Responding to Spiritual Leader Misconduct

A HANDBOOK

FaithTrust INSTITUTE

Working together to end
sexual & domestic violence

www.faithtrustinstitute.org

RESPONDING TO SPIRITUAL LEADER MISCONDUCT

A HANDBOOK

Edited by Lauren D. Sawyer, Ph.D., Emily Cohen, M.Div., and Annie Mesaros, M.Div.

With contribution from:

Roshi Jan Chozen Bays, Patrick Bansho Green, Rev. Tina Jitsujo Gauthier, Roshi Joan Hogetsu Hoeberichts, Roshi Amy Tu Es Cela Hollowell, Sensei Michel Plein Ciel Oltheten, Jane Wang, M.S.W., M.A.

Published by FaithTrust Institute

FaithTrust INSTITUTE

Working together to end sexual & domestic violence

www.faithtrustinstitute.org

This publication represents an update to *Responding To Clergy Misconduct: A Handbook* originally written and published in 2009 by Rev. Dr. Marie M. Fortune, with contributions from Rabbi Mark Dratch, Kimberly Day-Lewis, J.D., and Rev. Dr. Aleese Moore-Orbih

We thank the Hemera Foundation (www.hemera.org) and the Religion & Sexual Abuse Project (www.religionandsexualabuseproject.org) for providing grant funds to support this publication update.

TABLE OF CONTENTS

PREFACE

Spiritual leader misconduct is when any person in a ministerial or teaching role of leadership or pastoral counseling (clergy, religious, or lay) engages in harmful behaviors that violate the ministerial or teaching relationship. Violations can include sexual contact, sexual harassment or sexualized behavior with a congregant, client, employee, student, or staff member (adult, teenager, or child), financial irresponsibility or irregularities, violations of confidentiality, use of technology for illegal or harmful purposes, intentional deception or dishonesty including misrepresenting personal qualifications, acts of physical, emotional, spiritual violence or bullying, and gross negligence of ministerial responsibilities. Such misconduct is a violation of the ministerial/teaching relationship in which a person in a position of leadership takes advantage of a vulnerable person.

Responding to Spiritual Leader Misconduct is intended as a handbook for use by spiritual leaders in judicatories, seminaries, institutions, or spiritual communities to help you prepare to respond to complaints of spiritual leader misconduct. The focus of this handbook is on professional ethics for spiritual leaders with an emphasis on the importance of having clear policies and procedures to respond effectively to a complaint of professional misconduct. It reflects our experience at FaithTrust Institute working with judicatories, spiritual organizations, and seminaries since 1983. It reflects our belief that our spiritual and religious institutions have a moral responsibility and the capacity to respond justly and fairly to repair the brokenness caused when a spiritual leader betrays the trust of their people.

Spiritual leader misconduct is increasingly more complex in today's world. In the first edition of this handbook, for example, we focused solely on sexual misconduct perpetrated by spiritual leaders. While sexual misconduct is certainly still an issue that communities are facing, we have come to understand misconduct to include other boundary violations as well, which may or may not be sexual in nature. Spiritual leader misconduct may include rape, abuse of power, sexual assault, financial abuse, bullying, racism or tokenism, homophobia, transphobia, emotional or psychological abuse, or sexual harassment—often many at the same time. All of these types of misconduct will be addressed in this handbook.

Spiritual leaders are being called upon to enforce policies and respond to harm *within their own communities*. That is, within their institutional settings, they are confronted with a complaint against someone they probably know, have worked with, and may even trust. Yet, they have to proceed without bias to call one another to account if harm has been done. In this sense, spiritual leaders are expected to protect their institution from the consequences of misconduct by one of its leaders, which may bring you to the point of confronting a friend or colleague. However, the integrity of the ministerial/teaching relationship and of the religious institution is at stake. Spiritual leaders—whether rabbis, teachers, pastors, lay leaders, or the like—are called to step up and act.

Perhaps it goes without saying that throughout all of this process, common sense is critical. Every policy has to be interpreted, and some degree of common sense is called for. Most importantly, communities need clarity about their agenda. (See Section 3: "What Is Your Agenda?")

Lastly, this process need not be adversarial. You need to remember that the complainant is one of your own who believes they have been harmed by a spiritual leader (who is also one of you). The complainant is disclosing something very painful and asking their spiritual community to respond with compassion and with justice. They are not the enemy, but rather a courageous person who is giving you an opportunity to restore the integrity of the ministerial/teaching relationship. Although they bring bad news of a possible betrayal of trust by one of their leaders, you must resist the temptation to "shoot the messenger."

In this handbook, we are laying out the basic principles of analysis of spiritual leader misconduct: who, what, when, and where. We then offer the basic principles for response to complaints. We believe that if you have a conceptual framework in front of you, your community, judicatory, seminary, or organization will be able to navigate the process of response.

This handbook, like other presentations and publications of FaithTrust Institute, is multifaith and non-denominational; that is, while consistent with Buddhist, Christian, and Jewish traditions, it is not intended to represent the teaching of any particular denomination, movement, or lineage in matters of doctrine or morals.

GLOSSARY

ableism: discrimination in favor of able-bodied people (Oxford).

abuse: to treat someone with cruelty or violence.

assault: a form of abuse that threatens physical harm to a person, whether or not actual harm is done. Sexual assault may include rape, attempted rape, forcing a victim to perform sexual acts, fondling, or unwanted sexual touching.

bodhisattva: in Buddhism broadly, one whose goal is awakening. In Mahayana Buddhism, one who postpones Nirvana in order to benefit other beings.

congregant/student/client/member: anyone whom a spiritual leader serves or supervises.

DARVO: an acronym, coined by Dr. Jennifer Freyd—Deny, Attack, Reverse Victim and Offender—which describes the reaction of a perpetrator when being held accountable for their behavior.

Four Noble Truths: The Four Noble Truths comprise the essence of Buddha's teachings. They are the truth of suffering/stress, the truth of the cause of suffering/stress, the truth of the end of suffering/stress, and the truth of the path that leads to the end of suffering/stress, or The Noble Eightfold Path.

harassment: any unwanted attention or conduct, which may include bullying, blackmail, and racist behavior. Sexual harassment is any harassment based on a person's sex or gender and may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

hillul Hashem: in Judaism, a desecration of God's Name.

homophobia: hatred of or discrimination against queer people.

intersectionality: coined by Professor Kimberlé Crenshaw, a term for the interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage (Oxford).

kiddush Hashem: in Judaism, a sanctification of God's Name.

liturgy/liturgical: in Christian practice, refers to the formal or informal format and flow of the communal worship gathering.

ministerial/teaching relationship: the relationships of authority and trust in which spiritual leaders and congregants/students/clients/members are involved. We recognize that there is no term that applies universally to those who act as representatives of churches, sanghas, synagogues, and spiritual organizations in all capacities.

misconduct: a non-legal term to informally describe a broad range of behaviors which may or

may not involve harassment but otherwise violate an organization's policy. For example, sexual misconduct may include pastor-congregant, teacher-student romantic relationships. Non-sexual misconduct may include a teacher bullying a student or making racist remarks.

perpetrator: anyone who carries out an act of assault, harassment, or misconduct.

queer: an umbrella term describing those who identify as lesbian, gay, bisexual, pansexual, demisexual, asexual, transgender/transsexual, intersex, and more.

repentance: in Christian belief, the act of turning away from sin or that which brings harm, offering remorse, and renewed commitment to following God's commandments.

samaya: in Buddhist practice, especially Vajrayana Buddhism, a set of vows taken by an initiate which bonds them with their practice and their teacher.

sin: transgression of divine law; a willful or deliberate violation of some religious or moral principle. In Christian belief and practice, being separated from God in belief or deed. This can be a communal or individual state, resolved by Christ's sacrifice and one's repentance.

spiritual leader: anyone who acts as representatives of or authorities within spiritual communities, organizations, churches, and synagogues in any capacity—lay or professional (e.g. pastor, rabbi, roshi, deacon, dharma teacher, priest, cantor, youth leader, rinpoche, camp counselor, pastoral counselor, chaplain, parochial minister, bishop, choir director, or guru).

theodicy: the defense of God's ultimate goodness and provision in the face of evil.

the Three Jewels: in Buddhism, Buddha as the awakened true nature of reality (including our own true nature); Dharma as the teachings; and Sangha as the community we serve as well as the vast community of all beings.

tokenism: the practice of making only a perfunctory or symbolic effort to do a particular thing, especially by recruiting a small number of people from underrepresented groups in order to give the appearance of sexual or racial equality (Oxford).

transphobia: hatred of or discrimination against transgender people.

trauma: results from an event, series of events, or set of circumstances experienced by an individual or group of people as physically or emotionally harmful or life-threatening, with lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being (SAMHSA).

trauma-informed: responding to the experiences of victim-survivors with a basic level of awareness of the impact trauma has on a person or community. This includes realizing the widespread impact of trauma, recognizing its signs and symptoms, responding, and resisting re-traumatizing the individual or community (SAMHSA).

trinity/trinitarian: a core doctrine of Christian belief, the trinity describes one God in three persons, the creator (or Father), the savior (or Son–Jesus Christ), and the Holy Spirit.

victim-survivor: someone who has been harmed, injured, or killed by a perpetrator.

BACKGROUND OF THE ISSUES

SECTION 1

SECTION 1

BACKGROUND OF THE ISSUES

The starting point for the discussion of spiritual leader misconduct must be the texts and traditions that are the foundation of any spiritual community. Sadly, too often this is the last place to which a judicatory, board, or institutional leaders turn for guidance. Yet in the texts and teachings of our many traditions, we can find language that helps us name harmful behaviors, "sins," or violations of our precepts/vows. We can also find instructions and stories to guide the direction of our response and illustrate the possibility or promise of justice and healing. Without a doubt, we can find resources that echo our own experiences.

The overall framework that guides our reading of the texts and formulating of policies is our understanding of power and vulnerability within the ministerial/teaching relationship. Although the fact of unequal power between a student and teacher creates the possibility of violation and abuse, it does not predict it. Abuse is never inevitable or inherent in a relationship; rather, it is the choice of the person with more power to exploit the vulnerability of the person with less power.

If the spiritual leader has healthy boundaries, is alert and aware, and is committed to the integrity of the relationship, the relative imbalance of power in the relationship is only a fact, not an excuse to take advantage. The integrity of the relationship is sustained.

If the spiritual leader does not have healthy boundaries, is unaware, insensitive, and disregards the integrity of the relationship, the relative imbalance of power is a fact that creates an opportunity to take advantage of someone who may be vulnerable. (See Section 2: "Power in Spiritual Communities")

It is this second situation that calls for a response from the spiritual community. Most people in spiritual communities trust their spiritual leaders simply because they have been trained and called forth for leadership. When leaders violate boundaries and betray the trust of an individual, they also betray the entire spiritual community. The bonds of relationship that hold the community together are ruptured.

Here we draw on the Buddhist, Christian, and Jewish texts and traditions as foundational for understanding spiritual leader misconduct.

Broken Vows

(From the Buddhist Tradition)

The Buddha's Life

There are four events in the Buddha's life of most importance: his birth, enlightenment, first sermon, and death. However, there is not a single historical account; these events are strewn across various canonical texts. Here is a high-level summary of these four major events in the Buddha's life.[1]

Birth

Siddhartha was born a lord. At the time of his conception, his mother Maya is said to have had an auspicious dream which soothsayers interpreted to mean that the child would either become a great religious-teacher or a king-conqueror. Maya, unfortunately, died seven days after Siddhartha's birth. His father, overprotective of his son, kept Siddhartha within the palace walls to shield him from any unpleasantness and provided him all manner of pleasantries—clothes, music, and attendants for any of his needs.

Renunciation & Enlightenment

At the age of 29, Siddhartha ventured out of the palace on four trips. On the first three trips, he encountered an old man, a sick man, and a corpse. Having never seen such sights before, Siddhartha asked his attendant to explain them to him. This is when he learns that all sentient beings, human and non-human, become sick, age, and die. Siddhartha was deeply disturbed by these shared sufferings.

On his fourth visit, he encountered a religious mendicant and become inspired to relinquish all his worldly possessions for a life of austerity and spirituality to seek liberation from suffering.

Siddhartha is said to have found enlightenment not through conventional methods but a "middle path" between a life of pleasure and austerity. He also strongly cultivated meditative practices. It is through this unique approach that Siddhartha was able to realize the end of suffering and the Four Noble Truths, which can be found in his first sermon after enlightenment.

From this point forward, Siddhartha is known as the Buddha—an honorific given to an enlightened being.

The First Sermon (The Four Noble Truths)

The "Dhammacakkappavattana Sutta: Setting the Wheel of Dhamma in Motion"[2] is said to have been the first sermon given by the Buddha to his first disciples. In it, the Buddha

[1] Adapted from Charles S. Prebish and Damien Keown, *Buddhism—the E-book: An Online Introduction.* State College, PA: Journal of Buddhist Ethics Online Books, 2010. https://f01.justanswer.com/oAfiW3cS/buddhism_textbook.pdf.

[2] "Dhammacakkappavattana Sutta: Setting the Wheel of Dhamma in Motion," Dhammatalks.org: Talks, Writings & Translations of Thanissaro Bhikkhu, accessed July 3, 2022, https://www.dhammatalks.org/suttas/SN/SN56_11.html.

espouses the middle way and the Four Noble Truths of suffering. According to the Buddha, they are:

"Now this, monks, is the noble truth of stress: Birth is stressful, aging is stressful, death is stressful; sorrow, lamentation, pain, distress, & despair are stressful; association with the unbeloved is stressful, separation from the loved is stressful, not getting what is wanted is stressful. In short, the five clinging-aggregates are stressful.

"And this, monks, is the noble truth of the origination of stress: the craving that makes for further becoming—accompanied by passion and delight, relishing now here and now there—i.e., craving for sensual pleasure, craving for becoming, craving for non-becoming.

"And this, monks, is the noble truth of the cessation of stress: the remainderless fading and cessation, renunciation, relinquishment, release, and letting go of that very craving.

"And this, monks, is the noble truth of the way of practice leading to the cessation of stress: precisely this Noble Eightfold Path—right view, right resolve, right speech, right action, right livelihood, right effort, right mindfulness, right concentration."

Upon sharing his realizations of the Four Noble Truths with his first disciplines, it is said that the Buddha set the "Wheel of Dhamma" in motion which cannot be stopped by any human or god.

Death

The final major life event for the Buddha sets the stage for its post-Buddha configuration. The Mahaparinirvana Sutra details the months leading up to the Buddha's death. At 80 years of age and nearing the end of his natural life, many questions arose around a successor to the Buddha. To these queries, the Buddha replied that "he would appoint no successor, since he had never considered himself to be the leader of the sangha. Henceforth, he said, the monks should be self-reliant and hold fast to the Dharma as their island and refuge, and the Vinaya (the monastic rules) as their teacher. [. . .] This meant there would be no need for a head or patriarch and no central institution charged with determining orthodoxy."[3]

The story of the Buddha's life and enlightenment teaches several important ideas related to spiritual leadership and teacher misconduct.

