

*Prevention
& Response:*



Sexual Abuse and
Non-Credentialed
Individuals

Panel on Sexual Abuse Prevention

Appendix D

RESOURCES

For community processing:

The Little Book of Restorative Justice for Sexual Abuse: Hope through Trauma (Justice and Peacebuilding) October 27, 2015

Steps for Reporting Abuse and keeping the Victim at the Center :

<http://dovesnest.net/Reporting-Abuse-and-Keeping-the-Victim-at-the-Center>

For creating child protection policies:

<http://dovesnest.net/policies>

Disclosure questions:

<http://www.churchlawandtax.com/blog/2012/october/when-sex-offender-wants-to-attend-church.html>

More resources can be accessed at the Panel on Sexual Abuse

Prevention resource page:

<http://mennoniteusa.org/resources-on-sexual-abuse-response-and-prevention/>

Table of Contents

Introduction	4
Context	5
Terms to Know	6
Observations and Recommendations	9
General	9
Congregational level	10
Conference level	10
Institutional level	11
Guidelines for Response	13
Appendix A: <i>Guidelines Infographic</i>	16
Appendix B: <i>Rationale: Why do we care about lay leaders?</i>	18
Appendix C: <i>Roots of Sexual Abuse within the Church</i>	20
Appendix D: <i>Resources</i>	22

This resource is not a legal document, and the guidelines it contains are not meant to replace the legal process. This resource is a starting point to help guide leaders in our Mennonite Christian communities to prevent and respond appropriately to sexual abuse. All who utilize this resource must carefully review recommendations and discuss how they will execute them in their context. We always recommend consultation with local sexual abuse centers, legal counsel and victim advocacy organizations.



Introduction

This document reflects the work of the Panel on Sexual Abuse Prevention for Mennonite Church USA (MC USA) from Jan. 2016-Jan. 2018. We recognize with urgency the great need within the church to confront sexual abuse honestly as well as to address the systemic issues that enable sexual abuse to exist. We also recognize our limits as a two-year panel tasked specifically to address sexual abuse by non-credentialed individuals. We offer this document to the church as a starting point — as much as we would like it to, this document will not contain answers to every question or a solution to every problem. Our hope is that when used by congregations, conferences, denominational and agency/institutional leaders, the Spirit of God would bring life to these words, and wisdom to specific situations. We pray that together we would embody and live out God's love and justice to the most vulnerable among us.

The Panel on Sexual Abuse Prevention:

Anna Groff
Regina Shands Stoltzfus
Nancy Kauffmann
David Miller
Ross Erb
Jenny Castro

Other teachings have used Scripture to uphold the belief/practice that women and children are property of men, for their service and pleasure. In a patriarchal society, these teachings fuel the sex trade, prostitution, pornography, advertising, the fashion industry, etc. This distortion also leads to shaming girls and women, and ignoring or praising boys and men for their sexual behavior.

These teachings also create a hierarchy with men at the top, giving men institutional power to create rules and regulations that benefit them and to disregard or ignore rules and regulations which might hold them accountable or protect those who are vulnerable.

It allows those with power to prey upon those who are more vulnerable, such as those who are poor, LGBTQ, disabled or female.

As a church, we have tended to listen to voices who have power, rather than to those who have been violated, and those who are most vulnerable. We have succumbed to culture wars over LGBTQ sexuality, and failed to focus first on healthy sexuality. We have failed to focus on the needs of those who have suffered / are suffering sexual violence and abuse.

The prophet Ezekiel gives clear voice to God's opposition to spiritual leaders who use their positions to harm those in their care rather than nourishing them. "Ah, you shepherds of Israel who have been feeding yourselves! Should not shepherds feed the sheep? ... You have not strengthened the weak, you have not healed the sick, you have not bound up the injured ... Therefore, you shepherds, hear the word of the Lord: As I live ... because my sheep have become a prey, and my sheep have become food for all the wild animals ... I am against the shepherds, and I will demand my sheep at their hand, and put a stop to their feeding the sheep; no longer shall the shepherds feed themselves. I will rescue my sheep from their mouths, so that they may not be food for them. For thus says the Lord God: I myself will search for my sheep, and will seek them out ..." (Ezekiel 34:1-11).

