

Is There a New Crisis in the Church? - Lay Sexual Misconduct

In the last several years we on the Clergy Sexual Misconduct Response Team in the Central Pennsylvania Conference have been asked to help churches deal with cases of sexual misconduct among the laity of our conference. In fact, we are responding to at least as many cases of lay sexual misconduct as we are clergy sexual misconduct.

The very first decision that needed to be made was, “are we going to respond at all, since we are trained to respond to clergy misconduct.” If you serve on a response team you know how difficult it is to say, no we won’t help when a congregation is wounded, angry, divided, etc. Our team policy is to respond to lay misconduct as long as the team doesn’t have a case of clergy misconduct taking our time and energy.

This phenomenon presented itself to us when a clergy member of our response team needed to respond to allegations against a lay man in his congregation. When this pastor called me I responded with, “Ask your District Superintendent if we are permitted to respond.” The district superintendent gave us permission to help in any way we could. Out of that experience came a document titled ‘*When a Lay Person Is Charged with Sexual Misconduct*’¹ written by the same pastor who had to deal with the allegations in his church.

What we learned dealing with lay misconduct is that the issues are much the same as with clergy misconduct. The church is wounded, the congregation is divided, people don’t agree on how the crisis should be dealt with, they want to place blame, and though they don’t say it, they really just want it to go away and not deal with the issue. It’s the “It’s over let’s just move on” syndrome.

The one thing that is different in lay misconduct is the very visible target for anger, blame, and other feelings that murmur among a congregation. That target is the pastor because he/she remains in the church where in a clergy misconduct case the pastor is removed. The response team needs to be very aware that the pastor will need extensive help and contact with a team support person. The team member working as the support person for the pastor will spend a lot of time just listening to the pastor since they will be removed from the internal workings of the congregation. In a better world the SPRC Chairperson would serve as this support person but many times they are as entangled with the misconduct issue as anyone in the congregation. It is difficult to get the SPRC to deal with the issue in any constructive way even with a very determined and definitive response and focus from the response team.

As we here in Central Pennsylvania have learned with clergy sexual misconduct there is always more to learn, more ways to intervene, and more policies/procedures to write. That’s where we are now, we have the policy in place and we know it works; now we need to add the things that will help facilitate using the policy. For instance every church that has a lay offender in its midst should have an *Offender/Congregation Covenant*. Using an article written by Peggy Halsey² as a guideline, the covenant should include the following conditions. In her article Ms. Halsey makes the following statement: “*This document is intended to be a helpful, theologically based tool for congregations that face the challenge of how to show Christian hospitality to perpetrators of sexual abuse. It is not intended to and does not set the standard of care for*

¹ See attached document

² When the Abuser is One of Us

how churches should or should not respond, nor does it provide legal advice. The services of a competent legal advisor always should be sought in connection with these issues. It also does not presume a secular legal duty owed by a church to any persons, nor should it be used to show, establish or prove any duty or standard of care.”

Ms. Halsey continues in her article, “A convicted sex offender who wishes to be part of a church community should have conditions placed on his or her participation. A carefully constructed and openly negotiated covenant between the offender and the church community reduces the risk of abuse and allows the congregation to minister to everyone. The covenant should be written and signed by the offender, the pastor(s) and the chairperson of the church council (or other administrative body of the church). Whenever there is a change of church leadership, the covenant should be formally renewed with new signatures.

The covenant should begin with a clear statement of the role of the church as ‘sanctuary’ with appropriate biblical references. The church should identify no fewer than two adult ‘covenant partners’ from the congregation, at least one of whom is the same gender as the offender. There should be a clear statement to the perpetrator that “abusive behavior is a choice and we care enough about you to hold you accountable for it.” The covenant should also stipulate that the offender:

Prepare and deliver written acknowledgements and apologies for the pain caused directly or indirectly by his or her actions - at least to the victims, their families, the offender’s family and members of the church. (**The apology should not include requests for forgiveness.**) If the victims consent, the apologies should become part of an open letter to the congregation, informing them of the offender’s presence and the conditions of his or her participation.