The first is the mindset of the Buddha. As a renunciant, he was committed to finding an end of suffering not out of fear of old age, sickness, and death but out of compassion. As an enlightened being, the Buddha was "awakened to" the impermanence and oneness of all beings and things as the true nature of life. With this awakened mindset, he saw through the concept of the self and the other and the suffering that arises from our attachments to these concepts. His spiritual path, therefore, was established on a commitment to finding an end to suffering not just for himself but for other beings and things as well.

The Ariyapariyesana Sutta ("The Noble Search") in which he describes his life as a renunciant, differentiates between the noble and ignoble path for those called to the Buddhist path:

[3] Prebish and Keown, 39.

> Monks, there are these two searches: ignoble search & noble search. [. . .] And what is the noble search? There is the case where a person, himself being subject to birth, seeing the drawbacks of birth, **seeks the unborn, unexcelled rest from the yoke: Unbinding.** Himself being subject to aging . . . illness . . . death . . . sorrow . . . defilement, seeing the drawbacks of aging . . . illness . . . death . . . sorrow . . . defilement, **seeks the aging-less, illness-less, deathless, sorrow-less, undefiled, unexcelled rest from the yoke: Unbinding.** This is the noble search.

In this sutta, the Buddha is clearly speaking from the realization of oneness—that we all experience suffering even as spiritual seekers and leaders. From this awakened mindset, one goes forth on the noble path out of compassion and a commitment to relieve suffering and protect the vulnerable. This awakened mindset is crucial for not falling back into false attachments to ego which can lead to the misuse of power and create suffering rather than relieve it.

The Four Noble Truths, a fundamental teaching for all Buddhist traditions, underlines suffering/stress as arising from clinging to the "I" or "self" as well as the things that solidify this "me-myself-and-I" mindset, such as power, status, wealth, position, etc. The Noble Eightfold Path, the fourth noble truth, is a powerful aid to live in a manner that does not lead to more suffering—all of which starts with an awakened mindset of oneness and compassion.

The final moments of the Buddha's life also teach the significance of community over hierarchy. The Buddha made it clear that there was no one voice or institution of authority in Buddhism. Instead, Buddhists "take refuge" in the Buddha, Dharma, and Sangha—or the Three Jewels: Buddha as the awakened true nature of reality (including our own true nature); Dharma as the teachings; and Sangha as the community we serve as well as the vast community of all beings. The Three Jewels emphasize our interconnectedness and instill a sense of service and humility as refugees all seeking shelter. As leaders, ministers and teachers of a community, you surrender to something larger than "me-myself-and-I."

The story of the Buddha's life is therefore a reminder for Buddhist leaders and teachers to practice from an awakened mindset of compassion and humility, and to always aim to reduce suffering.

Broken Vows

The following is an excerpt from a 2017 open letter penned by former students of Sogyal Rinpoche (born Sonam Gyaltsen Lakar), a prominent Tibetan Buddhist teacher accused of sexually and physically assaulting his students and misusing funds for many decades. The author of *The Tibetan Book of Living and Dying* (1992), Sogyal Rinpoche was the founder and spiritual director of Rigpa, an international network of 117 Buddhist centers across 24 countries. Sogyal Rinpoche died in 2019.[4]

> Please understand the harm that you have inflicted on us has also tainted our appreciation for and practice of the Dharma. In our decades of study and practice of Tibetan Buddhism with you, we trained our minds to view you as the "all embodied jewel" and the "source of all the teachings and blessings" of the Buddha-Dharma. We trusted you completely. Yet, we struggled for years because your actions did not square with the teachings. Today, for many of us who have left you, the Lerab Ling community, and Rigpa the organization, our ground of confidence in the Buddha's Dharma has been compromised. Some of us, who chose to

[4] See the open letter in *Lion's Roar*: https://www.lionsroar.com/wp-content/uploads/2017/07/Letter-to-Sogyal-Lakar-14-06-2017-.pdf.

> depart abruptly Lerab Ling, left all of our possessions, because we were desperate to break away from your abuse and the community that supported it.
>
> Whether we departed abruptly or have faded away from you and Rigpa, we struggle to rekindle an appreciation for the transformative teachings and teachers we encountered. Often when we sit down to meditate and practice, we feel polluted with trauma from our experience with you; some of us relate to the Vajrayana with deep suspicion; and some of us are at work rebuilding from scratch the foundations of our study and practice recognizing that your manipulation was intermingled with all that we were taught. Others of us seek conventional therapy as a means for processing. So quite contrary to your aspiration to bring the true Dharma to beings, the effect of your methods is that our relationship to the Dharma has been tainted. We now see clearly the many ways that you betrayed our trust, manipulated and abused us and our Dharma brothers and sisters.
>
> [. . .] Some of us, who have held positions of responsibility within Rigpa, struggle with our own part in having covered for you and "explained" away your behavior, while not caring for those with traumatic experiences. Our past motivation to see all the actions of our tantric teacher as pure obscured us from seeing the very real harm that you are inflicting. [. . .] We can no longer stay silent while you harm others in the name of Buddhism. [. . .] We no longer want to indulge in the stupidity of seeing the Guru as perfect at any cost. The path does not require us to sacrifice our wisdom to discern, our ethics and morality, or our integrity, on the altar of "Guru Yoga."

When we become Buddhists, we take on many vows that are core to our Buddhist practice. These practices are meant to cultivate an ethical way of being so that we may always live in the Dharma and help others do the same.

These can include the Ten Grave Precepts:

- To appreciate and affirm all life and not to kill.
- To respect others' possessions and not to steal.
- To honor the body and not misuse sexuality.
- To be truthful and not to lie.
- To be sober, attentive, and not cloud the mind.
- To refrain from talking about others' errors and faults.
- To refrain from elevating myself and blaming others.
- To reframe from being stingy, especially with the Dharma.
- To refrain from indulging in anger and hatred.
- To refrain from speaking ill of the Buddha, Dharma, and Sangha.

Furthermore, Buddhist leaders and teachers take the Bodhisattva vows:

- Sentient beings are numberless, I vow to save them;
- Delusions are inexhaustible, I vow to put an end to them;
- Reality is boundless, I vow to perceive it;
- The Buddha Way is unsurpassable, I vow to embody it.

Sexual abuse and teacher misconduct are a violation of these fundamental practices and ethics on two levels. On one level, they go against many of the precepts, such as an appreciation of all life, honoring the body and not misusing sexuality, and to refrain from lying and dishonesty. Lama Willa Blythe Baker, a survivor of sexual misconduct in Kagyu Thubten Choling Monastery, shared that, "in most sanghas where misconduct is occurring, there is a circle of people in the know, but incredibly they may not be aware of each other. In other words, there is not just a secret; there is a culture of secrecy. Acts of deception, enabling, and dissimulation sometimes become so habitual that they seem perfectly normal, like brushing your teeth."[5]

Lama Willa demonstrates the interrelatedness of these precepts that make them so important. It is not just a couple of precepts that are being broken (e.g., misusing sexuality and dishonoring one's body and dignity). But breaking any of them creates an enabling community and culture to do harm onto each other. This goes against the Tenth Precept too—not disparaging the Buddha, Dharma and Sangha—for harming of any sangha member disparages the Buddha, Dharma, and Sangha simultaneously because all manifest in each individual.

Therefore, sexual and teacher misconduct not only harm specific sangha members, but the entire community and goes against the essence of the Dharma, which can be found in the Bodhisattva vows. This is the other level of violation. As the excerpt above shows, the former students of Sogyal Rinpoche and members of the Rigpa community called attention to how their teacher created mistrust in the Dharma, and how they themselves felt complicit in this harm in an effort to uphold their vows to their teacher. While fault lies with the person perpetrating abuse (in this case, Sogyal Rinpoche), this example illustrates the deep and complex impact of abuse

Avalokiteshvara, The Bodhisattva of Compassion

Avalokiteshvara, the Bodhisattva of Compassion, saw how much sentient beings were suffering. This filled them with great sorrow and compassion, causing tears to flow from their eyes. They asked the Buddha for guidance, and the Buddha encouraged Avalokiteshvara to be motivated by loving-kindness and compassion to benefit all beings. So Avalokiteshvara made a great vow, from every pore of their body, to help all beings find liberation.

Avalokiteshvara worked tirelessly for many ages, helping innumerous beings. One day they wondered if any of their work had made a difference. They scanned the entire universe and to their dismay, nothing had changed! The number of beings suffering had not decreased! They remembered that "sentient beings are numberless," and realized their task was impossible and gave up, thus breaking their vow.

Amitabha, the Future Buddha, took pity on Avalokiteshvara. Amitabha transformed Avalokiteshvara's skull into eleven heads, ten of them benevolent and one wrathful for protection. Amitabha also gave Avalokiteshvara a thousand arms to carry out their work, and a thousand eyes placed on the palm of each hand to better see all the work that needs to be done. Amitabha encouraged Avalokiteshvara again to not give up, to renew their vow, and to remember that the world of suffering is beginningless and endless, thus to better enjoy this tireless work for the sake of all beings until [the world of suffering] ends.

This story illustrates forgiveness, the work of compassion, and the renewal of vow. Consider how it may apply to your community in how it responds to misconduct.

[5] Lama Willa Blythe Baker, "Breaking the Silence on Sexual Misconduct," *Lion's Roar,* May 19, 2018, https://www.lionsroar.com/breaking-the-silence-on-sexual-misconduct.

in a community. In the end, abuse impacts individual and communal experiences of the Three Jewels of the Buddha, Dharma, and Sangha.

This brings us to the idea that Buddhist teachings alone may not be enough to prevent or respond to misconduct, especially when teachings are so often twisted by perpetrators to justify their behavior. One teacher we spoke to noted additional training is often needed because "[Buddhist] teachers are perhaps not always trained very well in what I call the pastoral aspects of our work." They go on to share that, "Because of this lack of training, often in combination with a certain lack of insight into one's own specific psychological patterns, trauma, and weaknesses, some spiritual teachers have made horrible mistakes or displayed repeated behavior that caused tremendous harm to the people and communities around them. My conclusion is that the traditional teachings, however profound and clear, may not suffice to safeguard communities, students and teachers and are not sufficient as a framework for training spiritual leaders."

Therefore, Buddhist teacher training may need to be supplemented with training that specifically connects key Buddhist principles and vows to the issues of misconduct, abuse, and power. (See Appendix: "The Buddha Would Have Believed You" by Bhante Sujato)

False Shepherds and True Shepherds

(From Jewish and Christian Traditions)

The texts that we provide here contrast the False Shepherd and the True Shepherd.

Ezekiel 34

1 The word of the Lord God came to me: 2 Mortal, prophesy against the shepherds of Israel: prophesy, and say to them—to the shepherds: Thus says the Lord God: Ah, you shepherds of Israel who have been feeding yourselves! Should not shepherds feed the sheep? 3 You eat the fat, you clothe yourselves with the wool, you slaughter the fatlings; but you do not feed the sheep. 4 You have not strengthened the weak, you have not healed the sick, you have not bound up the injured, you have not brought back the strayed, you have not sought the lost, but with force and harshness you have ruled them. 5 So they were scattered, because there was no shepherd; and scattered, they became food for all the wild animals. 6 My sheep were scattered, they wandered over all the mountains and on every high hill; my sheep were scattered over all the face of the earth, with no one to search or seek for them.

7 Therefore, you shepherds, hear the word of the Lord: 8 As I live, says the Lord God, because my sheep have become a prey, and my sheep have become food for all the wild animals, since there was no shepherd; and because my shepherds have not searched for my sheep, but the shepherds have fed themselves, and have not fed my sheep; 9 therefore, you shepherds, hear the word of the Lord: 10 Thus says the Lord God, 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.

God, the True Shepherd

11 For thus says the Lord God: I myself will search for my sheep, and will seek them out. 12 As shepherds seek out their flocks when they are among their scattered sheep, so I will seek out my sheep. I will rescue them from all the places to which they have been scattered on a day of clouds and thick darkness. 13 I will bring them out from the peoples and gather them from the countries, and will bring them into their own land; and I will feed them on the mountains of Israel, by the watercourses, and in all the inhabited parts of the land. 14 I will feed them with good pasture, and the mountain heights of Israel shall be their pasture; there they shall lie down in good grazing land, and they shall feed on rich pasture on the mountains of Israel. 15 I myself will be the shepherd of my sheep, and I will make them lie down, says the Lord God. 16 I will seek the lost, and I will bring back the strayed, and I will bind up the injured, and I will strengthen the weak, but the fat and the strong I will destroy. I will feed them with justice.

17 As for you, my flock, thus says the Lord God: I shall judge between sheep and sheep, between rams and goats: 18 Is it not enough for you to feed on the good pasture, but you must tread down with your feet the rest of your pasture? When you drink of clear water, must you foul the rest with your feet? 19 And must my sheep eat what you have trodden with your feet, and drink what you have fouled with your feet?

20 Therefore, thus says the Lord God to them: I myself will judge between the fat sheep and the lean

sheep. [21] Because you pushed with flank and shoulder, and butted at all the weak animals with your horns until you scattered them far and wide, [22] I will save my flock, and they shall no longer be ravaged; and I will judge between sheep and sheep.

[23] I will set up over them one shepherd, my servant David, and he shall feed them: he shall feed them and be their shepherd. [24] And I, the Lord, will be their God, and my servant David shall be prince among them; I, the Lord, have spoken.

[25] I will make with them a covenant of peace and banish wild animals from the land, so that they may live in the wild and sleep in the woods securely. [26] I will make them and the region around my hill a blessing; and I will send down the showers in their season; they shall be showers of blessing. [27] The trees of the field shall yield their fruit, and the earth shall yield its increase. They shall be secure on their soil; and they shall know that I am the Lord, when I break the bars of their yoke, and save them from the hands of those who enslaved them. [28] They shall no more be plunder for the nations, nor shall the animals of the land devour them; they shall live in safety, and no one shall make them afraid. [29] I will provide for them splendid vegetation so that they shall no more be consumed with hunger in the land, and no longer suffer the insults of the nations. [30] They shall know that I, the Lord their God, am with them, and that they, the house of Israel, are my people, says the Lord God. [31] You are my sheep, the sheep of my pasture and I am your God, says the Lord God. (NRSV)

In Hebrew scripture, the prophet Ezekiel (Chapter 34) describes the false shepherds. These are the shepherds that meet their own needs by taking from the flock they are supposed to be shepherding and that fail to protect and care for the flock, which is their job. Ezekiel bemoans all of this and is clearly speaking to the public figures of his day using the shepherd metaphor—effective no doubt because the people knew that the customary practice for shepherds was that they did not take sheep from their own flock for their needs. The point was that the shepherd was entrusted with the care of the flock in order to ensure the wellbeing of the whole community, who relied on the flock as a resource. God condemns the false shepherds for their disregard of the well-being of the flock and for their misuse of their roles. Then, ironically, the text (v. 23) says that God will establish David to be the real shepherd. Let's look at David.

2 Samuel 11

[1] In the spring of the year, the time when kings go out to battle, David sent Joab with his officers and all Israel with him; they ravaged the Ammonites, and besieged Rabbah. But David remained at Jerusalem.