Roots of Sexual Abuse within the Church

In order to prevent sexual abuse and respond appropriately when sexual abuse happens, it is essential that we understand the root causes of abuse within our congregations, families and communities.

God created human beings in God's image, and declared this very good. God's incarnation in Jesus also affirms that human bodies are good. Our sexuality is part of this created order, created for good, to enable us to enjoy companionship and intimacy, and to form families and build community. Our spirituality and our sexuality are not disconnected or competing aspects of our lives but together express our longing for intimacy with God and with others.

Distorted church teachings have contributed (and continue to contribute) to sexualized violence. One of these distortions has been that our bodies are shameful and bad. Further, we have equated sexuality with sexual activity and failed to recognize that all people are embodied, sexual beings, capable of companionship, intimacy, family and community relationships.

Other distortions include beliefs, endorsed and supported throughout history, that some bodies (male, white, heterosexual) are normal and right — the primary example or standard for humanity, while other bodies are less than human, and therefore violence to these bodies is not really violence. We see these notions being perpetuated through the horrific examples of gendered, racialized violence in the lynching of African American women, the high numbers of rape, the disappearance and murder of Native American women. These patterns are also evident in the disparities of criminal charges and sentencing between races. White men who are charged and convicted of sexualized violence against women of color routinely receive less harsh sentencing than men of color who are convicted of sexualized violence against white women.

According to ethicist Kelly Brown Douglas, platonized Christianity gives rise to Christian participation in attacks against Black bodies. This builds a foundation for certain bodies to be easily disregarded and also allows for the demonization of those who have been sexualized. This foundation has allowed for the participation of Christian people in the lynching and sexual abuse of the bodies of both Black men and women.

Context

At the 2015 MC USA biennial convention in Kansas City, the delegate assembly passed the Churchwide Statement on Sexual Abuse. The statement contained this denominational commitment:

We resolve to tell the truth about sexual abuse; hold abusers accountable; acknowledge the seriousness of their sin; listen with care to those who have been wounded; protect vulnerable persons from injury; work restoratively for justice; and hold out hope that wounds will be healed, forgiveness offered, and relationships established or reestablished in healthy ways.

In January 2016, the Executive Board staff cabinet in partnership with Mennonite Education Agency called together the Panel on Sexual Abuse Prevention to serve for two years to guide the work of sexual abuse response and prevention within the denomination.

The Panel is accountable to the delegates of MC USA through our work to carry out the Churchwide Statement; to survivors and potential victims of abuse across the church; and to Mennonite Education Agency staff and the Executive Board staff to whom we report.

Over the last two years, the Leadership Development department of MC USA has worked to improve, update and clarify the Ministerial Misconduct policy and response procedures for credentialed leaders within MC USA. Additionally, MC USA has contracted with FaithTrust Institute to provide training in healthy boundaries for persons in conference leadership and establish this training as a requirement for ministerial credentials in MC USA.

Since the summer of 2016, our primary priority became outlining a process for responding when a complaint arises against a non-credentialed individual. The following document contains general recommendations regarding this process, as well as specifics for congregational, conference and denominational/institutional settings.

This document is useful in the context of church organizations and institutions, conferences and congregations. Non-credentialed individuals often hold leadership positions in these settings. Non-credentialed individuals are those who do not hold a credential within a MC USA conference — both paid staff and unpaid volunteers. This document also applies to anyone who participates and/or attends congregational or organizational activities.

Terms to Know¹

Enablers are people who protect the identity of sexual offenders. They enable sexual abuse to take place by keeping secrets and preventing community awareness of sexual abuse.