1. Comply fully with all restrictions and requirements placed upon him or her as a result of any legal actions, including participation in a professional counseling program that specifically addresses the abusive behaviors, for the entire time the offender participated in this church community
2. Not accept any leadership or representational position within or on behalf of this church.
3. Participate in worship in the sanctuary and in the adult church school class of his or her choice.
4. Enter and exit church facilities only via the most direct route from the parking lot to the main entrance, not passing through any other parts of the church buildings. Any other access will require prior authorization and accompaniment by a covenant partner.
5. Not use restroom facilities in the church buildings. Should an emergency arise, one of the covenant partners must accompany the offender.
6. May attend church-sponsored functions for families - but at no time leave the immediate proximity of the offender’s family or one of the covenant partners.
8. Avoid the church library, nursery, preschool, elementary, junior high or high school areas of the facilities, or any area where his or her presence may cause undue stress to others.
9. Meet with and report to the church council at least twice a year regarding his or her status of adhering to these guidelines.
10. Understand that if he or she decides to relocate membership to (or substantially attend) another congregation, the church council will seek to inform the leadership of that congregation of the conditions of these guidelines.

Before the covenant is finalized, the church’s legal counsel should be asked to review it. The offender should show the document to his or her parole officer, and have that person initial a file copy.

Any congregation entering into this type of covenant with a convicted sex offender must take it seriously. Monitoring the covenant is a permanent responsibility. After a few years, there may be a tendency to ease the level of vigilance, or to even let the covenant lapse. Everything that is known about the child sexual offenders suggests that such a move could put the community’s children at risk and leave the offender open to the possibility of false allegations.

Inevitably, some persons will view the conditions of the covenant as too severe and others as too lax, in that it allows the perpetrator to return to the congregation at all. A reminder of the church's primary responsibility to protect children and vulnerable adults should balance any uneasiness about the perceived harshness of the covenant."

A congregation should never refuse attendance at worship or other church functions but congregations should understand the liability it has and should desire to do all it can to be sure its church is a safe place for all people.

As we have worked across the denomination we have been blessed to work with some wonderful people who have a passion for justice in the church. In 2008 we worked with one of the Tennessee Conferences and they shared with us two (2) letters they developed to be sent to lay offenders.³ These letters can and should be adjusted for individual churches and their specific circumstances.

We, in Central Pennsylvania, have learned over the last nine years or so is that we are part of a denomination that strives to care for all people and we have been blessed with the sharing of information and lessons learned.

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Central Pennsylvania Conference
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03/25/2009*

³ See the attached letters [2]

When a Lay Person Is Charged with Sexual Misconduct

“Let the Healing Begin...”

Suggested Procedure to Follow

In the local congregation, there may be times when allegations/complaints of sexual misconduct are made between laity. At least one of these persons may be in a position of leadership or service in the congregation. Here is a suggested procedure for responding to these situations.

1. Receiving the allegation/complaint: Unless the congregation has a policy stating how to proceed, it will often be the pastor who will need to respond to the situation of alleged misconduct or inappropriate behavior.

Allegations may come to you verbally, in a note, or through a phone call. Always listen carefully. Express pastoral care, and take all allegations/complaints seriously. If the allegation/complaint is coming to you second hand, listen, but be sure to ask: **“Do you have direct, personal knowledge of this?”**

2. Initial Response to the allegation/complaint: As soon as possible meet with the person making the allegation.

It is recommended that the meeting take place at a neutral location, with another person present. It is preferable that this be the Chairperson of Staff-Parish Relations Committee. This person serves as a witness for your protection. He or she is also present for the support and comfort of the person making the allegation. Explain this to the person ahead of time so it is not a surprise. Later on, the Staff-Parish Relations Committee Chairperson can be the one designated to receive questions from the congregation. The Chairperson can have this role only if he / she clearly understands the requirements of confidentiality. She / he needs to also have the skill to respond appropriately to questions from the congregation that may be probing or even inappropriate. This will help the person who is dealing directly with the parties involved.

Listen carefully. Take the allegation seriously. Apologize to the person on behalf of the congregation that this happened. It may be evident that counseling and pastoral care will be needed. Offer ongoing support to help the person find these services.

In this initial meeting the focus needs to be on clarifying the facts of the allegation. Trauma, fear, anger, loss of trust and powerful memories will likely be present with the person making the allegation. Gently clarify the facts: **who, what, when, where, how**. Knowing what didn't happen can be as important as what did happen. Explain that you will be taking notes so you can keep the facts straight for yourself. Ask for the allegation in writing in the person's own words. If the person cannot or will not put the allegation in writing, then show them what you have written as the stated allegation and ask if it is accurate.

Ask the person what they want to see happen. Listen carefully to this. No promises of action should be made at this time. It is very important that the person knows you understand the allegation, and that you have heard the desire for specific action.