[2] It happened, late one afternoon, when David rose from his couch and was walking about on the roof of the king's house, that he saw from the roof a woman bathing; the woman was very beautiful. [3] David sent someone to inquire about the woman. It was reported, "This is Bathsheba daughter of Eliam, the wife of Uriah the Hittite." [4] So David sent messengers to get her, and she came to him, and he lay with her. (Now she was purifying herself after her period.) Then she returned to her house. [5] The woman conceived; and she sent and told David, "I am pregnant."

[6] So David sent word to Joab, "Send me Uriah the Hittite." And Joab sent Uriah to David. [7] When Uriah came to him, David asked how Joab and the people fared, and how the war was going. [8] Then David said to Uriah, "Go down to your house, and wash your feet." Uriah went out of the king's house, and there followed him a present from the king. [9] But Uriah slept at the entrance of the king's

house with all the servants of his lord, and did not go down to his house. [10] When they told David, "Uriah did not go down to his house," David said to Uriah, "You have just come from a journey. Why did you not go down to your house?" [11] Uriah said to David, "The ark and Israel and Judah remain in booths; and my lord Joab and the servants of my lord are camping in the open field; shall I then go to my house, to eat and to drink, and to lie with my wife? As you live, and as your soul lives, I will not do such a thing." [12] Then David said to Uriah, "Remain here today also, and tomorrow I will send you back." So Uriah remained in Jerusalem that day. On the next day, [13] David invited him to eat and drink in his presence and made him drunk; and in the evening he went out to lie on his couch with the servants of his lord, but he did not go down to his house.

David Has Uriah Killed

[14] In the morning David wrote a letter to Joab, and sent it by the hand of Uriah. [15] In the letter he wrote, "Set Uriah in the forefront of the hardest fighting, and then draw back from him, so that he may be struck down and die." [16] As Joab was besieging the city, he assigned Uriah to the place where he knew there were valiant warriors. [17] The men of the city came out and fought with Joab; and some of the servants of David among the people fell. Uriah the Hittite was killed as well. [18] Then Joab sent and told David all the news about the fighting; [19] and he instructed the messenger, "When you have finished telling the king all the news about the fighting, [20] then, if the king's anger rises, and if he says to you, 'Why did you go so near the city to fight? Did you not know that they would shoot from the wall? [21] Who killed Abimelech son of Jerubbaal? Did not a woman throw an upper millstone on him from the wall, so that he died at Thebez? Why did you go so near the wall?' then you shall say, 'Your servant Uriah the Hittite is dead too.'"

[22] So the messenger went, and came and told David all that Joab had sent him to tell. [23] The messenger said to David, "The men gained an advantage over us, and came out against us in the field; but we drove them back to the entrance of the gate. [24] Then the archers shot at your servants from the wall; some of the king's servants are dead; and your servant Uriah the Hittite is dead also." [25] David said to the messenger, "Thus you shall say to Joab, 'Do not let this matter trouble you, for the sword devours now one and now another; press your attack on the city, and overthrow it.' And encourage him."

[26] When the wife of Uriah heard that her husband was dead, she made lamentation for him. [27] When the mourning was over, David sent and brought her to his house, and she became his wife, and bore him a son. (NRSV)

2 Samuel 12

[1] And the Lord sent Nathan to David. He came to him, and said to him, "There were two men in a certain city, the one rich and the other poor. [2] The rich man had very many flocks and herds; [3] but the poor man had nothing but one little ewe lamb, which he had bought. He brought it up, and it grew up with him and with his children; it used to eat of his meager fare, and drink from his cup, and lie in his bosom, and it was like a daughter to him. [4] Now there came a traveler to the rich man, and he was loath to take one of his own flock or herd to prepare for the wayfarer who had come to him, but he took the poor man's lamb, and prepared that for the guest who had come to him." [5] Then David's anger was greatly kindled against the man. He said to Nathan, "As the Lord lives, the man who has done this deserves to die; [6] he shall restore the lamb fourfold, because he did this thing, and because he had no pity."

This is a well-known story. King David spots Bathsheba and wants to have sex with her. He sends for her and impregnates her. We are not told how she felt about any of this, but consent is not apparent.

Now she is pregnant, and David believes he has to cover this up. He sends for Bathsheba's soldier husband who is away fighting the war. Uriah comes to David, who rewards him and tells him to go home and have sex with his wife. Uriah refuses because his comrades are still fighting, and he does not feel that he should take advantage of this special treatment. The next night David got him drunk, but still Uriah did not go to his wife. David's plan to get Uriah to have sex with his wife in order to appear to be responsible for her pregnancy failed.

His next plan was to send Uriah back to the front with instructions to his commander that he be put in the front line where he would surely be killed. The report came back that he was in fact killed in battle. Bathsheba mourned for the loss of her husband. David then sent for her and married her so that the child she bore then was assumed to be his.

The ethical analysis of this situation follows in the text: God was not pleased with David, and God sent Nathan to confront him. See how Nathan frames the confrontation. He does not talk about adultery or even about sex. He talks about power.

He tells David a story: There was a rich man and a poor man. The rich man had many sheep. The poor man had one lamb that he had bought and raised in his family. She was "like a daughter to him," the text says. The rich man had a visitor and instead of taking one of his own sheep to provide for the visitor, he instead took the poor man's lamb to be the meal for his guest.

David responds with anger and condemns the rich man to death, adding that he should restore the poor man fourfold what he took from him. Nathan responds with those now classic words, "You are the man."

God's confrontation of David was delivered through Nathan. The story of the rich and poor man is the heart of the ethical analysis here. David is called to account not for having sex per se, but for misusing his power over and over to take things that were not his: Bathsheba herself and Uriah's life. His sin is theft, and theft was only an option for him because he was King. Few others could have accomplished these deeds with impunity.

Nathan is unrelenting in his call to accountability, and the consequences he pronounces are far reaching: "The sword shall never depart from your house." David finally gets it and confesses his sin. Nathan tells him that he will not die because of God's mercy, but that his child will die, which happens right after birth. David is held accountable and experiences consequences. The misuse of power is punished.

However, David is respected and revered, a hero to his people, a charismatic leader chosen by God. This image of David makes this story all the more important to our spiritual communities. One who brings great gifts to leadership can also be one who betrays the trust of their people on his way to breaking at least four of the Ten Commandments. Thankfully, God sent Nathan to confront David, speaking truth to power.

For those of you who are using this handbook to guide your responses to complaints of clergy

misconduct, you are the Nathans in our midst, called and sent by God to see clearly, to name unequivocally, and to act to make justice and bring healing to the faith community.

"You Shall Not Steal"

For those who are survivors of abuse by spiritual leaders or other trusted helpers, there is often an attempt to articulate the experience in moral terms. Frequently, survivors use such phrases as "what I lost" to describe the consequences of the betrayal of trust they experience. In this they are reaching for a moral norm by which to establish the wrongness of their experience. Of course the flaw here is that this language of "loss" completely avoids agency or responsibility on the part of the perpetrator. The passive voice of loss ultimately reflects on the survivor and their carelessness in "losing" something valuable.

This is not surprising within a patriarchal context in which support for placing responsibility for an offense (betrayal of trust and violation of boundaries) on the person with power (parent, teacher, clergy) is unlikely, but it seriously distracts from a viable ethical norm that should focus on theft. This is not to revert to the property discussion above, but rather to acknowledge that something is in fact taken from the victim by the perpetrator that does not belong to them. It is not the property of one's "sexual goods," but rather the trust that the victim carries in one's world, in relationships, and also in one's future. The sexual abuse of a child means that that child's future is dramatically impacted and, for better or worse, will probably require some expenditure of energy and resources as an adult to address the childhood experience. A child's future is stolen by sexual abuse. This does not mean that it cannot be recovered. However, if it weren't for the actions of an adult who took something that did not belong to them, this child would have a very different future ahead.

Sexual abuse or a sexual violation makes it clear that something has been taken away. Someone has taken another's power away. Someone has stolen another's bodily integrity. The power to decide, to choose, to determine, to consent, or to withhold consent in the most concrete bodily dimension all vanish in the face of a rapist or child abuser.

The sin of sexual abuse brings us back to the Ten Commandments. It is not the Seventh Commandment, "You shall not commit adultery," that should concern us. The problem with sexual violence is not that it represents sex outside of marriage. Rather, it is the Eighth Commandment, "You shall not steal" (Deuteronomy 5:19 and Exodus 20:15). It is the theft by the assailant of the security and well-being of the victim, the betrayal of trust, and the theft of their future. Let's be clear. It is not property theft, i.e. the taking of the property belonging to the male head of household. It is the theft of the sense of self of the person who is abused. Their boundaries are violated, trust is betrayed, and relationships are often broken by the theft of the abuser.

John 10:1-10

[1] "Very truly, I tell you, anyone who does not enter the sheepfold by the gate but climbs in by another way is a thief and a bandit. [2] The one who enters by the gate is the shepherd of the sheep. [3] The gatekeeper opens the gate for him, and the sheep hear his voice. He calls his own sheep by name and leads them out. [4] When he has brought out all his own, he goes ahead of them, and the sheep follow him because they know his voice. [5] They will not follow a stranger, but they will run from him because they do not know the voice of strangers." [6] Jesus used this figure of speech with them, but they did not understand what he was saying to them.

> [7] So again Jesus said to them, "Very truly, I tell you, I am the gate for the sheep. [8] All who came before me are thieves and bandits; but the sheep did not listen to them. [9] I am the gate. Whoever enters by me will be saved, and will come in and go out and find pasture. [10] The thief comes only to steal and kill and destroy. I came that they may have life, and have it abundantly. (NRSV)

In Christian teaching, Jesus establishes trust as fundamental to his message. The one who enters by the gate is the shepherd, appointed to care for and protect the sheep. If Jesus is the gate, then we are offered this model for the ministries we carry out. Jesus contrasts this role with that of the thief who "comes only to steal and kill and destroy." How does the thief gain access to the sheep? By pretending to be a trustworthy shepherd.

Psalm 23

> [1] YHWH, you are my shepherd—
> I want nothing more.
> [2] You let me lie down in green meadows;
> you lead me beside restful waters:
> [3] you refresh my soul.
> You guide me to lush pastures
> for the sake of your Name.
> [4] Even if I'm surrounded by shadows of Death,
> I fear no danger, for you are with me.
> Your rod and your staff—
> they give me courage.
> [5] You spread a table for me
> in the presence of my enemies,
> and you anoint my head with oil—
> my cup overflows!
> [6] Only goodness and love will follow me
> all the days of my life,
> and I will dwell in your house, YHWH,
> for days without end. (Inclusive Bible)

The image of the sheep and shepherd appear regularly in both Hebrew and Christian scriptures. Clearly, this image and metaphor carried great meaning. Here in Psalm 23, we have the description of God as the Good Shepherd, which is also a description of ministry for those of us called into leadership as shepherds. We have a description of the safety and reassurance that come with living in God's house.

Commentary by Rabbi Mark Dratch

It goes without saying that no one is perfect. Every human being makes mistakes, suffers failures, and behaves improperly: "For there is not a righteous person upon earth, that does good, and does not sin" (Ecclesiastes 7:20). And those in positions of leadership and power face even greater challenges than do the masses. They are fallible. At times they are unable to fulfill properly the demands of their positions or to resolve appropriately the tensions and conflicting demands of their congregations. They are subject to temptations like every other human being, and sometimes,

like others, they succumb. At times they are unable to withstand the enticements and trappings of their offices. The Torah itself hints to us that our leaders will certainly fail: "*When* the leader sins" (Leviticus 4:22) it says, not "if."[1] Nevertheless, imperfection and error do not automatically disqualify a person from serving in religious leadership—otherwise, we would have no leaders.[2]

All the same, religious leadership demands a high level of integrity. Religious leaders are moral and spiritual exemplars, representatives of God to the people they are charged to teach, inspire, counsel, and lead. The behavior of any religiously observant person—but especially that of a spiritual leader—is especially sensitive to being a *Kiddush Hashem* (a sanctification of God's Name) as well as its converse, a *hillul Hashem* (a desecration of God's Name). Their successes and their failings can and do reflect on the One they represent and impact the religious behaviors and beliefs of their adherents and students, both positively and negatively. When leaders are guilty of desecrating God's Name, they betray God and foster disillusionment and even cynicism in the community. It is for this reason that the Talmud reminds us that when learned, religiously observant people are honest and pleasant, others are impressed with them and the spiritual tradition they represent.[3] Conversely, when such people are dishonest or discourteous—to say nothing of abusive—others blame the tradition and God that they claim to represent. When spiritual leaders cross inviolable boundaries, they bring discredit to their calling and should be held accountable publicly. In fact, "wherever there is desecration of God's Name, honor is not extended, even to a rabbi."[4]

Leaders must be accountable for their wrongdoings. Allowing them or enabling them to violate the authority and privilege of their positions without any restraint or accountability undercuts the community's trust, undermines adherence to the community's values, alienates congregants from God, and allows victims to be continually and systemically revictimized by those individuals, institutions, and movements whose duty it is to protect them.

Spiritual leaders are charged not only with teaching and preaching the wisdom of their faith, they are to model, through their behavior, its spiritual and moral lessons as well. Thus, the Talmud describes Rabbi Yehudah's dilemma whether or not to excommunicate a rabbi "whose reputation was objectionable." "To excommunicate him [we cannot], as the rabbis have need of him [as a capable teacher]; not to excommunicate him [we cannot] as the name of Heaven is being profaned." Citing the verse "For the priest's lips should keep knowledge and they should seek Torah at his mouth; for he is a *malakh* of the Lord of Hosts" (Malachi 2:7), the sage Rabbah bar Hanna instructed him to excommunicate this rabbi. The word *malakh* can be translated in two ways: angel and messenger. On the one hand, "if the clergy is like an angel of the Lord of Hosts, they should seek instruction from that clergy; but if [that clergy] is not [like an angel], they should not seek instruction."[5]

Spiritual leaders must be more than just experts in ritual, bible, and theology. They must be, first and foremost, moral exemplars. After all, the study of religious texts is much more than an intellectual exercise, and spiritual leaders are more than just university professors. While one does not necessarily expect moral greatness from a professor of chemistry or literature, one absolutely requires it of religious teachers. How can clergy preach about repentance or ethics, if they themselves are unrepentant or unethical? How can they exhort others to be empathetic and charitable, if they are cruel or selfish? How can they represent a kind, compassionate, and loving

[1] See Rashi to *Horayot*, s.v. shani.
[2] The Talmud, *Yoma* 22b, dictates appointing as leader only those who "carry a basket of reptiles on their backs," i.e., those with proverbial skeletons in their closets which serve as preventatives to excessive self satisfaction and arrogance.
[3] Talumd, *Yoma* 86a.
[4] Talmud, *Berakhot* 19b.
[5] *Mo'ed Katan* 17a.

God if they are abusive? How can they bring others to a love of God, when their actions undermine divine values and teachings and serve to frustrate and alienate those who seek their guidance? This moral standard is a *sine qua non*.