Grooming is the process by which an offender draws a victim into a sexual relationship and maintains that relationship in secrecy. After targeting a person through trolling, a potential offender attempts to gain the trust of a potential victim and their family or friends. The potential offender isolates the potential victim, initiates sexual intimacy and controls the victim with requirements of secrecy.

Sexual abuse refers to sexualized behavior that occurs in a relationship where one party has more power than the other and meaningful consent is difficult, if not impossible. Sexual abuse takes advantage of another in order to use, control or intimidate him or her for one's own purposes. It is violence that has been sexualized. It can include actual physical contact of a sexual nature, such as hugs, kisses, touching, assault and intercourse. Sexual abuse can also involve more covert acts such as using sexual innuendo or pornography in the relationship, emotional and spiritual manipulation, or inappropriate disclosures of a personal nature regarding sexual matters.

Sexual harassment is any unwanted and unwelcome behavior of a sexual or gender-specific nature. It can interfere with a person's ability to work, get an education or engage in ministry, among other things. It often takes two forms:

- Quid pro quo harassment occurs when someone is pressured to trade sexual favors in return for a job, promotion or grade.
- Environmental harassment refers to unwelcome sexual behavior that creates a hostile environment. It can include sexually suggestive remarks, jokes or gestures, displaying degrading pictures or objects, unwelcome propositions and unwanted physical contact such as touching, hugging, pinching, patting or other sexual demands.

Sexual immorality: While all sexual abuse is immoral and sinful, not all sexual immorality is abusive. Sexually immoral behavior can occur when individuals of relatively equal power voluntarily engage in intimate, sexual acts outside of a committed, monogamous

mutuality to which Christ calls us. We recognize that there are many who exercise leadership in the church who are neither formally licensed nor ordained. We maintain that the absence of formal ministerial credentials must never be understood as the absence of accountability for the use of power or construed as the freedom to hide wrongdoing against another.

We recommend the procedures described above as our expected pattern of response to reports of abuse by those in the church who do not hold ministerial credentials. We base such accountability on our baptismal commitment to Christ and Christ's body, the church.

¹ From the *Churchwide Statement on Sexual Abuse and An Agenda for Change: Mennonite Institutional Policies and Procedures on Sexual Abuse*.

Rationale: Why do we care about lay leaders?

From the beginning of the Anabaptist movement, there was deep concern for the incarnational integrity of the church. The divisions between clergy and laity that developed as the church's structure increasingly mimicked the hierarchical organization of the Roman Empire, placing greater emphasis upon the office in the church than one held than upon the faithfulness of a person holding a position of leadership. This pattern came under significant scrutiny and critique by Anabaptist reformers.

In an attempt to reclaim a New Testament pattern, Anabaptist leaders insisted that baptism be understood to mean, among other things, entry into a new community and relationships characterized by mutual care, accountability and discipline. In baptism, all believers are in effect ordained as ministers and witnesses — participants in the ongoing mission of God. This mutuality is part of the understanding of “priesthood of all believers.”

While Anabaptists understood a need for called out leaders to serve the church, a unique dimension in the development of leadership in Anabaptist-Mennonite circles was that the leader remained within the circle of congregation as an accountable member of the community.

In our coming to terms with the reality that there have been too many incidents of sexual violence and abuse committed by those who have been entrusted with leadership, we have developed policies and procedures to prevent abuse and to respond to protect and prevent further harm when abuse does occur. To date, our policies and procedures have focused on leaders who hold formal ministerial credentials in the church. However, it has become increasingly clear that this focus has revealed a gap in accountability and confidence in action when leaders who do not hold formal ministerial credentials violate boundaries and abuse power in relationships with persons to whom they owe protection and accountability.

In recommending the procedures outlined in this document, we return to an understanding of baptism as entry into a community of shared faith and trust that requires tangible accountability to protect the vulnerable, to prevent abuse, to build trust and to live into the

relationship and/or violate their marriage covenant by engaging in such acts with someone other than their spouse.

