

The Methodist Church of New Zealand
Te Hahi Weteriana O Aotearoa

Administration Division

P O Box 931
CHRISTCHURCH
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**PROCEDURES FOR
DEALING WITH**

SEXUAL HARASSMENT / ABUSE

IN THE METHODIST CHURCH

DEALING WITH SEXUAL HARASSMENT/ABUSE

IN THE METHODIST CHURCH

INTRODUCTION

"Both the Human Rights Act 1993 and the Employment Relations Act 2000 make sexual harassment a form of unlawful discrimination.....So it is important that employers know and understand their statutory obligations. However, they also need to recognize how important it is to have in place policies and procedures aimed at preventing sexual harassment."¹ These Acts may or may not be applicable in any particular case. The Church has agreed however to adhere to the spirit of these Acts as they relate to sexual harassment whether or not they are strictly applicable in relation to any complaint dealt with under these procedures.

The Gospel, however, requires the Church to do more than accord with the letter of the law. It calls us as Christians to love one another as Christ loves us. Such love seeks to protect the vulnerable and redress wrongs. Sexual harassment/abuse is a misuse of power and crossing of boundaries - physical, emotional and spiritual - in relationships of unequal position. Thus it is appropriate for the church to adopt a zero-tolerance policy prohibiting any sexual behaviour between a minister² and a person for whom they have pastoral responsibility, just as the medical profession does with doctor-patient relations.³

WHY ARE THESE PROCEDURES NECESSARY?

"As much history indicates, the issue is not a new one, and of course, inappropriate professional behaviour is not confined to the clergy. There are, however, certain unique aspects of the relationship between the minister/priest and the parishioner, which can heighten the ambiguity of the relationship, and the vulnerability of those involved. The minister is in a psychologically powerful position, as an agent of the church, but the constraints and structures governing the relationship are in some respects less clearcut than for other professions. Counselling in a church context may also have a special impact on spouses or families, especially where the church community is closeknit or the marriages of those involved in counselling are fragile.

"Unlike affairs between consenting adults who are not in a professional relationship, intimate sexual activity between church leaders

¹ Dealing with Sexual Harassment. A Guide for Employers. 2001 p3

² 'Minister' to include Presbyter, Deacon, Minita-a-iwi, or lay person in leadership role in the church.

³ The partners, or prospective partners, of ministers should be the pastoral responsibility of another minister.

and members of their flock is almost by definition exploitative." ⁴

"A pastoral relationship which becomes sexualised is a misuse of power. The minister is in a powerful position, while the parishioner is in a situation of weakness and often helplessness. At this point only the minister is able to withdraw from the situation and take responsibility. If he or she does not and the relationship becomes a sexual one, then both minister and parishioner are damaged by the contact, although this may not immediately be apparent.

"Victims of such abuse experience an enormous betrayal of trust. They have come seeking help, sometimes because they have been abused in another situation, to find themselves abused and victimised once again by the very person whom they believed they could trust. Often further victimisation occurred when they attempted to vocalise their pain, they were often disbelieved and told that the 'wonderful, caring, gentle and loving minister could never do a thing like that'." ⁵

The following procedures have been developed using the wisdom of many people experienced in the field of sexual harassment/abuse both within and outside the churches. They received a favourable response from Synods and the Human Rights Commission. These procedures outline possible options for self-help or informal intervention. Once a Complainant deems their concern is serious enough to warrant formal disciplinary action it is dealt with in the Church's Disciplinary Procedures.

PROCEDURES

GOALS OF THE PROCEDURES

To ensure the procedures provide the victims of sexual harassment/abuse with a just resolution of their complaint.

To confront perpetrators with the consequences of their behaviour.

To work for healing both for the victims and the perpetrators of the harassment/abuse.

To make the Church a safer place for the potential victims of inappropriate sexual behaviour.

To educate all Church members about sexual harassment/abuse, so that present cases may be dealt with, and future damaging behaviour avoided.

⁴ Andrew Hornblow MA, Dip Clin Psych PhD FNZPs in a letter to the Methodist Women's Fellowship.

⁵ Report to the Presbyterian Assembly 1993

WHAT IS SEXUAL HARASSMENT/ABUSE?

It is behaviour of a sexual nature

It is unwanted by the recipient

It may be one act of gross behaviour (eg rape) or persistent behaviour at a lower level over a period of time (eg repeated sexually offensive remarks).

Most often the offender has "power over" the victim (eg teacher/pupil, clergy/parishioner).

WHO WILL BE INVOLVED IN THE PROCEDURES?

Complainant:

Someone who is in receipt of behaviour of a sexual nature which is unwanted by them

A Complainant will choose, probably with the help of a Contact Person, how they will resolve their situation.