The Pastor may need to engage in some initial fact finding to make an initial determination if the allegation requires legal action, intervention from the police, or child protective services. There may be circumstances where you have a legal obligation to act, even if the person asks you not to do so. Share this information so the person is informed of your responsibility. Note: If the party involved is a minor, the pastor is mandated to report the alleged misconduct to either the police or the child welfare authorities. In these cases, it is not your responsibility to investigate the charges. That is the responsibility of the authorities. Your job is to report the alleged misconduct and to provide appropriate, caring follow up.

If an allegation involving a minor is made against an adult layperson, the person against whom the allegation is made must be removed from leadership, service or ministry until a process of fact finding and or investigation is completed.

Ask what initial support the person would find helpful. Offer information about available services. State what you will do as follow-up to this initial meeting.

3. Immediate next steps: After the initial meeting, call your District Superintendent and the Chairperson of the Central Pennsylvania Conference Intervention Team. Inform them about the allegation, listen to their advice, and keep them apprised of developments. If the public media learns of the alleged behavior, it is Central Pennsylvania Conference policy to have the Central Pennsylvania Conference Media Ministries personnel handle all media contacts and requests for information. The Central Pennsylvania Conference Media Ministries should be contacted as soon as possible in order to prepare a response to the media, even if there is no media coverage.

If the person making the allegation states that others may have observed the alleged behavior, then quickly contact these persons and make a fact-finding inquiry. In a very general and non-leading manner, ask these persons if they **personally observed anything between <NAME of the person making the allegation> and < NAME of the person against whom allegations have been made> that may have given them concern.** Listen carefully. Don't state or hint at any of the allegations. Keep your own written record of these conversations.

4. Ongoing Follow-up: For the sake of accuracy and protection of the facts, always keep your own detailed, written record of key conversations, statements, meetings, and phone calls. Include dates of these events. This will require a lot of time, but is absolutely necessary. If legal action is taken against the church, this record of what you did and how you did it may be your best defense.

Do not neglect your prayer life. Foster your own connection with God in this time. Actively receive support from a Spiritual Director, or prayer group. Do not betray confidences or privileged information, and guard each individual's privacy. Use initials in email communication and other written documents that may be seen by others.

5. Other Steps to take: If a person is removed from leadership or service in the life of the congregation, you may determine that a letter to the congregation is in order. The purpose of such a letter is to inform the congregation about what is happening, to protect the privacy of the individuals involved, and to assure the congregation that the situation is being addressed according to Central Pennsylvania Conference policy/guidelines. Some would argue that making no public statement is better, creating the illusion of normalcy. However, this illusion promotes a climate of secrecy which perpetuates misconduct.

A sample letter follows:

Date

Dear members and friends of _____ United Methodist Church:

Recently allegations of inappropriate behavior were made against a member of our church. The United Methodist Church and _____ United Methodist Church take all allegations of inappropriate behavior seriously. To that end, no conclusions about guilt or innocence have been made. But actions have been taken to provide safety for all involved. We strive to help all those who are affected by offering guidance and accountability.

Your pastor has been in conversation with our District Superintendent _____. We are responding to all parties with offers of prayer, care and support. It is our goal and the work of all God's people to restore everyone to wholeness, which includes healthy relationship and appropriate boundaries, and to the life of serving our Lord Jesus Christ.

As members of the Body of Christ, refrain from conjecture and expression of opinions based on hearsay or incomplete knowledge of the situation. In the church there is no room for rumors or behavior that would further wound rather than heal. And to that end, we ask that you pray for those involved and for our church family.

Over the next many weeks our Staff-Parish Committee will be deeply involved in helping pastor, Rev. _____, deal with the many phone calls and visits she/he will be making to help all persons who are affected by the situation. Please keep Pastor _____ in your prayers. We ask that you direct your concerns or questions about this matter to the Staff-Parish Chairperson.

Rest assured that our Bishop is praying for us.

In all things, let Jesus' name be praised and honored.

Sincerely,

Pastor of the Congregation

And / or

District Superintendent

Consultation with the District Superintendent will determine if the above letter should be issued under the pastor's name or by the District Superintendent. A letter such as this should be read on Sunday morning and mailed to all members of the congregation the next day.