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation.

Sexual Offender is a term referring to someone who engages in sexual misconduct.

Sexual Predator is a term referring to someone who engages in either repeated acts of trolling, grooming and sexual misconduct, or in cases of significant levels of sexual violence. Analogous to how a predator hunts down its prey, so the sexual predator is thought to “hunt” for his or her sex partners.

Mennonite Institutional Policies and Procedures on Sexual Abuse
Sexual violence is defined by the Centre for Disease Control (CDC) as a sexual act committed against someone without that person's freely given consent. Sexual violence is used as an umbrella term and is divided into the following types:

- Completed or attempted forced penetration of a victim
- Completed or attempted alcohol/drug-facilitated penetration of a victim
- Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else
- Completed or attempted alcohol/drug-facilitated acts in which a victim is made to penetrate a perpetrator or someone else
- Non-physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce
- Unwanted sexual contact
- Non-contact unwanted sexual experiences (also referred to as sexual harassment)

Trolling is a form of harassment aimed to test a person's vulnerability to manipulation and sexual abuse. A potential offender may troll for a victim through asking personal questions, touching inappropriately, or sharing intimate information.

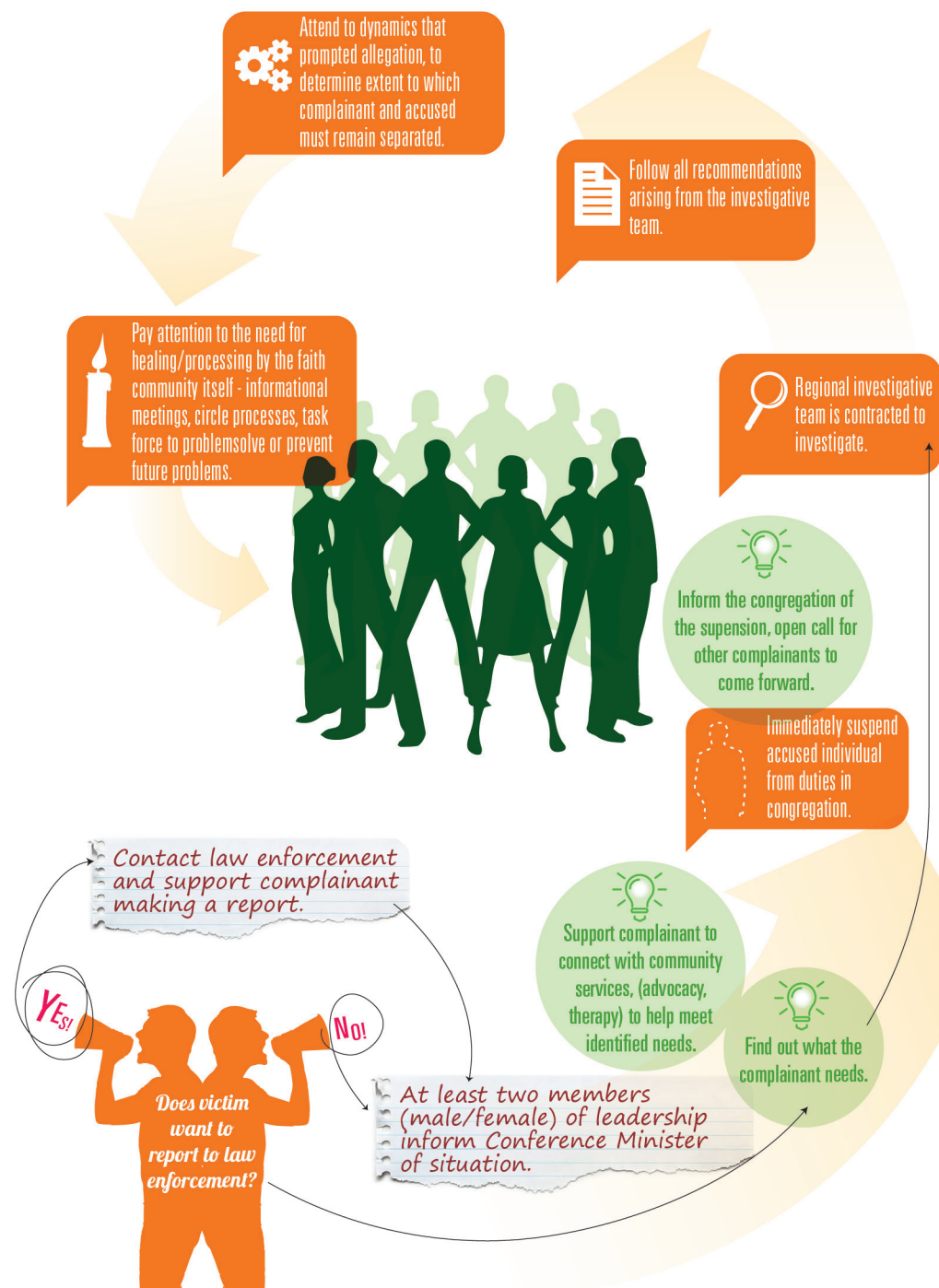
Professional power and responsibility: It is important for all professionals to recognize the power they hold by virtue of their training and position in the community. This includes pastors, teachers, counselors, administrators or anyone in a position of