A Complainant can approach

Respondent Human Rights Commission

Contact Person Police

Complaints Officer Solicitor

General Secretary

Respondent:

Someone who exhibits sexual behaviour which is inappropriate for the receiver and usually is in a position of power over the Complainant. That power may be physical, mental, social and/or spiritual. A Respondent may be approached by a Complainant, Contact Person, or a Complaints Officer, stating the situation, offering an investigation and an opportunity to resolve it.

The Church will provide a trained supporter for the Respondent throughout the process.

Contact Persons:

People appropriate to the locality and culture, selected and trained by the Church, who are able to listen to, inform and support Complainants as they decide if the complaint is one of sexual harassment/abuse. Contact Persons do not offer advice as to the validity or otherwise of a complaint but assist a Complainant to decide their own appropriate course of action.

Contact Persons may also support Respondents but not at the same time as working with a Complainant.

The Contact Person notifies a Complaints Officer of all complaints made to them in which the Respondent is identified. Once a Respondent is identified, church processes require their name to be recorded.

The names of Contact Persons will be readily available in every part of the church.

The Contact Person who is approached about a complaint either will continue to support that Complainant through the process of the complaint, or will arrange for another Contact Person to do so. The Contact Person's work with a Complainant or Respondent will be supervised by a Complaints Officer.

HOW WILL THE PROCEDURES OPERATE?

Options for Resolution:

Option N [no action]:

A person with a complaint approaches a Contract Person, but after discussion decides either to take no action, or to take their complaint through non-Church processes. If the Respondent is named, or otherwise reasonably identified, a brief report will be made to a Complaints Officer but no action will be taken. In such a case the Respondent will not be notified of the approach unless the Complainant agrees to this.

Option S [self help]:

A Complainant resolves the situation with a Respondent without assistance, or with support from a Contact Person. If the Respondent is named, or otherwise reasonably identified, a brief report will be made to a Complaints Officer but no action will be taken. In such a case the Respondent will not be notified of the approach unless the Complainant agrees to this.

Option G [go-between]:

The Complainant requires assistance from a “go-between” (a lay person with sexual harassment/abuse expertise, but not a Contact Person) to address the problem with the Respondent. If the Respondent agrees, the meeting with the go-between is to take place in the Complainant’s locality and not more than four weeks after the Complainant decides on this action. This case may be resolved or may continue to Option C. (Below)

Counselling/therapy is available at this level for the Respondent and offered to the Complainant by the Church. A brief report of the complaint and its resolution will be notified to a Complaints Officer within one week of a complaint resolution.

Option C [formal complaint]:

The Complainant feels unable to face the Respondent with the situation at this stage so will make a written formal complaint to the General Secretary, or to the President if the General Secretary is for any reason inappropriate.

The process as set out in the Disciplinary Procedures of the Methodist Church of New Zealand will then be followed.

The Complainant will be entitled to the support of a Contact Person during this process.

COUNSELLING/THERAPY COSTS:

These costs will not be paid by the Church unless a complaint has been made and the appropriate procedures followed:

Agreed counselling/therapy fees for a Complainant will be paid by the Church which may seek reimbursement from the Respondent concerned.

- A Respondent's counselling/therapy costs will be met by the Respondent.
- For fees being met by the Church the level of fees and the duration of professional assistance must be negotiated with the General Secretary before commencement.

REIMBURSEMENT OF COMPLAINANT EXPENSES:

Reimbursement may be made of reasonable incidental expenses incurred by Complainants *as a direct result* of making a complaint through the Methodist Church Sexual Harassment/Abuse Procedures.

Conference 1993 gave general agreement to the procedures and agreed to their implementation. Conference 1994 ratified the Procedures with specified alterations and additions:

The Procedures have been updated by Conference 2002 and amended to be complementary to the Church's Discipline Procedures.

APPENDIX 1

ETHICAL STANDARDS FOR MINISTRY

Preamble

These Ethical Standards for Ministry for Te Hahi Weteriana o Aotearoa, the Methodist Church of New Zealand, set out the Church's position on standards of conduct for people, clergy and lay, who undertake ministry in the name of the Church. The discipline of the Church always relates to presbyters, and deacons. In this case it also relates to others representing the Church.

This document is a declaration of commitment rather than of intent. It is by the grace of God that we are called to serve as presbyters, deacons and paid lay workers, and by the grace of God through the power of the Holy Spirit that we are sustained and called to uphold these standards.