6. Following Up: The pastor and the Staff-Parish Relations Committee will need to work together to help clarify the following concern: Determine what kind of care and counseling the congregation can offer to all the parties involved in these allegations. The Pastor, Staff-Parish Relations Committee, and a member of the Central Pennsylvania Conference Intervention Team, acting in an advisory role will determine if restoration is appropriate; and if so what the process of restoration might be.

If you, as the pastor, have taken a lead role in responding to the allegation you are now in a difficult, dual role. It is unlikely that the parties involved will be able to receive the needed pastoral care and counsel from you. Determine what other counseling resources are available. Who are other trusted and able pastors who can provide this service? It is appropriate for the congregation to help pay for professional counseling services. You will serve the congregation and the parties involved at this time if you communicate this information, and follow up with these offers of care as a supportive advocate. Explore with the Staff-Parish Relations Committee other avenues of support for all parties involved in the allegations through non-judgmental advocacy.

Just as the congregation needs to take allegations seriously, the congregation must give the concern of restoration equal attention. It is recommended that the Staff-Parish Relations Committee take the lead in defining a process of restoration for a layperson removed from service or leadership. The Staff-Parish Relations Committee will have a key role in keeping the person being restored accountable to this process.

The following is a sample procedure that outlines steps for restoration.

- 1) Engage and participate in counseling related to these allegations.
Date completed _____
- 2) State to the pastor and Chairperson of Staff-Parish Relations Committee what has been learned from the counseling. Have conversation(s) about these matters.
Date completed _____
- 3) Secure clearances as required by the Safe Sanctuary Policy.
Date completed _____
- 4) Participate in Boundaries training for laity offered by the Central Pennsylvania Conference.
Date completed _____
- 5) The Staff Parish Committee will do the following:
 - a. Secure and train mentors who will be present with <NAME> when he/she is involved with youth or children. This is to begin after the steps agreed to above have been taken.
 - b. The length of time the mentor will walk with <NAME> through this process will be determined by the Staff-Parish Relations Committee, based upon review. A mentor shall be present with <NAME>, and companion him/her in each setting of her/ his desired involvement ministry.
 - c. The mentor's role shall be to review and reflect with <NAME> upon situations that occur or could occur in the specific ministry and to discuss appropriate responses, boundaries, behaviors, and leadership choices -- all for the purpose of encouraging and strengthening <NAME>.
 - d. The mentor will share feed back with the Staff-Parish Relations Committee pertaining to what <NAME> is learning, his/her abilities to demonstrate appropriate boundaries, and compliance with Safe Sanctuary practices.
 - e. <NAME> will have access to the Staff-Parish Relations Committee to communicate in person or in writing any concern or need that may unfold in the process.
 - f. If this process is followed successfully, the goal is full restoration of <NAME> to appropriate areas of ministry where gifts can be used, while keeping sound boundaries and following Safe Sanctuary practices / policies.Date completed _____

Letter to Child Predator --- Previously Charged

Dear _____:

It has come to our attention that you have been charged with serious crimes against a child. The disposition of these charges warrant that we take measures to protect our young people, avoid any circumstances from which further accusations could occur, and eliminate concern among the congregation.

By taking the steps outlined below, we are hopeful that the pastor, the staff, and the congregation can be of assistance to you. We recognize that all of us are in need of the mercy and grace God offers to each of those He created and whom He loves.

In order to address the needs and concerns of the congregation, it is necessary to provide mandatory guidelines for your participation in activities at the _____ United Methodist Church. The desire is to make them workable for you and at the same time meet the concerns of the congregation. We are hopeful you will agree to these terms and abide by them. If you will not, then stronger measures will be required. The activities by which you are asked to agree and abide are as follows:

1. Anytime you are on the campus of _____, you must be accompanied by a "buddy." There will be at least three people who will be available to act as a "buddy." The names and telephone numbers of those who have agreed to act as a buddy are listed at the bottom of this letter. You should make contact with one of them prior to coming to the campus on each occasion. One of these buddies must be present to meet you at your car and be in your company at all times while you are on the campus of the church. This includes accompanying you to the restroom. The buddy will accompany you to your car at the time you leave the campus.
2. You should restrict any conversation to people who are eighteen years of age or older.
3. You cannot serve in any positions of leadership or teaching until further notice.
4. Beginning immediately you should, for the present, restrict your time on the campus of _____ services of worship only. After a few weeks we can determine whether attendance at other activities is warranted. If attendance at other activities is permitted, that attendance will be subject to all of the mandatory guidelines contained in this letter.
5. You agree to allow the pastor or [her/his](#) designee to contact any probation officer or other governmental official, other than your attorney, or health care provider, in order to obtain information about you and to solicit their input as to how best to minister to you or to the congregation and community. By signing this letter you agree that this person may share any information with the pastor or [her/his](#) designee, and you release that person and their organization or practice from any liability as a result of releasing this information. This authorization and release specifically includes any information, written or verbal, associated with medical, psychological and psychiatric treatment which otherwise might be protected from disclosure by federal or state laws.
6. You agree to meet and consult with the pastor upon [her/his](#) request for the purpose of providing assistance to you or for the protection and security of the congregation and the community.