trust or leadership. Even when they may not feel powerful, it is important for leaders to recognize that others see them as strong and authoritative and often defer to them.

Understanding this dynamic helps guard against misusing power or overstepping appropriate boundaries. Because they have greater power, leaders always bear primary responsibility to protect the boundaries of the relationship. It is also their responsibility to act in the best interests of the person with lesser power, rather than to use the person or exploit any of his or her vulnerabilities.

Sexual Abuse by a within Congregations

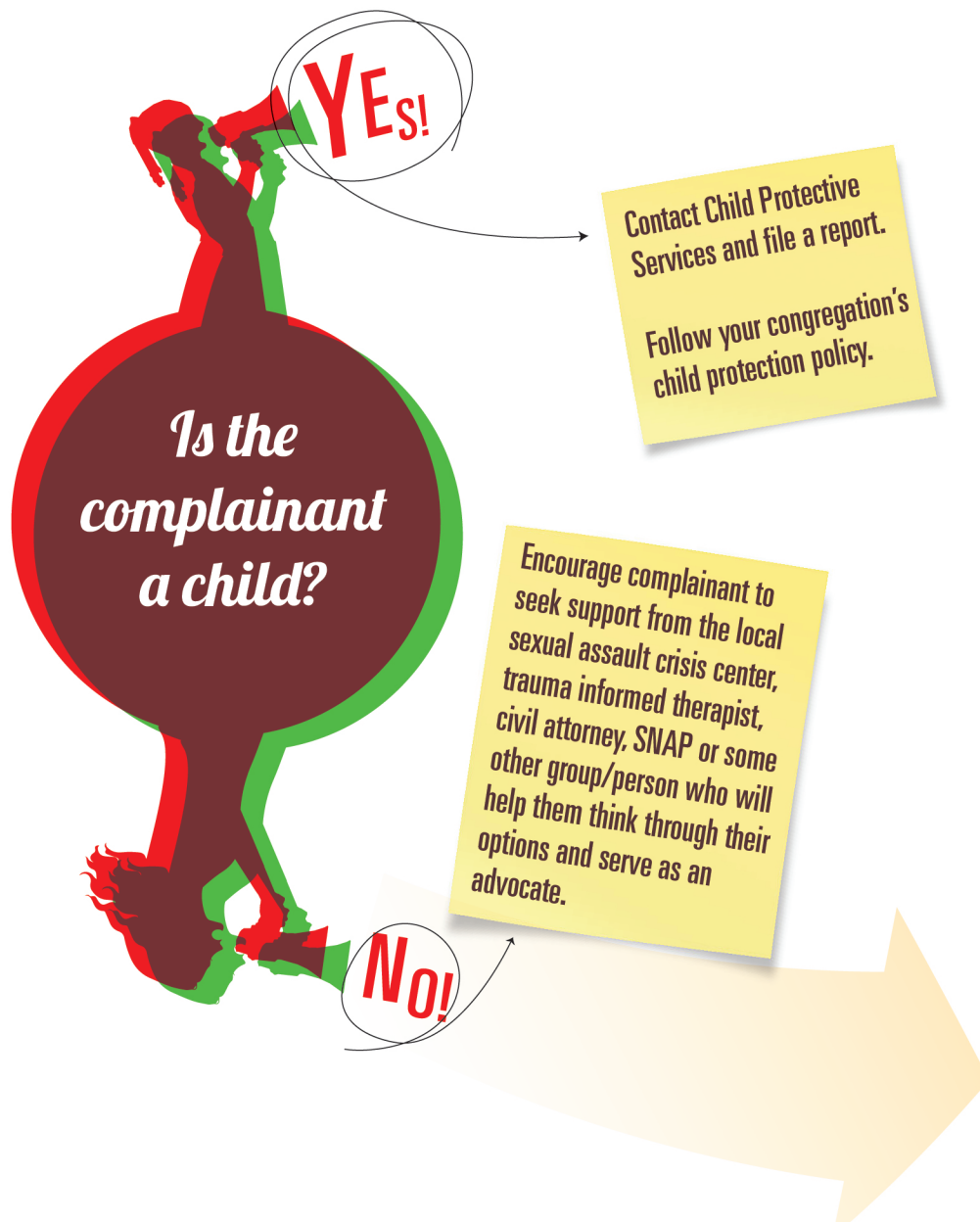
[Note: When children are involved, only a suspicion of abuse is required. When you suspect a child has been abused, report to protective services immediately.]





