

United Centers for Spiritual Living

Policy on Sexual Conduct

Appropriate Relationship Boundaries in Spiritual Leadership

January, 2007

I. Purpose

This policy addresses the issue of sexual misconduct including, but not limited to, sexual abuse, harassment and/or exploitation by United Centers for Spiritual Living (UCSL) ministers, practitioners and spiritual leaders

II. Background

As UCSL ministers, practitioners and spiritual leaders, we minister to the people we serve. We teach. We pray with. We comfort. We nurture. We listen. We inspire. We witness transformation. We travel with people through the peaks and valleys of life. Emotional and spiritual intimacy is an important part of our experience as we serve others.

Because we share so much with people, there may be times when we feel drawn to share physical intimacy. Physical intimacy is not something most people seek from their minister, spiritual leader, or practitioner and is not part of the role of minister or practitioner. Physical intimacy, sexual contact, or sexualized behavior is characteristic of a sexually intimate relationship, not a professional relationship; it is not appropriate to a ministerial or practitioner relationship. Furthermore, even if the possibility of physical involvement is initiated by the congregant, it is the minister's or practitioner's responsibility to maintain the boundaries of the spiritual relationship.

When sexual misconduct occurs, there are consequences for the individuals involved and for the spiritual community. For the non-clergy person there is often a loss of faith and trust in clergy, in the church and in God. Leaving the church or all churches may seem the only viable choice. Depression and anger are common. People in this circumstance often describe their experience as "devastating."

When sexual misconduct has occurred, the church is affected. People take sides on what may have happened, who is to blame and what should be done. There is conflict. Participation in every aspect of the church may diminish. Healing takes a long time, even when it is skillfully and intentionally guided.

For the minister or practitioner who has engaged in sexual misconduct, there may be feelings of guilt, shame, anxiety and loss of self-esteem. If the findings of the Panel Review Team are that sexual misconduct did occur, there is the possibility that the

minister or practitioner may be placed on a Required Plan of Action or on suspension. Consequences might include not being able to serve in a UCSL ministry and facing the possibility of suspension of the license with UCSL.

III. Underlying Considerations

A. United Centers for Spiritual Living is called to respond in ways different from the private sector. UCSL has an intention to respond to the spiritual needs of everyone involved: the one who accuses and the one against whom accusations are made, as well as the congregation.

B. Every allegation of sexual misconduct deserves consideration and a prompt, appropriate response.

C. Ministers, practitioners and spiritual leaders can sometimes be wrongfully accused of sexual misconduct. Therefore, procedures for handling complaints need to provide due process.

D. Sexual predators will not be excused or exonerated in UCSL.

E. A uniform procedure for handling allegations of sexual misconduct provides a sense of justice and impartiality.

IV. Definitions

A. Sexual Misconduct

1. The term “sexual misconduct” embraces three distinct concepts, and means any 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.

2. Sexual harassment in a situation where there is an employment, mentor or colleague relationship between the persons involved, including but not limited to, sexually oriented humor or language; questions or comments about sexual behavior or preference unrelated to employment qualifications; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated requests for social engagements.

3. Sexual exploitation, including but not limited to, rape or assault, the development of or the attempt to develop a sexual relationship between a cleric, employee or volunteer and a person with whom he/she has a pastoral relationship, whether or not there is apparent consent from the individual.

The term “sexual harassment” includes, but is not limited to, acts which constitute a violation of the sexual harassment provisions of Title VII of the Federal Civil Rights Act of 1964. Under Title VII the courts recognize two types of sexual harassment:

(1) “Quid pro quo” harassment refers to sexual harassment (requests for sexual favors, sexual remarks about an individual’s body or clothing, sexual stereotyping, unwelcome or offensive sexual comments, and other conduct of a sexual nature) by a supervisor or other person in authority which operates – either through submission or rejection by the victim – as the basis for any employment decision affecting the victim. Examples of “quid pro quo” harassment are hiring, granting or denying a promotion, demotion, transfer, training, salary increase, discharge, or work assignments on the basis of the victim’s response to unwelcome acts of sexual harassment.

(2) “Hostile work environment” harassment is any conduct that creates a hostile work environment even though the victim has not suffered a tangible employment injury as, for example, denial of raises or promotion or termination. To state a legal claim for “hostile work environment” harassment, the sexual harassment must be sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment. [NOTE: Under federal law, “sexual harassment” also includes any reprisal or retaliation against anyone by any co-workers or supervisors because that person, in good faith, reports a violation or suspected violation of sexual misconduct, whether or not the reported violation is substantiated by an investigation.]