On the other hand, spiritual leaders are not angels—and elevating them to superhuman status is itself a problem; they are "merely" messengers of God. Congregants disillusioned by a failed leader need to be helped to understand that the fault and betrayal lie with the fallible and flawed human messenger, not with God and God's teachings. They need to distinguish between God and the messenger. They need to understand when faith doctrines have been misinterpreted and misapplied so as to enable and perpetrate abuse. Their faith should not be undermined, but strengthened as they take ownership and responsibility for their relationship with God.

R. Abraham Isaac Kook, the first Chief Rabbi of Israel, described himself—and, by extension, every rabbi—as an *eved le-avdei Hashem*, a servant of the servants of God. As such, he taught that the prime responsibility of clergy is for the physical, emotional, and spiritual well-being of the members of their community. At times, this mandate calls for protecting the reputation of the faith community at large and defending its leadership and institutions. At other times, however, it means taking serious stock of those very same leaders and institutions in order to make certain that they are upholding and furthering this mandate. If problems are uncovered, they must not be dismissed or hidden. In every case, the circumstances surrounding allegations and suspicions must be evaluated and determinations made as to how to properly respond.

When spiritual leaders have violated the appropriate boundaries that define the respectful and proper relationship between them and their congregants, considerations for the welfare of the victims and the well-being of the community are priorities. The protection of the vulnerable and the innocent is always the first concern—what kind of community would it be otherwise?—and innocent individuals may never be sacrificed on the altar of institutional or denominational self interest. In this way, all members of the community—the servants of God, as well as the servants of those servants—will fulfill the biblical admonition that calls on each of us to sanctify the Name of Heaven, "And [God] said to me, 'You are my servant, O Israel, in whom I will be glorified'" (Isaiah 49:3).

Conclusion

The discussion of misconduct by spiritual leaders rests squarely in the context of our understanding of teaching, ministry, and leadership within the various spiritual communities. Within this context, our goal is to maintain the integrity of the ministerial/teaching relationship and protect the vulnerabilities of students/those whom we lead.

It is imperative that those of us in spiritual leadership recognize the power that we have, that is given over to us by those whom we serve, and that we accept the responsibility of maintaining healthy boundaries in all our ministerial/teaching relationships. When we violate the boundaries of these relationships, we misuse our power and take advantage of others. When we do this, we shall be called to account.

This handbook aims to prepare you to respond to disclosures of spiritual leader misconduct by providing foundational background information to the subject of misconduct and abuse, a solid ethical and theological understanding of the issues, and practical guidance for navigating your next steps.

The Scope of Spiritual Leader Misconduct

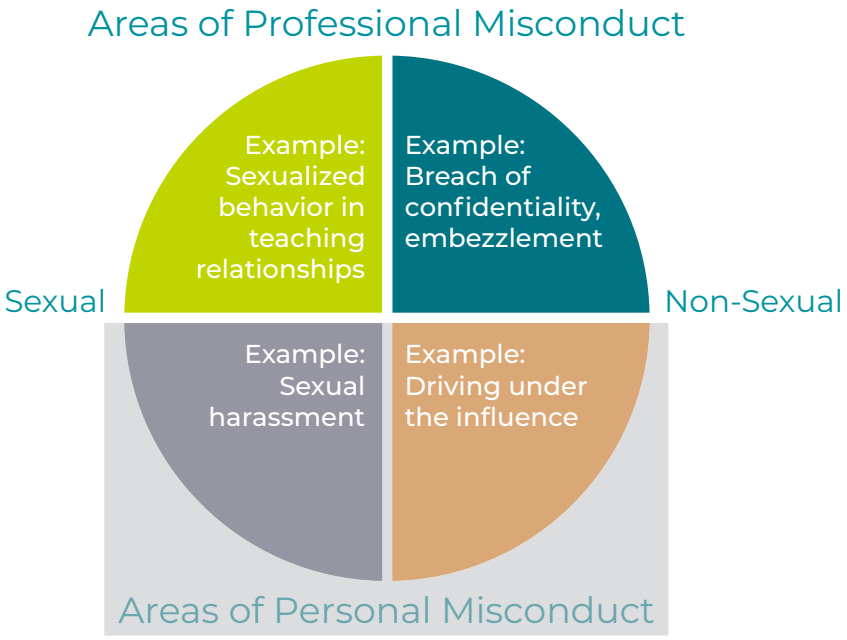
Each individual spiritual leader is faced with ethical expectations in a professional role. These expectations include maintaining healthy boundaries in ministerial/teaching relationships, keeping confidences, and managing funds with integrity.

Each individual spiritual leader is also faced with their own personal ethical challenges. Thus, violations of personal relationships (e.g. domestic violence, adultery, etc.), driving while intoxicated, or cheating on income taxes are personal ethical issues. This personal misconduct may or may not compromise one's ministerial/teaching leadership.

The policies of a congregation, judicatory, spiritual organization, or seminary should address professional ethical expectations rather than personal ones. Thus, the focus of this handbook is on professional ethics for spiritual leaders and the responsibilities of congregations, judicatories, spiritual organizations, and seminaries to have clear policies and to respond to violations of these policies.

The Church, Synagogue, & Sangha as a Workplace

The graphic below suggests the difference between "professional misconduct," that is, misconduct in the role of a spiritual leader, and "personal misconduct," or misconduct in one's private life outside of one's ministerial/teaching role. The upper half of the circle illustrates both a sexual and nonsexual example of professional misconduct. The lower half illustrates both a sexual and nonsexual example of personal misconduct.



As an example of **personal non-sexual misconduct**, suppose a Buddhist teacher is arrested for a DUI while on vacation with her family. This should only be a professional concern for her employer and personnel committee if it suggests that she is dealing with alcohol abuse. Otherwise it is not an

employment issue. Imagine, instead, that the teacher is arrested for a DUI while driving students or sangha members. Then we have a much bigger issue to address: this is **professional non-sexual misconduct** and a very serious breach of trust which could cost her her job.

The point is that the policy should clearly describe what behaviors are considered misconduct. We encourage a distinction between private and professional behaviors unless the private behavior clearly compromises the professional behavior.

So, there is a difference between a pastor having an affair with a peer colleague in a neighboring town and "having an affair" with a congregant. The first may or may not impact the pastor's leadership (depending on the cultural norms and expectations of the community). The second is **sexual professional misconduct** and a betrayal of trust.

Assumptions

"Not to do evil, to do good, to purify one's mind—this is the teaching of the Buddhas. It is difficult to obtain human birth; it is difficult to live with the certainty of death; it is difficult to hear the precious Dharma; the appearance of an Awakened One is rarer still. It is hard to find a person of great wisdom. Such a person is not born everywhere. Wherever a wise one is born, the family thrives in happiness." The Dhammapada, Chapter 14 (The Buddha), verse 182-183.

"Surely there is no one on earth so righteous as to do good without ever sinning." Ecclesiastes 7:20

This Is about All of Us

- This is about all of us. We all have various relationships with congregants, staff, students, volunteers.
- This is about all of us. We all have experienced (or have the potential to experience) sexual or romantic attraction to students, congregants, and those with whom we work.
- This is about all of us. We all have experienced (or have the potential to experience) sexual come-ons from students, congregants, and those with whom we work.
- This is about all of us. We all have been tempted or have crossed boundaries with students, congregants, and those with whom we work.
- Some of us have been abused by a spiritual leader or other authority figure.
- The work of ministry and teaching is intimate. We are intimately involved in the lives of those whom we serve or supervise. We have unique influence and access.
- Every day we are challenged to maintain the integrity of our ministerial/teaching relationships.

Ministry/Teaching as a Profession

Some spiritual leaders resist considering themselves "a professional." They have negative associations with the category of "professional." They see "professionals" as formal, aloof, uninvolved, uncaring—all of which contradict their sense of themselves as spiritual leaders. But in fact, the term "professional" traditionally means something very different. In all of the helping professions (medicine, teaching, ministry, law), it assumes:

- A sense of calling
- Specialized knowledge acquired through training
- Standards for performance

- Accountability to those who are served
- Power and authority to be used in the interest of those served: "unique access and influence" (a fiduciary role)

This understanding of the values of the professional can help us place our role as spiritual leader in the context of the community's well-being and our accountability to the community.

Power in Ministry/Teaching: A Neutral Fact of Life

- Power can be used to control others, to preserve privilege, and to sustain the hierarchy to which it is accountable.
- Power can be used to provide leadership and to protect the vulnerable; it originates in the call of the community and is accountable to the community.
- Power can be used as a co-creative force to produce.

The Bottom Line

- It's never okay to violate the boundaries of a ministerial/teaching relationship.
- It's always our responsibility as leaders to maintain healthy boundaries because even under usual circumstances, we are in a position to do so.
- It's never simple because circumstances are always complicated.

Our goal in better understanding ethics, boundaries, and power is to be clear about the bottom lines that help us maintain the integrity of our ministerial/teaching relationships.

Who Are Perpetrators in Spiritual Communities?

Perpetrators within spiritual communities exhibit a wide range of behavioral and personality traits. They cannot be characterized by a single list of traits; they cannot be identified through psychological testing. Rather, these perpetrators fall along a continuum. At one extreme is the type we call "the wanderer"; at the other extreme is "the predator."[1]

It is important to note that the effect on the victim is not determined by the type of perpetrator. Perpetration by a wanderer can be just as damaging as abuse by a predator. We need to understand who perpetrators are in order to address their misconduct directly and to hopefully prevent them from causing harm to anyone else.

What Behaviors Differentiate Them?

Wanderer	Wanders across boundaries and lacks awareness or judgment
Predator	Is predatory, unremorseful, and lacks conscience[2]

What Is the Prognosis for Change?

Wanderer	Fair to good, if highly motivated to change and if able to fully take responsibility for their misconduct when confronted
Predator	Poor to fair, even if highly motivated to change; unlikely to take responsibility for their misconduct when confronted

Traits Common to Most Perpetrating Spiritual Leaders

- Controlling, dominating
- Limited self-awareness
- Limited or no awareness of boundary issues
- No sense of damage caused by own behavior
- Poor judgment
- Willingness to risk everything

[1] Anyone who is sexual with a child is by definition predatory.

[2] People who exhibit such behaviors have likely experienced high levels of trauma in their life. We often colloquially call these people "sociopaths" or "psychopaths" whether or not they fit the definition for Anti-Social Personality Disorder as defined by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).

- Narcissistic[3]
- Limited impulse control
- Limited understanding of consequences of actions
- Often charismatic, sensitive, talented, inspirational, and effective in ministry
- Motivated by desire for power/control/sex
- Sense of entitlement: "the rules don't apply to me"; assumes perks that come with the position

Behaviors Common to Most Perpetrating Spiritual Leaders[4]

- Often seek out vulnerable people
- May attract vulnerable people
- Secretive
- Manipulative
- Will minimize, deny, rationalize, and blame when confronted
- Often isolated from colleagues

Having a basic understanding of who perpetrators are is important to any organizational leadership trying to discern their response to a complaint.

In evaluating information from the investigation, a committee may be presented with a "he said/she said" situation. The allegations from the complainant are often denied by the accused spiritual leader. A committee with little understanding about the characteristics of a professional who violates boundaries and causes harm is most likely to **consider this situation from their own perspective**. Most of us tend to view the world with some sense of conscience. This means that when we do something that is hurtful or harmful to another person, we feel bad and want to rectify the situation. We also know that we couldn't lie about what we did.

When we listen to a colleague, whom we have known and perhaps trusted in the past, emphatically deny all the allegations of the complaint, **we are likely to believe that person because we can't imagine that they would lie.** The problem is that if this person is highly traumatized themselves, lying may not be a problem for them, and their agenda at this point is to control and manipulate the process in order to minimize negative consequences to themselves. A governing body charged with adjudication has to understand that things are not always as they seem and be able to carefully judge the information before them.

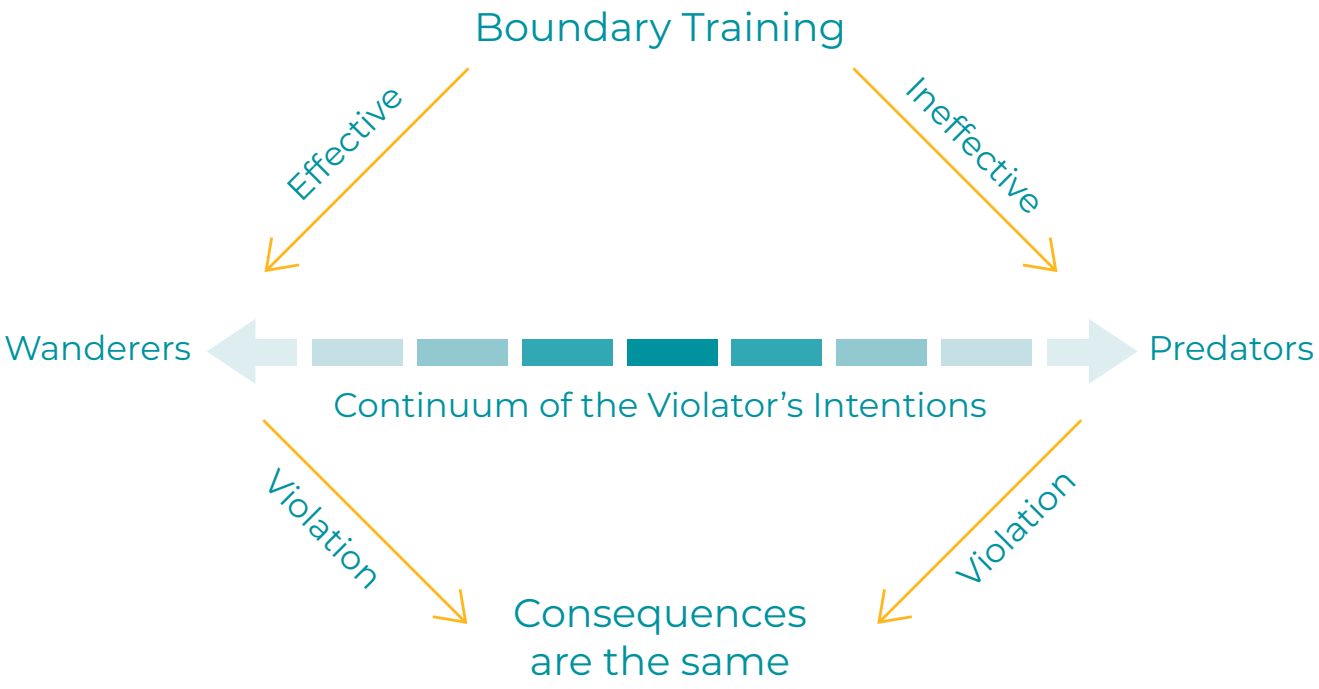
In addition, governing bodies/committees are often tempted to send an accused spiritual leader to a therapist and to ask the therapist to determine whether or not this person is an abuser. A therapeutic evaluation cannot answer this question. The question before the judicatory committee is: Did this spiritual leader do the things alleged by the complainant? Did they engage in the alleged behavior that would violate the policy? This is a question of violating the ethics policy. The committee is not looking for a clinical diagnosis; it is making a judgment on whether or not the policy was violated based on the evidence. (See "Guidelines for Assessing Evidence" below)

[3] Or people who exhibit narcissistic behavior, not necessarily those having Narcissistic Personality Disorder as defined by the DSM-5.