Responding to Allegations of Non-Credentialed Individual

Appendix A



Observations and Recommendations

GENERAL

Observations:

We see a great need for a cultural shift within our congregations, area conferences and institutions around healthy sexuality, as well as trusting and valuing the voices of victims and survivors and rooting out unhealthy and degrading perspectives of women.

Recommendations:

- Members of congregations, pastors, lay leaders, area conference and denominational leaders need to be familiar with and understand definitions of the Terms to Know and include them in the appropriate policies.
- Use the terms sexual *abuse*, *violence*, or *misconduct* when an allegation is made. Do not refer to allegations or reports as relationships. A power imbalance precludes the possibility of a consensual relationship.
- Victims should always be heard and supported and kept in the communication loop.
- Legal concerns are not the primary concern of institutions responding to sexual abuse.
- Respect the need of victims to have an advocate present in any communication.
- Confirm that individuals have more than one avenue to report misconduct — not only to the lead pastor or area conference minister.
- Know the possibility that individuals who violate one kind of boundary may violate other boundaries. For example, if someone is engaging in financial unethical behavior, be alert to sexual violations as well.
- Inform individuals within the offender's faith community and/or organization for their own safety, as noted in the guidelines below. Protecting the identity of the offender is not responsible or helpful. Offenders are more likely to reoffend if they are not held publicly accountable.
- Recognize the humanity of the offender, but do not urge forgiveness or reconciliation. Before forgiveness or reconciliation can be considered, the offender must take full responsibility, be held publicly accountable and offer an apology.

CONGREGATIONAL LEVEL

Observations:

Congregations do not always have a child protection policy in place and if they do, many do not revisit the policy regularly.

Congregations do not have policies in place to respond to allegations of sexual abuse by non-credentialed individuals and therefore are often “making things up as they go.” These off-the-cuff style responses are not just or healthy for victims and often do not stop perpetrators of sexual abuse. Additionally, they do not make possible consistent and reliable responses to allegations. Policies and procedures must be established so that members can understand and trust how allegations of harm are handled.