Responsibilities to those to whom we offer pastoral care:

1. I will deal truthfully with people, encouraging free and open discussion, respecting their integrity, rights and well-being.
2. I will respect the right of people to privacy and confidentiality of information obtained during pastoral ministry, except when there is a clear danger to the personal safety of themselves or others. Those in my care will be informed about these limits.
3. I will recognise the dignity and worth of every person and seek to avoid discrimination on the basis of race, colour, gender, sexual orientation, socio-economic group, disability, age, religious, theological or political belief.
4. I will not abuse my position by taking advantage of people for purposes of personal, political, financial or institutional gain.
5. I will not subject people to sexual exploitation or sexual harassment and abuse. Sexual intimacy in the pastoral relationship is inevitably exploitative and is therefore unacceptable.
6. I recognise that there are limits of my competence. I will not attempt formal counselling until appropriately trained. I will refer people on to others when this is necessary or desirable.

Responsibilities to the Church:

1. I will uphold professional standards of practice in ministry and work for their advancement.
2. I will exercise stewardship in the time I give to the ministry of the Church, guarding against both over-commitment and avoidance of responsibility.

Responsibilities to Colleagues within the Church and outside the Methodist Connexion:

1. I will promote co-operation and mutuality with Church colleagues and with members of other helping professions, treating them with respect, courtesy, fairness and good faith. I will respect professional confidences.
2. I will affirm the abilities, expertise and gifts of colleagues in ministry and value their positive contributions, while respecting their time constraints and commitments.
3. I will seek mediation and reconciliation through Connexional procedures when conflicts arise with colleagues or others within the church community.
4. I will take action through the proper channels to confront incompetent and unethical conduct by colleagues.

Responsibilities to the Wider Community

1. I will act to prevent and eliminate discrimination in the wider community against individuals and groups on the basis of race, colour, gender, sexual orientation, socio-economic group, age, disability, religious or theological or political belief.
2. I will encourage, as part of the pastoral task, participation in the shaping of social policies advocating the promotion of social justice, improved social conditions and a fair sharing of the community's resources. While respecting the law, I will act to change unjust laws.

Responsibilities to Ourselves:

1. I will recognise there are limits that one person can do in ministry, and seek appropriate self-care for my health and well-being, and that of my family.
2. I will use regular approved professional supervision to maintain accountability and a high standard of ministry.
3. I will use regular opportunities for spiritual growth.
4. I recognise that my knowledge and areas of competence continually need to be extended and enhanced and will regularly attend to this.
5. I recognise and will act on my need for personal recreation, refreshment and renewal.

(These Standards to be discussed and signed at each Induction, Commissioning, and Review.)

APPENDIX 2

Behaviour comprising Sexual Harassment/Abuse include:

- personally sexually offensive verbal comments
- sexual or smutty jokes
- persistent, unwelcome social invitations or telephone calls
- physical contact i.e. patting, pinching, touching, kissing or putting an arm around another person's body
- jeering, looking, ogling
- space invading
- provocative posters, magazines, with a sexual connotation
- playing pornographic videos to those who do not wish to see them
- indecent exposure
- offering benefits in return for sex
- letters, messages, memos
- obscene phone calls
- rubbing one's body against another
- sexual assault and rape

These are not a hierarchy but a continuum of behaviour. In general low-level actions are those at the beginning of the list, and high-level actions those at the end, though they may be in any combination.

Sexual harassment/abuse almost always is perpetrated by men against women, but may be perpetrated by men against other men and by women.

Inappropriate sexual behaviour can happen to people regardless of their age, physical attractiveness, ethnicity, disability, or position.

The person in receipt of the behaviour is the one who will decide if the behaviour is offensive, if it is high or low-level, and what process they will use to seek resolution.

SEXUAL HARASSMENT/ABUSE IS NOT:

a relationship of mutual consent
a hug between friends
mutual flirtation

FURTHER READING

Colbert, Audrey

Dealing with Sexual Harassment

ANZ Handbook, GP Books, 1989

Fortune, Marie M

Is Nothing Sacred?

When Sex invades the Pastoral Relationship.

Harper & Row, 1989

Dealing with Sexual Harassment A guide for employers

Human Rights Commission, 3rd edition, 2001

Rutter, Peter

Sex in the Forbidden Zone

available from Libraries or Epworth Bookshop

Sexual Harassment 'An Issue for the Church'

Some resources and guidelines for Anglicans

available from Women's Resource Centre, Private Bag 11903 Ellerslie, Auckland

Special Committee on Clergy & Sexual Responsibility Report

to Presbyterian Assembly, 1993.

The Interchurch Network for the Prevention of Abuse

Keeping Trust An Educational Video on Sexual Abuse within the Church

available from P O Box 56 462 Auckland 3