B. Pastoral Relationship: A relationship between any person to whom a minister, practitioner or spiritual leader provides counseling, prayer, pastoral care, spiritual direction or spiritual guidance, including support received from Sunday services and/or classes.

C. Romantic Relationship: Dating and a desire for personal intimacy with another person.

D. Minor: Anyone who has not attained eighteen [18] years of age or as defined by local law.

E. Professional Counseling: Counseling by an accredited professional in the area of psychiatry, psychology, social work, or family therapy which does not include any elements of spiritual direction or guidance.

VI. Explanation and Illustrative Examples of Sexual Misconduct

Without limiting or affecting the foregoing definition of sexual misconduct, the following additional guidelines are provided to clarify and explain types of conduct that are included within the definition.

A. Sexual misconduct occurs whenever a minister, practitioner or spiritual leader uses his or her position of authority, intentionally or unintentionally, for the purpose of securing sexual gratification or engages in sexual abuse, harassment or exploitation.

B. Sexual misconduct can be both consensual and non-consensual. By ethical analysis, meaningful consent requires equality. There is an imbalance of power arising out of role

differences between a minister, practitioner or spiritual leader and those whom he/she serves or supervises. In the absence of equality there cannot be meaningful consent.

C. Any unsolicited, unwelcome, non-reciprocal sexual overtures or conduct, either physical or verbal, by a minister, practitioner or spiritual leader towards a co-worker or a member of his or her staff or congregation constitutes non-consensual sexual misconduct. It includes, but is not limited to, acts, which constitute a crime under state law. It may include sexually oriented humor or language, questions or comments about one's sexual behavior or preference, unwelcome or undesired physical contact, inappropriate comments about one's clothing or body, or repeated requests for dates or social engagements.

D. Child sexual abuse and molestation includes physical and psychological harm to minor or any person who is incompetent or who has a diminished mental capacity that is at the level of a child. It includes, but is not limited to, any act against a minor or incompetent person that constitutes a crime under applicable state law and shall be reported to proper authorities.

E. Examples of behavior that is or may become sexual harassment [which should not be interpreted as being all-inclusive] include:

1. Verbal sexual innuendo, suggestive comments, insults, degrading humor and jokes about sex or gender specific traits, threats.
2. Non-verbal suggestive or insulting sounds; leering; whistling; obscene gestures; display of objectionable posters, cartoons, pictures and/or magazines.
3. Physical pinching; brushing the body; coerced sexual relations; assault.

VII. Beyond the Pastoral Relationship

Note: This is about helping ministers and practitioners be responsible in relationships, with provisions that protect them, the church, UCSL and individuals involved. The rule is that no minister, practitioner or spiritual leader shall have a romantic relationship with any person with whom s/he has a pastoral relationship. However, in circumstances in which romantic relationships develop, these are the procedures to follow:

1. A relationship between a minister, practitioner or spiritual leader and a person with whom she/he has a pastoral relationship at the same time carries with it the risk of coercion, misuse of power, and consequently, sexual exploitation. As such, no minister, practitioner or spiritual leader shall have a romantic relationship with any person with whom he or she has any ongoing pastoral relationship.

Whenever a minister, practitioner or spiritual leader recognizes that a romantic relationship is developing in the course of a pastoral relationship, then he/she will immediately terminate the pastoral relationship, while ensuring that the other person has been referred to another source for pastoral support. The minister, practitioner or spiritual leader is also advised to keep the Community Spiritual Leader, and/or the Professional Standards Committee Chair and/or the Chair's designee apprised of the existence of the romantic relationship and be willing to openly discuss with the Chair and the Community Spiritual Leader and/or the designee, the issues and dangers inherent in that type of relationship. Even when the pastoral relationship is terminated, if both parties agree to engage in a romantic relationship, it is recommended that both sign a consent form giving clear personal consent agreement to this relationship.

2. No minister, practitioner or spiritual leader shall pursue or encourage romantic involvement with any person with whom he or she has had a prior pastoral relationship unless both parties meet with a qualified professional therapist, outside their regular areas of ministry and/or work involvement.

VIII. REVIEW PROCEDURES

A. Decision to review

The decision to initiate a review of a minister, practitioner or spiritual leader accused of sexual misconduct shall be made by the Ecclesiastical Representative after consultation with the Chair of the Professional Standards Committee and the Manager of GEMS. The policies and procedures outlined here are guidelines. A decision to review may be made or not made based on all of the facts and circumstances known to the appropriate UCSL officials.