Recommendations:

All congregations with MC USA must have a safe child policy in place and review it and update it with congregation annually.

When allegations of sexual misconduct arise for credentialed individuals, follow the process in *Ministerial Sexual Misconduct Policy and Procedure*.

When allegations of sexual abuse by a non-credentialed individual arise, refer to the guidelines outlined on page 11 and the accompanying flowchart (Appendix A).

CONFERENCE LEVEL

Observations:

Conferences do not consistently have systems in place or access to resources to support congregations in the prevention and response to sexual abuse.

Recommendations:

Ensure conference leaders are certified to lead *FaithTrust Institute Healthy Boundaries 101 and 201* to the pastors in their conference. Also encourage those pastors to use the “Taking it Back” curriculum with their individual congregations.

- v. Contact investigative team/person from a pool of trained investigators for misconduct in the denomination to complete the investigation.
- vi. Establish timeline for investigation and keep complainant informed of investigation progress. For safety and support of the complainant ask the accused individual to please stop attending your congregation. Ask where they will attend. Inform new congregation of the situation. Do this in writing, indicating the nature of the alleged misconduct (without unnecessary details).
- vii. At the end of the investigation inform the complainant and the accused individual of the results in writing, by phone, and in person. Inform every member of the congregation of the outcome. Do this in writing, indicating the nature of the misconduct (without unnecessary details). This communication *should not* identify the complainant(s) unless they request so.
- viii. Follow all recommendations arising from the investigative team. Make pastoral care available to all, prioritizing the needs of the complainant over those of the accused offender.
- ix. Pay attention to the need for healing/processing by the faith community itself — informational meetings, circle processes, task force to problem-solve or prevent future problems.

Throughout the process:

- ***Always privilege the complainant’s voice.***
- ***The complainant’s wishes/needs may change over time. Be sure to check back in frequently.***
- ***While the complainant will not control the process, the complainant must be kept in the communication loop.***
- ***While false reports do happen, research finds they only occur in 2-10 percent of cases. In contrast, it is estimated that over 60 percent of sexual assaults are never reported.***³

3. http://www.nsvrc.org/sites/default/files/Publications_NSVRC_Overview_False-Reporting.pdf

- vi. Contact investigative team/person from a pool of trained investigators for misconduct in the denomination to complete the investigation.
 - vii. Establish timeline for investigation and keep complainant informed of investigation progress. For safety and support of the complainant ask the accused individual to please stop attending your congregation. Ask where they will attend. Inform new congregation of the situation. Do this in writing, indicating the nature of the alleged misconduct (without unnecessary details).
 - viii. At the end of the investigation inform the complainant and the accused individual of the results in writing, by phone, and in person. Inform every member of the congregation of the outcome. Do this in writing, indicating the nature of the misconduct (without unnecessary details). This communication *should not* identify the complainant(s) unless they request so.
 - ix. Follow all recommendations arising from the investigative team. Make pastoral care available to all, prioritizing the needs of the complainant over those of the accused offender.
 - x. Pay attention to the need for healing/processing by the faith community itself — informational meetings, circle processes, task force to problem-solve or prevent future problems.
- c. If the complainant does not wish to report to law enforcement
- i. At least two members (male/female) from leadership team contact conference minister together.
 - ii. Provide support to complainant: find therapy, advocacy, etc. (This is an ongoing step and needs to be revisited periodically. Offer to walk with complainant, and support their decisions. Be aware of your desire to make decisions for them, or to take on responsibilities outside of your role. Consult with your local sexual assault crisis center early on for guidance.)
 - iii. Immediately suspend accused individual of responsibilities.
 - iv. Inform the congregation of the suspension, open call for other complainants to come forward. This message comes from church leadership (pastor and leadership body). Point congregants to leaders they can go to with concerns. Ask congregation to pray for those involved.

For credentialed individuals, follow the process in *Ministerial Sexual Misconduct Policy and Procedure*.

