopt a policy for its church to ensure good practices.

A Church affiliated with UCJC should develop a process to inform the members of the congregation of the Policy adopted by UCJC.

J. OTHER REFERENCES

The Book of Church Order and Discipline of the United Church of Jesus Christ (Apostolic), Revised 2010.

A. "Order and Discipline of the Congregation," pages 41-42

1. "Offenses," pages 42-43

a. "Private Offenses," pages 43-44

b. "Public Offenses." pages 45-48

B. "Adjudication of Ministerial Misconduct," pages 114-115

ADOPTED BY THE UNITED CHURCH OF JESUS CHRIST (APOSTOLIC) on this _____ day of _____ 2012.

SIGNED: _____

WITNESSED: _____

Revised: 4/30/12

Form A

CERTIFICATION

I have read and understand the accompanying *UCJC Policy on Clergy Sexual Misconduct* as adopted by the Executive Board of Bishops of the United Church of Jesus Christ – Apostolic.

Signature/Date: _____