B. Preliminary Review

The ER shall make a request to the Professional Standards Committee that there be a preliminary review. In the preliminary review, the Professional Standards Committee shall determine the exact nature of the allegation and request the reviewee complete a written statement in response to the allegation.

In a preliminary review, the Professional Standards Committee, after hearing from the complaining party and the party against whom the complaint is brought, and after consulting with the ER and the ECC, has the authority to propose a resolution of the complaint to the parties involved. If the parties are agreeable to the resolution, and if the Professional Standards Committee concludes that the minister, practitioner or spiritual leader shall be cleared, then the preliminary review will be concluded except for "notice of disposition" and "handling records and information" as required by, and outlined herein. If, however, the Professional Standards Committee feels that a Required Plan of Action, license revocation or suspension might be warranted, then the Professional

Standards Committee will initiate the Panel Review process. The Professional Standards Committee will make a determination at this time whether or not the minister can remain in their ministry during the Review Process.

C. Receipt of complaint

1. Complaints of sexual misconduct involving an adult must be received from the complainant, preferable in writing. In the event that the complainant(s) chooses not to submit a written allegation, the Professional Standards Committee may still decide to initiate a review if in their judgment a Panel Review is warranted.
2. In addition to being reviewed according to the procedures outlined here, complaints alleging sexual contact between a minister or practitioner and a child will be reported to state child protection agencies as required by law.
3. Time sensitive: Any complaint of misconduct within the past five [5] years will be considered a current complaint. A complaint more than five [5] years old will be considered a lapsed complaint. Depending on the nature of a lapsed complaint, the Professional Standards Committee may decide to initiate a Panel Review. Complaints of sexual contact between a minister, practitioner or spiritual leader and a minor will be considered current no matter how long ago the alleged behavior occurred.

D. No promise of confidentiality

United Centers for Spiritual Living makes no promise of confidentiality with respect to communications of complaints or other allegations of any form of sexual misconduct. UCSL reserves the right to disclose information for the protection of others, to ensure the adequacy of the review by UCSL and the ability of UCSL to take appropriate action consistent with this policy. Nevertheless, UCSL shall intend to limit disclosure to those individuals, who have a need to know, including the Chair of the CORE Council, the UCSL Management Team, the UCAP Director, the Professional Standards Committee, Manager of GEMS, and persons referred to in this document, among others, and shall proceed with due sensitivity to the protection of the legitimate privacy interests of the persons affected by the allegations.

A complainant may demand confidentiality. In that case the person receiving the complaint should advise the complainant that in most cases the request denies UCSL the ability to take any action to discipline the accused or prevent a recurrence. The Community Spiritual Leader and the Chair of the CORE Council shall be advised of the situation.

E. Commencement of review

The Professional Standards Committee will begin the preliminary review as soon as possible, but not later than twenty-one [21] days after receiving the complaint, unless documented circumstances exist for delaying the commencement of the preliminary review.

F. Paid leave of absence without prejudice

Within three days after determining that a complaint merits a Panel Review and prior to the commencement of the review, the Professional Standards Committee will recommend to the spiritual community that the accused leader be placed on a leave of absence with pay and without prejudice of ministerial standing pending the outcome of the review. This recommendation to the community for a leave of absence without prejudice occurs as a matter of policy.

G. Non-interference and cooperation with civil agencies

If the alleged misconduct must be reported to any civil agency for investigation (as in the case of rape or child abuse) the Professional Standards Chair and/or the Panel Review Team will contact the Manager of GEMS and conduct the respective review(s) in a manner that does not interfere with a civil or criminal investigation carried out by local authorities.

H. Review Procedures

Allegations of sexual misconduct will be reviewed under the provisions of the UCSL policies and procedures.

I. Unsubstantiated allegations

If the Professional Standards Committee finds that the allegation of sexual misconduct cannot be substantiated and does not warrant a Panel Review, they will provide the written decision to the Manager of GEMS and share such written decision as widely as the original allegation.

J. Notice of disposition

When an outcome has been determined, the Professional Standards Committee will contact the complainant and inform him or her of the action taken. The complainant will also be advised that the accused may choose to appeal the decision.

K. Handling records and information

1. Substantiated complaints are handled as outlined in the Professional Standards Process

2. Unsubstantiated complaints and related recommendations, along with any statement submitted by the accused about the complaint, shall be kept and maintained indefinitely in the personnel file at the UCSL home office.

3. Nothing in the policy or in these procedures will be deemed to preclude disclosure of facts and circumstances surrounding any complaint or allegation to any insurer, attorneys or other individuals whose assistance is sought in connection with any further action pursued within the legal system or any other action outside of UCSL