[4] See Section 3: "Response to the Accused Spiritual Leader" below.

Once the complaint is adjudicated, i.e. the committee has determined that the misconduct did occur and did violate the policy, then a clinical assessment may help determine disciplinary actions. Under this circumstance, if the spiritual leader acknowledges their misconduct, takes responsibility, and is willing to address their boundary issues, clinical treatment may be useful. (This is a possibility with "wanderers.")

If the spiritual leader is unable to acknowledge their misconduct or take responsibility, and is unwilling to address their boundary issues, clinical treatment will not be useful. (This is a probability with "predators.") (See "What Is the Prognosis for Change?" above) Clinical treatment is not meant to convince someone they have a problem with their professional boundaries. It is meant to be a resource to someone who knows they have a problem.



▲ This infographic shows the wanderer-predator continuum in relation to boundaries training and consequences. Boundaries training may be effective for those closer to the wanderer side of the continuum; it may not be for predators. It's important to remember, however, that the consequences are, and should be, the same for anyone who violates a boundary, no matter where they fall on this continuum.

Who Are the Victims?

ANYONE can be taken advantage of by a spiritual leader regardless of age, gender, race/ethnicity, sexuality, or circumstance.

VULNERABILITY makes people susceptible to victimization. It also makes them susceptible to coercion and manipulation by someone they trust.

Children or teens are particularly vulnerable due to:

- Age, size, lack of awareness or knowledge, lack of experience
- Sexual abuse or domestic violence in the home
- Dependence on adults due to:
  - The need for adult approval
  - An instinctive trust of adults
  - A reliance on adults' interpretations of feelings, thoughts, and experiences
  - A special relationship with the adult involved

Adults are particularly vulnerable due to:

- Lesser power, gender, fewer resources, emotional needs, being in crisis, history of abuse, expectations of and feelings about minister or teacher:
  - May trust in spiritual leader as a respected authority figure
  - May assume spiritual leaders are safe people to confide in because of their position (or because of celibacy vows, like for Roman Catholic priests or Buddhist monastics of certain lineages)
  - May be attracted to the leader's sensitivity, caring style, charisma, or power
  - May attempt to sexualize the relationship

Survivors of sexual abuse and boundary violations by spiritual leaders report these attempts by abusers to manipulate them:

- "After I told him about the sexual abuse by my father, he said we needed to re-enact it in order for me to get over it . . ."
- "He was the first person to take me seriously as an intellectual person, who would teach me the Torah . . ."
- "I wanted a spiritual mentor. She was good at that. So I decided I had to take the whole package."
- "I didn't want to do what he asked me to do, but he said it would help my marriage problems. I trusted him."
- "No harm, no foul. But he said it was our special secret."

Tragically, the moral agency and otherwise good judgment of the congregant, client, or student is compromised by the manipulation of the trusted leader who serves as the person's moral guide. I the individual has initial moral qualms, they are quickly dispensed with by the spiritual leader.

When it comes to sexual abuse in particular, the congregant, client, or student may initially be a willing participant in the spiritual leader's behavior. The fallacy is that they are a consenting participant because consent is not an option in a relationship where there is an imbalance of power. For most people, this finally becomes apparent; this is when the congregant, client, or student begins to blame themselves, doubt God or their closest held beliefs, and feel confused and powerless. They may think about disclosure.

The responsibility for maintaining the integrity of the ministerial or teaching relationship fundamentally lies with the spiritual leader.

The question that confronts us is how do we interrupt this equation? We have two options. First, we can remove the perpetrator to try to ensure that this person is not in a position to take advantage. However, sometimes we miss that opportunity. Then it is important that we remove the secrecy that the perpetrator seeks to establish in order to deny them the advantage. We do this by discussing the problem of boundaries for spiritual leaders openly and widely with community members and by providing access to an organization or community's policy. Information and awareness deny the secrecy required for manipulation and coercion.

Spiritual Leader Sexual Abuse & Misconduct

When we hear a rumor about spiritual leaders violating sexual boundaries, how is it usually labeled?

- "an affair"
- "an indiscretion"
- "guru devotion"
- "a lapse of judgment"
- "a mid-life crisis"
- "sexual addiction"
- "adultery"
- "he's a player"
- "true love"
- "therapy for the congregant/student"
- "a problem with his zipper"
- "non-western values"
- "betrayal of celibacy"

Although each of these labels communicates that the spiritual leader in question has allegedly violated sexual boundaries (i.e. we all know what it means), none of these labels really adequately describes what the spiritual leader has done.

If we are to realistically intervene and confront misconduct, we have to be clear about what it is. **The way we frame and define spiritual leader misconduct will determine how we respond to it.**

Often an organizational policy will frame the spiritual sexual misconduct as "adultery" and make this the ethical basis for addressing it. There are several problems with this: first, it does not adequately describe the ethical violation; second, it then addresses only married or partnered spiritual leaders; and third, it does not allow for attention to the victim of the misconduct.

"Adultery" is a matter of personal misconduct, but not professional misconduct. As such, it is very significant for the minister and their partner; it is a violation of their relationship. Adultery is the *result* of the professional misconduct, and the professional conduct of our leaders should be the primary concern for the spiritual community. The harm done to the spiritual leader's partner and family is collateral; the issue here is spiritual leader misconduct and harm to congregants or students. (See Section 2: "Ethical Analysis: What's Wrong with Spiritual Leader Sexual Misconduct and Abuse?")

The language below both describes the who, what, when, and where and takes a moral position. For example,

Spiritual leader misconduct is when any person in a ministerial or teaching role of leadership or pastoral counseling (clergy, religious, or lay) engages in harmful behaviors that violate the ministerial or teaching relationship. Violations can include sexual contact, sexual harassment or sexualized behavior with a congregant, client, employee, student, or staff member (adult, teenager, or child), financial irresponsibility or irregularities, violations of confidentiality, use of technology for illegal or harmful purposes, intentional deception or dishonesty including misrepresenting personal qualifications, acts of physical, emotional, spiritual violence or bullying, and gross negligence of ministerial responsibilities. Such misconduct is a violation of the ministerial/teaching relationship in which a person in a position of leadership takes advantage of a vulnerable person.

Spiritual relationships look like these:

- A congregant seeking guidance from a minister
- A teacher leading a retreat for her sangha
- An altar server serving a priest
- A spiritual community/organization employee in relation to her supervisor
- A parent volunteer in relation to the youth leader
- A student in dokusan/private meeting with their teacher
- A student intern supervised by a senior minister
- A synagogue secretary in relation to the rabbi
- A volunteer coordinator for religious education in relation to their minister
- A child in relation to an elder in her community

Remember our goal within our spiritual communities is:

To maintain the integrity of ministerial/teaching relationships and to protect vulnerable persons such as congregants, clients, employees, students, staff, and others.

Harassment

Harassment in spiritual communities can take many forms. Here, we will address harassment broadly, as well as racism, ableism, bullying, and sexual harassment.

The United States' Equal Employment Opportunity Commission (EEOC) defines harassment as:

> [U]nwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.[1]

Although much harassment flies under the legal radar in terms of its overtness and frequency, each event has the potential for significant impact on the person on the receiving end of mistreatment and ought to be taken seriously.

Federal and local governments dictate what is legal in workplaces. Spiritual communities must define for themselves what is considered harassment beyond the legal requirements of the workplace and how complaints will be handled. This will be defined by the community's theology, ethics, and commitment to spiritual health and care for those who are more vulnerable (i.e., have fewer resources). Every community and institution needs to have an explicit harassment policy to protect its employees and community members from harm.

[1] "Harassment," U.S. Equal Employment Opportunity Commission, accessed July 11, 2022, https://www.eeoc.gov/harassment.

Some may be familiar with the term **microaggression**, meaning the seemingly small, often accidental sleights that put down a person based on one or more aspects of their identity. These are things that would typically fall into the covert/no legal ramifications section of the above triangle.

Notice, however, that the bulk of the triangle is made up of these events. People with power may want to write off these experiences as unintentional or inconsequential in size. However, the collective weight of so-called microaggressions is often unbearable to individuals and communities who experience them. For this reason, author Ibram X. Kendi advises against use of the term microaggression and instead favors referring to these events for what they are: abuse.

Flipping this script—acknowledging the seriousness of these events—is one way in which people with more power can better recognize their impact over their intent, stop minimizing their behaviors, and elevate the seriousness of the everyday discrimination faced by their more vulnerable community members.

Intent versus impact is a key concern when it comes to addressing harassment of all forms. Harassment occurs when someone with more power acts abusively toward someone with less power. Too often, the person with more power is allowed to get away with their abuse by saying, "I didn't mean it that way." "You're making too big a deal of this." "Don't be so sensitive."

This allows people with power to avoid taking accountability for the ways their words and actions impact other people. If we are to take our power seriously, as well as our responsibility for caring for our communities, we must set intent (and ego) aside and take accountability for our impact instead.

The task of leadership teams within spiritual communities is not only to set out clear anti-harassment policies, adhere to them, and adjudicate cases where they are violated. Community leaders also hold the responsibility to foster a culture of fair treatment where harassment is not tolerated, and when it does occur, the community comes around the complainant to hear their story, advocate for them, and offer support.

Policies will need to cover both the legal protections of employees, volunteers, children, and vulnerable adults from all forms of unlawful harassment and also protect members of the community against lawful but still harmful boundary violations in the context of sacred community life.

As you read through the following forms of harassment and accompanying case studies, remember that **intersectionality** is the interconnected nature of the aspects of one's identity. It explains how people with multiple marginalized identities experience discrimination differently than those who share only one aspect of that person's identity. For example, a Black gay man experiences racism differently than a Black straight man does and homophobia differently than a white gay man does.

As good stewards of our power, we must be aware of the trap of thinking that we understand what it is like to live in someone else's identity. We must intentionally practice both empathy and humility to hear how we can rectify any harassment or abuse experienced by a member of our community.

Racial Harassment

In US culture, white supremacy makes racism largely invisible to white people. And although harassment and abuse may not be intended, the impact is still very real. Leaders must ask ourselves,

have we created an environment in which people of color feel free to come forward and report racist abuse on any scale? More importantly, have we created a culture where white people routinely address racist abuse, removing that burden from people of color? And are we working to dismantle the structures and systems that uphold white supremacy?

Tokenism is the practice of having just one or a few representative people of color in positions of leadership. This is a common function of racism, in which one person is expected to represent the interests, experiences, and culture of their entire race—or even all people of color. Tokenism occurs when a group of leaders is not truly representative of the community it serves. There is some awareness (and possibly embarrassment or shame) that the boardroom is too white—and so a small, non-representational number of people of color are invited into leadership positions to assuage white guilt.

Tokenism hurts the individuals who are asked to carry too much. It is a form of discrimination by choosing someone for leadership based on the color of their skin and not the gifts that they bring to the table. It sends a message to the people of color in the community that their voices are not valued. It sends a message to the white people in the community that they can be complacent when it comes to talking about and addressing racism because there is a minimal level of representation in leadership.

> **A small nonprofit organization has never had a director of color in their 30 years of operation,** even though their clientele are 40% people of color. When a new position is created at the director level, the board is pleased when the executive director recruits and hires a Black woman, Jayden, to fill the role.
>
> Jayden is enthusiastic. She comes from a large publicly funded organization where she was in middle management. Now, as a director in a brand-new role, she gets to design a program from the ground up, hire her own team, and put her talent to good use.
>
> At first, the rest of the executive team are equally enthusiastic. They learn from Jayden some practical changes they can make to their hiring process that would welcome more recruits of color. They are pleased that the diversity of the staff increases under her leadership and that her program flourishes.
>
> Over time, however, Jayden begins to butt heads with her fellow directors. Her professional style is different from her colleagues in a number of ways. Her tone and volume are different. The way she interacts with her staff is different. The problems she identifies and addresses feel tiresome and overwhelming to her colleagues. The question arises as to whether Jayden is "culturally" a good fit for the organization and team.
>
> <u>Questions for Reflection:</u>
>
> - How would you name what is going on here?
> - If she worked in your organization, what avenues would be in place for Jayden to seek support above the level of the directors' table?
> - Does your organization have access to and funding to pay trainers who are equipped to work with your staff to end racial harassment?
> - Do your board of directors and staff have direct access to one another, or is it up to the executive director to communicate about issues from one group to the other?

Ableism

Ableism hides in plain sight for those who are not living with a disability. Being invited up to the front of the room to receive a blessing during a religious service may be no problem for someone who can navigate a row of chairs and one or two stairs. However, a person with limited eye-sight or who uses a cane, crutches, or a wheelchair may be prevented from participating.

Religious entities are exempt from compliance with the Americans with Disabilities Act (ADA). So this is an area in which leadership will need to look beyond the legal requirements of accommodation and determine for themselves what ethical and theological standards will guide them.

It is helpful to be cognizant of how our spaces and rituals could or could not be navigable for people with disabilities and to make adjustments on the front end. It is essential for those who are responsible for those spaces to respond with openness and understanding when limitations and oversights are pointed out to us.[2]

> **George, a man who uses a wheelchair, moves to a new neighborhood** and is interested in worshiping at the local congregation of his mainline Protestant denomination.
>
> George calls ahead to the church office and is assured that he can access the building through a side entrance, as opposed to the main doors which are at the top of several stairs.
>
> George arrives one Sunday morning and follows the instructions he received. The side door does not have a button he can push to open the door. He wheels to the front of the building and waves at a greeter at the door and asks them for assistance. They are happy to help.
>
> Once inside, George sees the beautiful, historic sanctuary is full of built-in pews. He's instructed to sit at the front of the side aisle and is assured that he won't be in anyone's way. He feels self-conscious as people navigate around him. And, as the sanctuary is much larger than the congregation, most people sit gathered toward the center aisle and he is in an area by himself.
>
> After the service, the coffee hour is held in a space upstairs. Unfortunately, the elevator is out of order, and after the priest apologizes profusely, George reassures her that it's no problem, and goes home.
>
> Later in the week, the priest calls to apologize again and to explain that the church does prioritize serving people of all abilities. Unfortunately, they don't have the funds to install push buttons for the doors or repair their elevator. When George points out that there also wasn't a space for him in the sanctuary and that the order of worship had directions in it such as "all rise," the priest becomes impatient with him and ends the call saying, "Well, we certainly enjoyed having you with us and hope you'll worship with us again."

[2] Consulting with or hiring people with disabilities to assist you in making decisions or providing feedback on your policies, practices, and spaces will be most beneficial. If you have or form a committee to address disability issues in your community, be sure to include and prioritize people with disabilities on the committee.

Questions for Reflection:

- What challenges would people with disabilities encounter in your community's spaces and in the language/assumptions made in your gatherings? Or, which of these examples feels familiar to you?
- How do your budget priorities align with making gatherings more accessible to more people? For example, could you easily redistribute funds to hire a sign-language interpreter if one was required?
- What personal resistance or openness would you feel if a first-time visitor suggested remodeling your meeting space to make room for their wheelchair or moving your social hour to a different location in the building?