- 7. You understand and agree that it is necessary for the staff and members of the congregation to be advised of your status and the guidelines agreed upon.

We trust you understand the reasons for these requirements. Please know that we and the staff of this congregation shall be praying for you. We look forward to what God will do in your life and in the lives of the members of this congregation as we confront this situation and seek God's direction.

Sincerely,

Pastor

Lay Leader (or other official)

The buddies to be called any time you plan to come to the campus of the church are:

- 1. _____ Tel no. _____
- 2. _____ Tel no. _____
- 3. _____ Tel no. _____

I have read the above letter and agree to abide by the mandatory guidelines contained in the letter.

Date: _____

Witness: _____

Name

Letter to Child Predator --- Charges Currently Pending

Dear _____:

It has come to our attention that you currently have been charged with serious crimes against a child. Irrespective of the ultimate disposition of the charges, or your plea of guilty or not guilty, allegations of this nature warrant that we take measures to protect our young people, avoid any circumstances from which further accusations could occur, and eliminate concern among the congregation.

By taking the steps outlined below, we are hopeful that the pastor, the staff, and the congregation can be of assistance to you. We recognize that all of us are in need of the mercy and grace God offers to each of those He created and whom He loves.

In order to address the needs and concerns of the congregation, it is necessary to provide mandatory guidelines for your participation in activities at the _____ United Methodist Church. The desire is to make them workable for you and at the same time meet the concerns of the congregation. We are hopeful you will agree to these terms and abide by them. If you will not, then stronger measures will be required. The activities by which you are asked to agree and abide are as follows:

1. Anytime you are on the campus of _____, you must be accompanied by a "buddy." There will be at least three people who will be available to act as a "buddy." The names and telephone numbers of those who have agreed to act as a buddy are listed at the bottom of this letter. You should make contact with one of them prior to coming to the campus on each occasion. One of these buddies must be present to meet you at your car and be in your company at all times while you are on the campus of the church. This includes accompanying you to the restroom. The buddy will accompany you to your car at the time you leave the campus.
2. You should restrict any conversation to people who are eighteen years of age or older.
3. You cannot serve in any positions of leadership or teaching until further notice.
4. Beginning immediately you should, for the present, restrict your time on the campus of _____ services of worship only. After a few weeks we can determine whether attendance at other activities is warranted. If attendance at other activities is permitted, that attendance will be subject to all of the mandatory guidelines contained in this letter.
5. You agree to allow the pastor or [her/his](#) designee to contact any probation officer or other governmental official, other than your attorney, or health care provider, in order to obtain information about you and to solicit their input as to how best to minister to you or to the congregation and community. By signing this letter you agree that this person may share any information with the pastor or [her/his](#) designee, and you release that person and their organization or practice from any liability as a result of releasing this information. This authorization and release specifically includes any information, written or verbal, associated with medical, psychological and psychiatric treatment which otherwise might be protected from disclosure by federal or state laws.

6. You agree to meet and consult with the pastor upon [her/his](#) request for the purpose of providing assistance to you or for the protection and security of the congregation and the community.

7. You understand and agree that it is necessary for the staff and members of the congregation to be advised of your status and the guidelines agreed upon.

8. At the end of the criminal process we shall revisit the guidelines above.

We trust you understand the reasons for these requirements. Please know that we and the staff of this congregation shall be praying for you. We look forward to what God will do in your life and in the lives of the members of this congregation as we confront this situation and seek God's direction.

Sincerely,

Pastor

Lay Leader (or other official)

The buddies to be called any time you plan to come to the campus of the church are:

1. _____ Tel no. _____
2. _____ Tel no. _____
3. _____ Tel no. _____

I have read the above letter and agree to abide by the mandatory guidelines contained in the letter.

Date: _____

Witness: _____

Name