- Implement an online reporting system for victims.
- A conference-by-conference audit to make certain that the misconduct files held at the conference level are the same as those held at the denomination level.

INSTITUTIONAL LEVEL

Observations:

There is a longstanding reality of persons who, over the course of a working career, work for numerous agencies and institutions of Mennonite Church USA (and its predecessor denominations). The following recommendations provide for greater accountability that can prevent serial abuse. This calls for greater coordination and communication between agencies and educational institutions of the denomination.

Recommendations:

- MC USA will create investigation teams from leaders across the denomination who are trained to investigate sexual abuse allegations in congregations.
- Agencies/educational institutions will make procedures and policies regarding sexual abuse public. Victims should have full information on what will happen if they make a complaint or report.
- Agencies/educational institutions will publicly name and remove anyone who is credibly accused of sexual abuse. *The term **credibly accused** is not a legal term, but an advocacy term, used to refer to someone who is documented to be federally charged, civilly sued, named for the offense in a media article from an established news outlet (not blogs), or dismissed from a post for sexual misconduct.*²
- Develop a covenant of understanding between Human Resource departments of Mennonite agencies, educational institutions and the MC USA Leadership Development Office for sharing

² Survivors Network of those Abused by Priests

information to prevent leaders with ethical issues from going to another position undetected.

- Develop a process for keeping records of sexual misconduct of non-credentialed staff / employees so that the information is not lost or forgotten when staff changes. MennoData does this for credentialed persons and could be expanded for non-credentialed individuals so that there is one database for these records.
- Agencies/educational institutions will use area conferences and the MC USA Leadership Development office as a reference before hiring credentialed persons.
- Agencies/educational institutions will use congregations, area conferences and the Leadership Development office as a reference before hiring non-credentialed persons.
- Agencies/educational institutions will report to area conferences and the denomination when working on a sexual abuse case, especially when the person is a credentialed individual.
- Agencies/educational institutions will implement regular boundaries training for all employees.
- MC USA, its agencies and educational institutions will do an annual audit for safe employment policies and their effectiveness, as well as continuing education with all employees on the sexual abuse and misconduct policies.
- Sexual abuse policies and processes will be clear and accessible on all MC USA agency/educational institutions' websites.
- Agencies/educational institutions will have processes for responding to a complaint reviewed by an outside consultant knowledgeable about sexual abuse to insure that the policies are victim supportive and protective.
- Agencies/educational institutions will be expedient in responding to a complaint and follow a previously outlined time frame for the process that will be clearly communicated with all involved.
- Implement an online reporting system for victims.

Guidelines for Response

Responding to Allegations of Sexual Abuse by a Non-Credentialed Individual within Congregations

1. If complainant is a child

Note: When children are involved, only a suspicion of abuse is required. When you suspect a child has been abused, report to protective services immediately.

- a. Report to protective services and file a report.
- b. Contact conference minister.
- c. Follow your congregation's safe child policy.

2. If complainant is an adult

- a. Encourage complainant to seek support from local sexual assault crisis center, trauma-informed therapist, civil attorney, Survivors Network of those Abused by Priests (SNAP), or some other group/person who will help them think through their options and serve as an advocate. Keep in mind, this step may take time.
- b. And wishes to report to law enforcement
 - i. Contact law enforcement and support complainant in making report.
 - ii. At least two members (male/female) from leadership team contact conference minister together.
 - iii. Provide support to complainant: find therapy, advocacy, etc. (This is an ongoing step and needs to be revisited periodically. Offer to walk with complainant, and support their decisions. Be aware of your desire to make decisions for them, or to take on responsibilities outside of your role. Consult with your local sexual assault crisis center early on for guidance.)
 - iv. Immediately suspend accused individual of responsibilities.
 - v. Inform the congregation of the suspension, open call for other complainants to come forward. This message comes from church leadership (pastor and leadership body). Point congregants to leaders they can go to with concerns. Ask congregation to pray for those involved.