Bullying

Bullying can overlap with any other form of harassment, as it takes the form of intimidation or creating a hostile environment, which could entail sexual harassment, racist abuse, ableism, fatphobia, stereotyping, gaslighting, or any number of other areas.

We recommend that communities develop culture statements or other ethical guidelines that name the behaviors that exemplify their core values. When behaviors can be held up against a shared rubric of how we want to be together, we can better identify and address bullying and intimidation.

Consider the following forms bullying may take. What other forms of bullying would you add to this list?

- ***Verbal and physical intimidation:*** When Georgia doesn't get her way at work, she raises her voice, moves toward colleagues in a threatening manner, invading their personal space. Yesterday, she slammed the door and walked out of a meeting.
- ***Financial bullying:*** David, the executive director of a synagogue, tells his bookkeeper, Lee, to misrepresent his spending in the board report and threatens to fire Lee if they don't comply. Lee and their family have also recently become members of the congregation.
- ***Cyberbullying:*** A dharma student, Ray, sends another student, Tim (a peer), explicit emails, sharing memes and jokes of a sexual nature. When Tim asks Ray to stop, Ray starts sending messages to Tim's spouse on social media, asking, "What's going on with Tim? I thought we were friends, but he told me to leave him alone." And, "I didn't know you two were such prudes, I'm just joking!"
- ***Spiritual abuse:*** Pastor Luis counsels Julia, a congregant, against divorce, saying, "you made a vow before God to honor your husband. God brought the two of you together for a reason."

Questions for Reflection:

- Do any of these examples make you think, "That would never happen here"? Why do you think your community is exempt from that issue?
- When have you witnessed someone being a bully and didn't address it? What did you feel? What was your self-talk? What do you need in order to be able to respond differently next time?
- Do you have an ethics statement for your community? What would you want to have in it? Does your community have a culture of kindly but firmly calling people to abide by your adopted statement?

Sexual Harassment

Sexual harassment includes both unwanted conduct and discrimination on the basis of sex or gender. This includes heterosexism or homophobia as well as transphobia as forms of gender-based abuse or violence.

Looking back at the triangle on page 39, communities and organizations have the task of creating policies that address both the overt/illegal forms of sexual harassment and violence as well as the covert/legal forms of abuse.

First, let's address the overt forms of abuse, which are, by and large, socially unacceptable and often have legal ramifications. Examples include denying employment based on gender, sexual orientation, or pregnancy, sexual assault, unwanted touching, innuendo, or sexual solicitation in-person or via email, text, phone, or social media. There are too many examples to list here, but the EEOC definition on page 41 helpfully frames harassment as behavior that creates a hostile work environment or that is unwanted but one is expected to put up with it or leave their job.

Note, there are times when these cases are considered socially acceptable by those with power. That might mean power in their role within the organization, or power determined by one's social location. Victims are blamed and people with power are protected due to their reputation and/or their spiritual, institutional, and/or financial influence.

When leadership teams say to themselves, "That would never happen here," it's important to flag that mindset and take the time to work together through those assumptions and identify how those assumptions create barriers to protecting the most vulnerable in our communities. One hopes that sexual harassment policies and procedures will never need to be used, but they are essential for the health and safety of all involved in the organization. Employees and community members alike have the right to know they are protected and how they will be protected in the event of harassment or abuse.

In writing policy, be sure to address the various forms of power, whether social (race, gender, economic, etc.) and institutional (role, authority, seniority, etc.). Take into account adjudicating the behavior of the person who has perpetrated abuse and also resources and care for the victim-survivor.

> **Robert, a white man in his 70s, is a wealthy community leader and long-time donor to a spiritual retreat center.** Over the past decade, he's donated around $100,000 for various operations needs and upgrades. When the center needs a landscaping overhaul, Tori, a Latina woman in her 40s and the center's development director, is confident she can ask Robert for $10,000 to help cover the cost. Tori asks Robert to lunch to discuss the project and his involvement.
>
> At lunch, she's surprised that he seems non-committal, given his history of financial support. Robert keeps trying to veer their conversation away from the professional and into the personal, asking Tori about her relationship with her husband, making comments about her clothes, asking about her health and beauty routines—does she belong to a gym? Is that her natural hair color?

Deeply uncomfortable and at a loss for how to redirect Robert, Tori finally asks him point-blank how much he's willing to contribute to the landscaping project. He responds, "Oh, I'm happy to give the $10,000—if you're willing to show me what's under your dress." Tori's stomach drops. The only response she can think of is to make a joke, get out of there as fast as she can, and never speak to him again.

Questions for Reflection:

- What power dynamics are at play in this interaction? What resources does Robert have? Tori?
- What policies do you have in place that would help you respond to harassment of one of your employees by a member of your community?
- Who on your leadership team is empowered and prepared to address Robert's behavior with him?
- What resources will be made available to Tori to help her process her experience and create space for her to determine whether and how she wants to move forward in her role of meeting with other donors?

Covert forms of abuse are often the most challenging to identify, address, and rectify, because they are often viewed as socially acceptable by those with the most power in our society. At the same time, victim-survivors experience potentially serious social, financial, psychological, physical, and spiritual effects.

A boss "jokes" that an employee will be useless at work after the birth of her baby. A coworker refers to their peer's husband as his "wife." A non-binary person is instructed to use a specific restroom not of their choosing. A member of a worshiping community comes forward to report a sexual assault by a same-sex spiritual leader and is not believed.

Even communities that embrace their identity as open-minded and progressive still exist and function within a patriarchal society that holds rigid beliefs about a woman's place, who is "man" enough, and even what God's gender identity is. In order to care for the most vulnerable, we all must stay intentionally open to hearing about each individual's experience of harassment and taking seriously the impact of harassment on that person. As spiritual leaders, we have the power to dismiss or honor the concerns of the people within our care and must be aware of and tend to our biases.

If, as a spiritual leader, we hear feedback from a community member that the language used in our teaching, or the pronouns we use for God are sexist, we can add to the harm by justifying our choices, or we can welcome that person's experience as a learning opportunity, listen, and change our behavior.

If our policies and actions are defined by a fear of legal consequences only, we will miss the majority of opportunities to care for the people we serve.

Zoe is a staff member at a Zen Center just outside a major metropolitan area. Zoe has recently begun identifying as non-binary and has asked their co-workers to use they/them pronouns rather than she/her, as their co-workers have previously done. For the most

part, Zoe's co-workers have accepted this change and use their pronouns correctly—all except Kari. Kari is one of Zoe's peers and consistently misgenders Zoe, referring to them as "she," in one-on-one settings, in meetings, and in casual interactions with others. It feels purposeful, as if Kari is going out of her way to do so.

Zoe approaches their supervisor for support, who encourages them to address the issue directly with Kari. Zoe has since spoken to Kari about this privately on more than one occasion. Each time, Kari has brushed it off as a one-time mistake, yet it continues to happen. Zoe returns to their supervisor and requests their supervisor address the behavior when witnessed in meetings. However, Zoe's supervisor responds that she is not willing to call Kari out in group settings, as she wants to support a culture of learning. Zoe's supervisor reminds them that Kari has limited experience relating to non-binary folks and needs to be given space to learn and grow in a welcoming environment.

Questions for Reflection:

- In what ways are the supervisor's response harmful to Zoe?
- Does your organization have a policy in place that explicitly protects Zoe from the sexual harassment they are experiencing?
- What policies in your organization would support Zoe in elevating this issue above their supervisor's level?
- How does your own training and experience make you a safe person for Zoe to come to for help?

Sexualized Behavior

Sexualized behavior communicates sexual interest and/or content. It may be verbal or non-verbal. It may be a look, gesture, touch, words expressed aloud or written, it can be tone or mode of speaking, the topic of conversation, or an image shared.

What behavior is considered sexual varies by culture. For example, two people of the same gender holding hands in China is a sign of friendship and is socially acceptable, although two people of different genders holding hands is sexual and frowned upon. In contrast, in the US, hand holding between any two adults is considered sexual and assumes the two people are in a romantic relationship.

Sexualized behavior is neutral—neither bad nor good, right nor wrong, ethical nor unethical. It takes on meaning in context. What is appropriate, good, and even expected between romantic partners is inappropriate between a spiritual leader and a student, congregant, client, or someone else under their leadership.

Power is the key element here. As spiritual leaders—whether we like it or not—we represent God and God's voice—or enlightenment or spiritual awakening—in many ways. That places a great deal of power in our hands, and it is no one's responsibility to steward that power except our own.

Attraction between people is normal, natural, and good. But someone imbued with the power of a spiritual leader cannot ethically act on that attraction (whether our own attraction or if it's directed to us) with someone who is under our care, because that relationship can never be neutral.

Transference and Countertransference

Two terms that can be helpful here are **transference** and **countertransference**. Transference refers to the congregant, student, or client's emotional response to the spiritual leader when they transfer an association from another relationship to the one who is providing emotional support.

This may or may not have a sexual element to it, but it helps to understand that the care recipient is not exactly responding to the helper. For example, someone whose mother was cold and distant may become especially fond of a female spiritual guide who is warm and nurturing.

Countertransference refers to the feelings or projections that the spiritual leader may place on a congregant, student, or client. For example, a student may remind a spiritual teacher of her favorite cousin and this may increase her feelings of warmth and connection to that student. It is important that spiritual leaders are self-aware and can manage feelings associated with countertransference appropriately. If, in the above example, the spiritual guide leaned into a motherly role and the sense of personal importance the congregant or counselee ascribed to her, that would meet a need that she has, and not necessarily the need of the person she's supposed to be serving.

In both cases, it is the responsibility of the spiritual leader alone to maintain the boundaries of the relationship, to be aware of what is happening, and not take advantage of the vulnerable person under their care.

Rachel is a middle-aged woman who has been married to her wife Jean for 10 years. They have two children, ages 4 and 7. Rachel has been struggling with depression for the past several months, which has put strain on her relationship with her wife. She has decided to seek the counsel of her rabbi, Sheera.

Sheera welcomes Rachel into her office and invites her to have a seat. They speak about Rachel's relationship with Jean, the children, and Rachel's mood. Rachel confides that she and Jean have not had sex for several months. She feels like their relationship is just about finances and co-parenting. She says she can't remember why she even wanted to marry Jean all those years ago.

The two continue meeting about once a week for the next couple of months. Rachel enjoys having Sheera's undivided attention. The rabbi's office is warm and inviting and so peaceful compared to Rachel's home. Rachel looks forward to their meetings all week and thinks about Sheera often between sessions.

Rachel finds herself paying more attention to her clothes, hair, and make-up on days when she has an appointment with Sheera, and this is when she realizes she's in love with her rabbi. Rachel wonders what this might mean for her and her marriage, but knows she must first find out if Sheera feels the same way. She buys a small gift to take to her next session and eagerly looks forward to making some steps toward letting Sheera know how she feels and finding out how Sheera feels about her.

<u>Questions for Reflection:</u>

- What are some reasons that Rachel may be feeling this growing attraction to Sheera?
- What is Sheera's responsibility to Rachel in this relationship? How can Sheera respond to Rachel's gift and inquiries into her feelings that will communicate both care and firm boundaries?
- If Sheera does happen to feel an attraction to Rachel, what resources should she have available to help her maintain her boundaries for Rachel's sake and the sake of their community?

Relationships: Professional and Personal

Professional, ministerial/teaching relationship: A relationship whose purpose is to meet the congregant/student/client's need for ministerial (professional) assistance or service. Under the best of circumstances, these relationships are marked by clear, healthy boundaries and warmth, caring, concern, and sensitivity.

The job of the spiritual leader is to attend to the needs of the congregant or student. There is a fiduciary aspect to this relationship: the spiritual leader, who has greater resources than the congregant/student, is expected to act in the best interests of that person.

The needs of the congregant/student are primary, and the needs of the spiritual leader are secondary. This does not mean that the spiritual leader is expected to respond to all of the expectations of the congregant/student, but rather that their ministerial or educational needs are primary in the relationship. It also does not mean that the spiritual leader has no needs here. They have legitimate professional needs in this relationship: the need to be involved in meaningful service, to be adequately compensated, to receive constructive feedback, to receive time off for self-care. One's personal needs for affirmation, love, sex, should be met in one's personal relationships.

The spiritual leader holds significant power in the ministerial or teaching relationship, i.e. they have resources (knowledge, expertise, experience, access to other resources) that the congregant/student wants to access. This does not mean that the congregant/student is powerless; it does mean that they are likely to be vulnerable in this circumstance and trusting of the integrity of the spiritual leader. Certainly, some lay people in leadership also hold the power to hire and fire a spiritual leader, which can make for a challenging dual relationship.

There are some boundaries that should not be crossed in a ministerial or teaching relationship. Sexual and emotional intimacy are high on that list. The reason is that crossing these boundaries fundamentally changes the nature of the relationship to one of mutual intimacy that compromises the possibilities of a safe ministerial or teaching relationship.

The spiritual leader is primarily responsible for maintaining boundaries in the ministerial or teaching relationship. In other words, ordinarily they have the capacity and resources to establish the parameters of the relationship so as to respect the vulnerability of the congregant/student. Even if the congregant/student pushes the emotional/sexual intimacy boundaries, the spiritual leader is usually in a position to maintain the boundaries.

For the spiritual leader, some emotional distance is important in healthy boundaries. This does not equate with being cold and aloof. Rather, it is about staying clear that their story is not our story. We may care deeply about their struggles and concerns, but this emotional involvement is different than that which we have with our own family or partner.

Self-disclosure on the part of the spiritual leader should always be preceded by clarity of purpose. The purpose should have to do with the well-being of the congregant/student, not with our need to share our emotional struggles. Self-disclosure can be a very important pastoral and teaching tool

as long as we stay clear that this is its purpose. (We recommend you never share something with a congregant/student that you have not previously shared with a trusted friend, romantic partner, or therapist.)

We should also be careful about disclosure of other people's lives. Obviously, we should keep the things that congregants/students share with us confidential, but we should also be careful about our own families. For example, although one's children are often a goldmine of stories for sermons, we need to respect their privacy as well.

Spiritual leaders do have a fiduciary responsibility. This means that we are entrusted with the wellbeing and circumstances of our congregants/students. They give this to us assuming that we will protect their vulnerability and act in their interests. To be a fiduciary means that we will act in their best interest even if it isn't really in our own best interests. For example, it may be in our interests that an individual remain in a leadership role in our congregation, but it is in their best interest to take a new job in a new city.

Personal, intimate relationship: A relationship whose purpose is to meet the personal needs of the people involved.

Contrast the ministerial/teaching, professional relationship with one's personal, intimate relationships. A personal, intimate relationship may include coldness, indifference, insensitivity, and even cruelty. In other words, it is not the type of relationship that determines its qualities.

Two partners in an intimate relationship mutually serve the needs of each other. Both persons' needs are legitimate. Meeting those needs requires negotiation and compromise. Ideally, both partners share the power and resources of the relationship, i.e. they are peers to one another.

There are important boundaries: financial, physical, sexual, and emotional. Each person can hopefully be clear about needs, expectations, and limitations, e.g. the need for private time apart from one's partner; possibly the expectation to retain control over one's finances. Both partners share responsibility for attending to these boundaries and renegotiating as needed.

Ideally, in an intimate relationship, there is emotional intimacy, trust, and open communication. Self-disclosure holds the possibility of allowing one to be fully known by one's partner. There may be limits, e.g. parts of one's history that a person does not share until a deep trust is established.

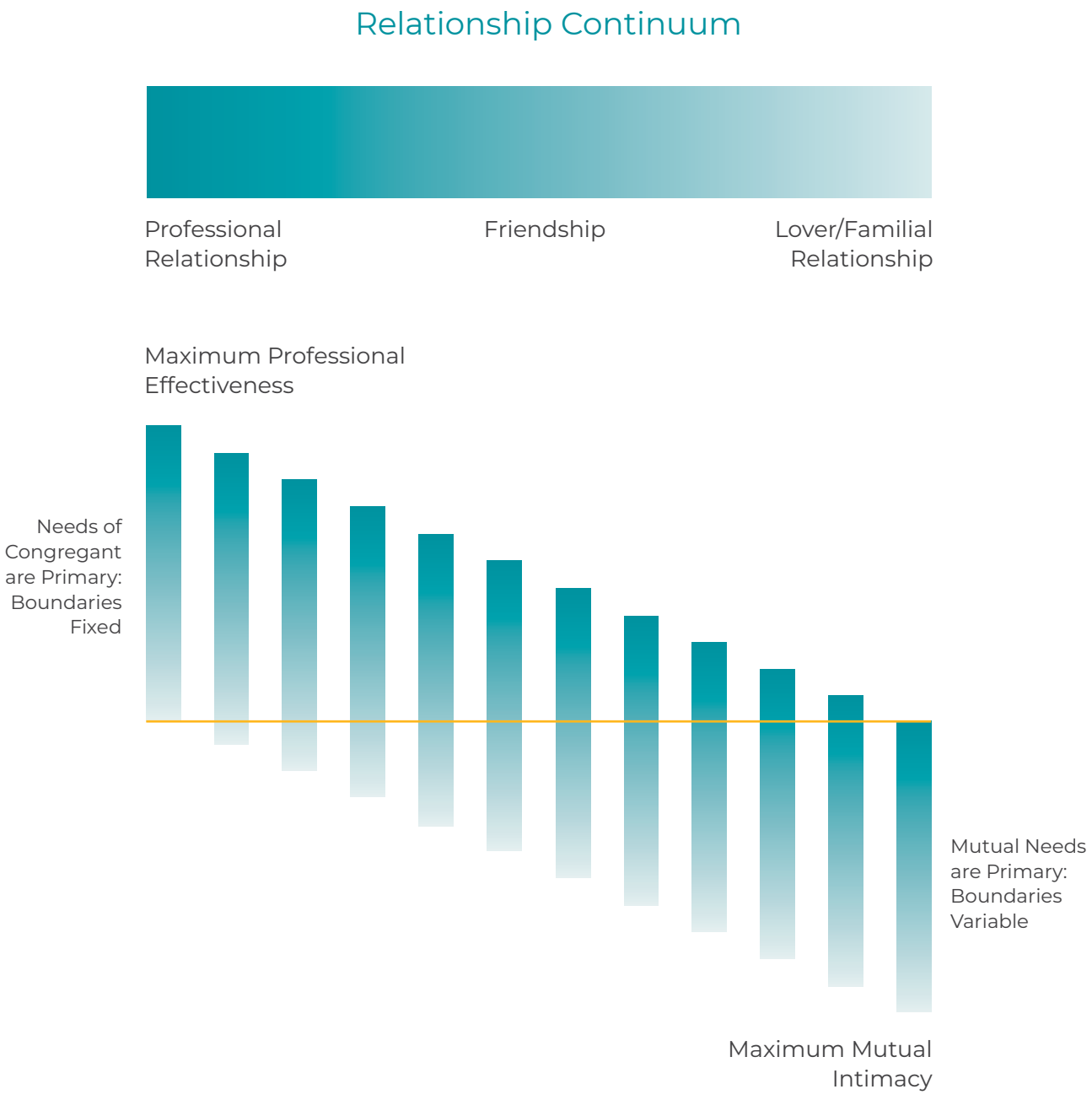
There is not a fiduciary responsibility in the same sense as there is in a ministerial/teaching relationship.

Our own interests are a legitimate consideration within an intimate, family relationship. Although we may have a similar responsibility for the care of vulnerable family members, such as children or elders, we are called upon to balance the needs of those who are vulnerable with our own needs.

Professional vs. Personal Relationships

The below graph provides in a limited way some understanding of the impact of increased personal intimacy (emotional and sexual) on a ministerial/teaching, professional relationship. An increase in personal intimacy begins to compromise the effectiveness of our helping relationship. We begin to focus on our own needs for intimacy and lose sight of the responsibilities of our leadership role.

Once we make a significant move toward increased personal intimacy, we cannot really retreat back to a more professional relationship; it's like trying to unring a bell.



Dual Relationships

A dual relationship is one in which multiple roles exist between a minister/teacher and a congregant/student—for example, when an employer and employee both have children in the same class. They have a employer-employee relationship and a parent-parent relationship. In other words, it's when we are in a situation in which we are playing two or more very different roles.

Sexualized behavior within a professional relationship, or any attempt to sexualize a professional relationship, automatically creates a dual relationship—namely, a relationship between a professional and a congregant/client and a relationship between intimate partners.

Examples of Dual Relationships:

- A seminary professor who has an affair with one of their students
- A Ph.D. student and his adviser who are "drinking buddies"
- A therapist who attempts to treat a close friend
- A physician who attempts to treat a family member
- A roshi who becomes a close family friend of a family in her sangha
- A medical researcher who uses one of her employees as a subject in a research project
- A teacher, whose child is a student in the school in which he teaches, in relation to the school's principal
- A minister who seeks financial advice from one of her congregants, who is a stockbroker
- A Buddhist teacher who dates one of his students
- A minister who serves as pastor to their own family

When a minister or teacher attempts a dual relationship with a congregant, client, employee, student, or staff member, the ministerial or teaching relationship is in jeopardy. If the attempted dual relationship includes sexualized behavior, the congregant/student may experience a betrayal of trust on several levels. The congregant/student loses the spiritual relationship on which they have relied, often resulting in spiritual, emotional, psychological, and sometimes physical suffering.

The Dilemma

Dual relationships are a fact of life for most of us. If we are spiritual leaders in a congregation or community and live in the community with our congregants/students, we are especially likely to be both a spiritual leader and a customer or client of the same person. While it is not possible to always avoid dual relationships, it is important that we recognize and manage them.

This is not something that most people have even thought about before. Education and clarity with congregants or students can help to address the challenges of dual relationships and lessen misunderstandings. Both parties can then share understanding of these circumstances and the management together with a shared sense of the importance of this effort.

Where a dual relationship is unavoidable, we recommend a frank discussion about its reality and the challenges that this represents to both parties. Hopefully, this will help both people be aware and manage healthy boundaries between them.

ETHICAL ANALYSIS - POWER AND VULNERABILITY

SECTION 2

SECTION 2

ETHICAL ANALYSIS – POWER AND VULNERABILITY

Sources of Power & Vulnerability

	Aspects of Power	Aspects of Vulnerability
Role	Minister, Teacher, Professional	Congregant, Student, Client
Sexual Identity	Heterosexual	Lesbian, Gay, Bisexual, Queer
Age	Adulthood	Youth, Old Age
Class	Upper Class, Upper Middle Class	Working Class, Poor
Citizenship Status	Documented	Undocumented
Physical Resources	Ability, Large Physical Size/ Strength	Disability, Small Size, Physical Weakness
Race	White	Black, Indigenous Person of Color
Gender Identity	Male, Cisgender	Female, Transgender

Social Location Facts of Life

The chart on the previous page describes much about who we are in relation to others. It maps out our social location. It is descriptive, but not prescriptive. Some of the "facts" in this chart describe our experiences as groups within dominant or minority cultures that result in various forms of oppression, i.e. the "-isms" (racism, classism, sexism, heterosexism, clericalism, ageism, ableism). These categories are unjust, but nonetheless do still exist. Other categories simply are facts of life. Even as we work to end the "-isms," all of these categories still shape who we are as individuals and in relationship with others.

- Who in your life has more power and resources than you do?
- Who in your life has less power and resources than you do?
- Who in your life has relatively equal power to you, someone you consider a peer?

Consider your own power/vulnerability in light of the above categories. Did you have trouble thinking of someone in any category? Why?

Power disparities among us are real and constant. Some constitute the "-isms." As spiritual people, it is our job to lessen the power disparities between and among us that are unjust and subject to change. However, some vulnerabilities are always with us: e.g. youth or old age. It is also our job to protect and not take advantage of those who are vulnerable.

Some of us have significant resources in the Sources of Power column. We need to divest ourselves of privilege, not of power. Privilege is the use of power at the expense of someone less powerful. For example, if you are white, are you actively engaged in undoing white supremacy and combating racism in your communities? If we have resources, we should be using those resources to open doors, build bridges, share access, and treat individuals justly. Pretending we don't have the resources that we do have accomplishes nothing. If we become powerless, we cannot act to bring change.

Is it possible to be in a just, ethical relationship with someone where there is a clear difference of power (e.g. teacher-student)? Yes, absolutely. The difference in power does not determine that the relationship will be abusive or exploitative. Neither does a peer relationship guarantee the absence of abuse. Clarity of role and purpose, trust, and integrity are what assures us that any relationship can be just and ethical.

Some of us who entered the ministry in the '70s did so with the hope of helping our religious institutions move away from hierarchy and the misuse of power by spiritual leaders. Our analysis at that time focused on "power" as the problem. To solve this problem, we sought to deny our power. We were naïve. The analysis is more complicated.

Men who are spiritual leaders often talk about not "feeling" powerful in ministry/teaching, which simply means that they don't feel "in control" in their spiritual communities or in relation to their responsibilities. This "feeling" denies their real power as a spiritual leader, and denial of one's power and resources is the first step towards misuse of that power.

Women and non-binary folks who are spiritual leaders more often talk about "not wanting power." This likely arises from the experiences of abuses of power and the mistaken (but understandable) belief that 'power' is bad and we shouldn't have any. Again, this analysis denies our real resources and our role as spiritual leader that can very easily lead us into wandering behavior.

Spiritual leaders have power and resources that are valuable tools if we are to be in leadership. The ethical question is how we use these resources in relation to the people we serve and work with. Recognizing and acknowledging our resources is the foundation for maintaining healthy boundaries in ministerial/teaching relationships.

Power in Spiritual Communities

Power has varying connotations and definitions. Some communities value having power, others are embarrassed by or try to minimize it, and most fall somewhere in-between. For the purposes of this work, we understand power in the following ways. Keep in mind that denying one's power is never helpful and opens the door to causing harm to those that we as spiritual leaders are responsible to and for.

Power is neutral. Like fire, power can be used for good or for harm. Fire can be a tool to sustain life through cooking food or providing warmth. Untended or unleashed, it could burn down a home or take life away. Power, likewise, can be stewarded to lift others up, share resources, protect the vulnerable, and foster spiritual health. Used unwisely or with malice, power can undermine and violate.

Power is the sum of one's resources. Someone with access to money, education, authority, and social privileges has more power than someone who lacks access to any or all of those resources.

Spiritual leaders often have resources such as:

- Education
- Being viewed as a representative of the divine/enlightenment
- Guardianship over sacred symbols, rites, and rituals
- Spiritual authority over others who seek wisdom and teaching about the divine or the meaning of life and death
- Authority to interpret sacred texts and teachings
- Moral authority, the responsibility to name right and wrong as others seek guidance for their actions
- Consistent access to and influence over an audience
- Assumed worthiness of others' loyalty and trust
- Institutional titles, authorities, and responsibilities
- Access to finances, access to physical and virtual spaces as well as physical and digital data, hiring and firing and supervisory power
- Social standing inside and outside the spiritual community

Ando, a teacher in a sangha, has spiritual authority granted to them by their community in both formal and informal ways. They are a leader in their city beyond their sangha. They are 50 years old, nonbinary, spent over 20 years abroad studying under well-known teachers, and have fiscal responsibilities as the senior leader of the sangha.

Sara, a student in Ando's sangha, is a 25-year-old woman who is eager to learn from Ando. She recently moved to this city from several states away and doesn't know many people. Outside of work, Sara chooses to spend much of her time participating in study and communal activities at the sangha. She herself says she "hangs on Ando's every word—they are just so wise!"

Power is relational and contextual. An individual may have more power in one context and less in another.

> Rabbi Lisa has power as the leader of her synagogue. She teaches on sacred texts with authority and is someone that her community members come to for wisdom and counseling. She has responsibilities to her board and to the staff members she supervises.
>
> Additionally, Rabbi Lisa moved to this city two years ago, and at age 30, she is the youngest among the rabbis of this region and has the least experience. At gatherings and on committees, she often feels she has to fight to be heard by the establishment of local Jewish leaders, the majority of whom are men over the age of 50.

Vulnerability is a lack of resources. It is relational and contextual. It is emotional, social, physical, spiritual, and psychological. In the list above, much of what spiritual leaders have that give us power is our authority over others. As teachers and guides, supervisors and employers, our community members and staff are vulnerable relative to our authority. As the one with more power, we are always responsible to those who are more vulnerable.

The contextual nature of power and vulnerability means that we must pay attention to the nuances of our roles and responsibilities. It is easy for a leader to assume they are sharing their power well by making room in meetings for their staff or community members to have a voice or by regularly asking for others' opinions. But the type of power imbalances that set the stage for abuse go much deeper than that.

A leader—with the support of their community—must cultivate a culture around power and authority in which leaders' decisions and actions may be challenged without repercussions. Although a leader cannot renounce their authority, they can foster an environment in which others have the power to speak up, be heard, and be believed if and when they experience or witness abuse.

Communities with a healthy awareness of relative power and vulnerability practice:

- Healthy boundaries (relational, sexual, physical, spiritual, and financial)
- Acknowledging power differentials and caring for the more vulnerable while holding the more powerful to account
- Regular supervision for anyone in a role of spiritual leadership or authority
- Transparency in policies and the enforcement of those policies
- Trauma-informed responses to reports of abuse and boundary violations
- Communal healing following abuse and breaches of trust

Intersectionality

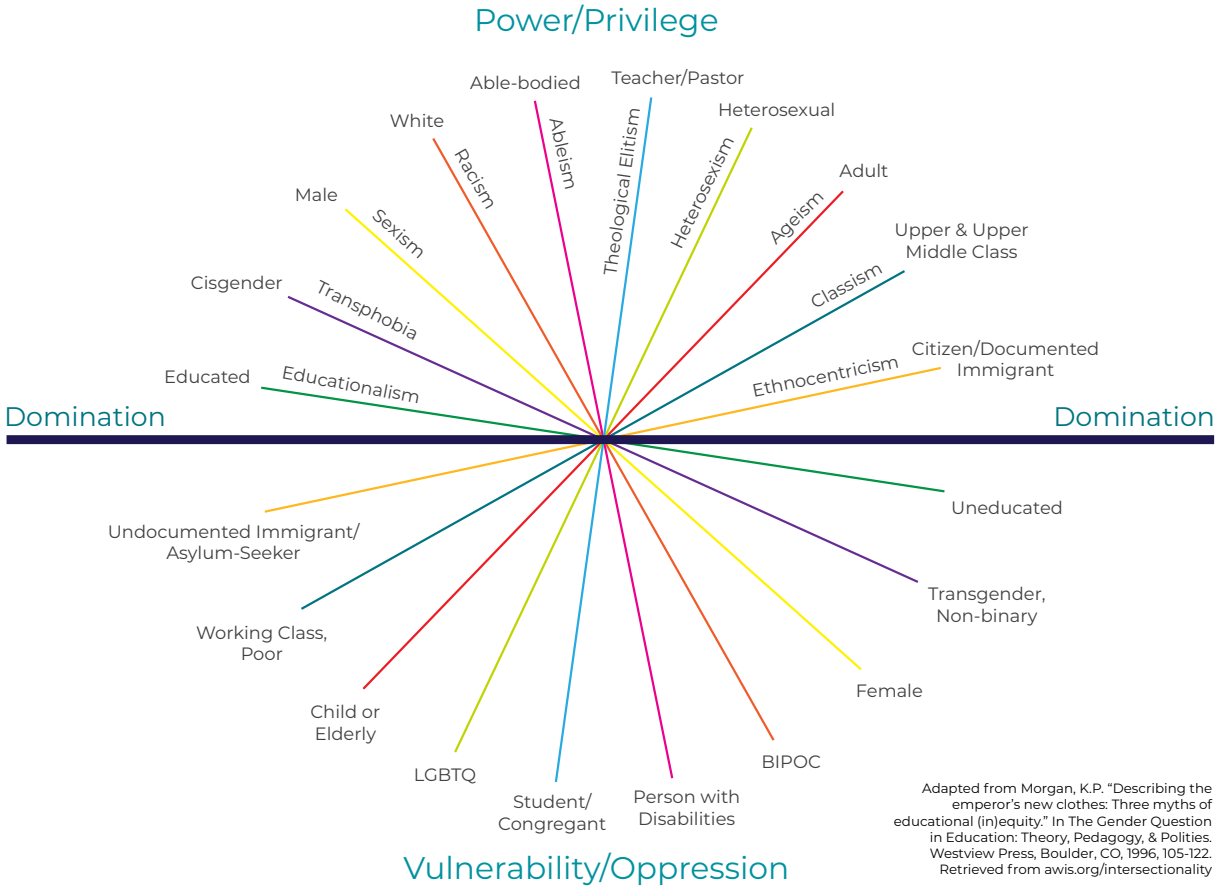
Power may be social, psychological, spiritual, or physical. The chart below recognizes some of the many ways that people are categorized in our society, specifically in the context of the United States. Within each category, some set of identities have social privilege and power while others experience oppression. Intersectionality, as coined by Professor Kimberlé Crenshaw, describes how our individual characteristic of gender, race, class, and other identifiers "intersect" with one another.

In her TED Talk, "The Urgency of Intersectionality," Crenshaw describes the discrimination suit Emma DeGraffenreid brought against a car manufacturing company. DeGraffenreid was not hired by this company, and she argued it was because she was a Black woman. The judge dismissed her case, however, saying that the company did not practice racial discrimination—they did in fact hire African Americans. And the company did not practice gender discrimination—they did in fact hire women.

Crenshaw points out that the company hired Black men in industrial/maintenance positions and white women in secretarial/public-facing positions. But they did not hire Black women, who did not fit either of these prescribed roles. This is intersectionality, a term that Crenshaw coined to bring attention to how race, class, and gender can overlap and intersect in such a way that often compounds and/or exacerbates experiences of discrimination and systemic oppression.

In the context of a spiritual community, a female or nonbinary spiritual leader would have less pastoral or spiritual power relative to a male spiritual leader, but more power relative to a female or nonbinary person who was not ordained or had transmission. Likewise, a disabled spiritual leader would have more pastoral or spiritual power than a disabled community member, and more physical vulnerability than an able-bodied person, regardless of that person's ordination or transmission status.

This chart demonstrates how "-isms" are created when power is used to dominate the vulnerable. As stated above, power and vulnerability are inherently neutral. However, when placed in a particular context, and when someone—or a group of someones—uses their power to oppress those who are more vulnerable, we get racism, ableism, sexism, heterosexism, and more.



Adapted from Morgan, K.P. "Describing the emperor's new clothes: Three myths of educational (in)equity." In The Gender Question in Education: Theory, Pedagogy, & Polities. Westview Press, Boulder, CO, 1996, 105-122. Retrieved from awis.org/intersectionality

The examples given here reflect the power dynamics in US society and culture and are not exhaustive. In our white supremacist society, for example, whiteness is granted power and BIPOC (Black, Indigenous, and other People of Color) folks are in the more vulnerable position. When a white person or white organization/institution uses their power to oppress BIPOC people, that is racism.

Race itself is neutral—every body has a skin tone; every body has ancestry. When race determines what resources are available to people at a systemic level, and how people are treated at the societal and interpersonal levels, those are the oppressions we call racism. (See Appendix: "The Factor of Race/Ethnicity in Clergy Sexual Abuse of Children" by Traci C. West)

Take a look at the chart and:

- Give yourself one point for every identity you hold above the Line of Domination. Then take away a point for every identity you hold below the line. What, if anything, surprises you about your particular powers and vulnerabilities?
- Do you identify more with your oppressed or privileged identities? Where do you find solidarity with oppressed peoples and where do you have a responsibility to use your power and privilege to change the systems that sustain oppression?
- Think about some individuals in your community. What intersecting identities do they hold? Who has relative social power? Who are the most vulnerable?
- If you were to add categories to this chart that are more specific to your spiritual community, what would they be? Which identities would hold power, and which would be in the vulnerable position?

Consider the following situations and assess the risk of sexual boundary violations, based on each person's relative power and vulnerability.

Lin is a 14-year-old refugee with limited English language skills. Her family has been in the US for about a year and has been attending a local non-denominational church that was instrumental in establishing their town as a landing place for refugees after the war. Jonathan is a 45-year-old straight, white man who serves as the lead pastor of the church and has taken an interest in Lin and her siblings, personally tutoring them in English, taking them on camping trips with his family, and buying their school clothes for them.

- What are Lin and Jonathan's relative power and vulnerability?
- How might Jonathan's behavior be perceived as positive interest in Lin and her family? What are the red flags signaling potentially harmful behavior?
- If Jonathan's interest is truly in Lin and her siblings' well-being, what can Jonathan do differently to ensure their needs are met while maintaining appropriate and healthy boundaries?

Lewis is a 29-year-old straight Black man who works as a social worker in a large city with high rates of unemployment, poor health, and violent crime, all of which disproportionately

impact people of color. Last week, Lewis's 17-year-old brother Darion was shot and killed on his way home from school. Lewis took of one day off work before going back to seeing clients, arguing that his absence creates additional barriers to services. Three days later, in a session with Janet, a 23-year-old straight Black single mother of two, Lewis breaks down in tears. Janet immediately reaches out and holds Lewis as he sobs. Before she can comprehend what's happening, Lewis is kissing her.

- What factors contribute to Lewis and Janet's relative power and vulnerability?
- What beliefs does Lewis hold—about himself, his city, his clients, and his work—that laid the groundwork for this violation to occur?
- What does Lewis need from his supervisor and organization to support healthy boundaries before and after his brother's death?

Daniel is a 25-year-old Jewish man who has discovered his wife Sheila is abusing drugs, but knows little about addiction and treatment. He turns to Mary, a 35-year-old rabbi in his synagogue, for counsel. The two meet several times and Mary provides resources and referrals for Daniel, Sheila, and their young daughter as well as counseling for Daniel. One day, following a particularly emotional session, Daniel asks Mary for a hug. When Mary hesitates and tells Daniel she doesn't think that would be appropriate, he suddenly becomes angry. Daniel calls Mary a slut, puts his hands around her throat, and pushes her against the wall.

- What factors contribute to Daniel and Mary's relative power and vulnerability?
- What resources need to be made available to Mary and the spiritual community following this assault?
- What policies, procedures, and practices need to be available to address Daniel's behavior, both inside and outside of pressing criminal charges?

Jessica is a 45-year-old white trans woman who serves as board president of a faith-based nonprofit serving immigrant families in a suburban area. She has taken a professional interest in José, a 30-year-old second-generation Mexican-American cis man who serves as the organization's executive director. José started out in a program coordinator role right out of college and, under Jessica's mentorship, has been promoted several times over the past eight years. Jessica and José have a monthly lunch appointment, but this month, José suggests he take Jessica out for dinner to a nice restaurant instead.

- What factors contribute to Jessica and José's relative power and vulnerability?
- If José is being groomed by Jessica or experiences sexual harassment by her, what resources and allies does he need within his organization for support?
- If Jessica experiences sexual harassment by José, what resources and allies does she need?
- What understanding, education, resources, and support do José and Jessica need in order to avoid harmful boundary violations?

Anna is a 23-year-old Asian American youth pastor responsible for a program that serves approximately 60 students between the ages of 12 and 18. She is engaged to her partner Matt who became a member of the church this year when Anna was hired. Wanting to find creative ways to bolster support for some of the low-income families of her students, Anna meets for coffee with Henry, a 55-year-old gay white man who is the head of the deacon board for the church. While at coffee, Henry makes jokes about Anna's relationship with her fiancé, saying things like, "Matt's a lucky guy to get his hands on a little thing like you." And, "I heard Matt's been volunteering at youth group. He must want to keep the boys in line, knowing how much they're drooling over you."

- What factors contribute to Anna and Henry's relative power and vulnerability?
- What are Henry's responsibilities to Anna as an older white man with a leadership position in their faith community?
- What does Anna need from her superiors to be able to share her experience and trust that she will be believed and that Henry's behavior will be addressed?

Melanie is a 30-year-old white woman who is developmentally 16 years old. She has lived with her parents all her life and longs to be on her own. She approaches her Buddhist teacher, Dan, who is a 40-year-old straight white man, to ask him to advocate for her with her parents. Dan has known Melanie for five years and feels very protective of her due to the depth of their relationship, his fondness of her, and her disability. He has never met Melanie's parents, but is confident he can reason with them on Melanie's behalf.

- What factors contribute to Melanie and Dan's relative power and vulnerability?
- What red flags do you see at play in this scenario? In addition to Melanie being a vulnerable party, how might their sangha be impacted if Dan violates Melanie's boundaries?
- Who else from their community might Dan call on to provide support and care to Melanie while maintaining healthy and appropriate boundaries?

Tracy is a 34-year-old Black trans woman who is going through a very difficult break-up. She seeks pastoral counseling at her church and is paired with Laura, a 50-year-old white cis woman who is a member of the congregation and who volunteers as a lay counselor. Laura feels very protective of Tracy and in addition to their weekly appointments, she has started asking Tracy over for dinner with Laura, Laura's husband, and their three kids, ages 10, 15, and 18. Tracy babysits Laura's youngest on occasion and has even gone on vacation with the family. When her lease is up, Laura invites Tracy to move into their family's basement apartment.

- What factors contribute to Tracy and Laura's relative power and vulnerability?
- Where are boundaries crossed in this scenario, and where are boundaries violated?
- What training and supervision does Laura need to take the best possible care of Tracy?
- What resources does the church need to provide to Tracy to understand her rights and Laura's responsibilities when entering into the counseling relationship?

The Dilemmas of the "-Isms"

Even the most effective policies and procedures do not always suffice. Sometimes intervention fails because the "-isms" prevent an effective response. For example, what about when a complainant is labeled as a "needy" or "desperate" woman? Or a person of color is labeled as "disruptive" and "making a big deal out of nothing"? How are stereotypes and prejudice hindering their stories from being heard or believed? When the complainant is a person of color and the abuser is white, or when the complainant is a queer person and their abuser is heterosexual, is it possible that a complaint will not be taken seriously? Instead, the system may rally to protect the white or heterosexual minister and disregard the complaint against them as unimportant.

Effective intervention may also be deflected if either the perpetrator's community or the victim maintains silence about the perpetrator's actions. This is especially likely in communities where the intervention is perceived as coming from "outside," for example, policies coming from a white-majority community may be perceived as coming from "outside" a racially or ethnically marginalized community. In these cases, where the policies and procedures regarding abuse may be perceived as written "outside" the community and where the perpetrator would be called to account by a body outside the community, the community may rally to protect the perpetrator from what it perceives as discrimination or oppression by the (outside) majority. This decision to maintain silence or to protect an abuser is a complex choice and is often informed by the community's real experiences of racism, discrimination, and harmful behavior by the dominant culture. Sometimes the community may maintain that the policies and procedures regarding abuse are imposed from outside and therefore do not apply to them.

In these cases, the victim(s) who press(es) charges or brings a complaint against someone in the community may be ostracized or pressured to maintain solidarity with the community. This dynamic has been described as "shooting the messenger"; that is, instead of the perpetrator being blamed, the person who brings the "news" of the abuse is blamed. The community maintains silence in an effort not to "betray" one of their own.

For instance, if a woman who is racially or ethnically marginalized is involved in a sexual relationship with her minister, it is highly unlikely that she will disclose the abuse, especially if he is a prominent member of the community. If she does speak out about the abuse, the community may not support her. They might even condemn her.

Likewise, if a queer minister is involved with a congregant who wants to confront the minister, the community will often hesitate because they will be concerned about protecting the queer minister from the church or synagogue's homophobia or because the congregant does not want to "come out" by making the complaint.

What can be done in such cases? First, we can be sensitive to these realities. Rather than responding with incredulity or anger, we need to recognize that silence is an understandable response to the dominant society's long-standing oppression of marginalized groups. The silence on the issue of spiritual leader abuse is a misguided attempt to protect its members against injustice and discrimination.

The concerns about the institution's racism, homophobia, transphobia, or any other "-ism" are very real. It is certainly possible for a false accusation to be motivated by such "-isms." Someone may try to use a policy or procedure as a means to attack or undermine a spiritual leader. We must certainly be vigilant in preventing policies/procedures from being misused in this way. However, when an allegation of professional misconduct on the part of a spiritual leader of color or a queer leader is true, it is not racist or homophobic/transphobic to call that person to account. It is racist or homophobic/transphobic, however, if the policies and procedures are applied to queer or spiritual leaders of color and not to other spiritual leaders or if queer or spiritual leaders of color are subjected to racist and/or homophobic/transphobic treatment while they engage in a community's complaint process.

Second, we need to develop leadership within every community that is concerned about the impact of ministerial/teaching abuse, so that the organizational policies reflect the commitments of the community rather than something imposed from the outside. In other words, we need to ensure that there is ownership of the policies and that usually means everyone is invited to the table when policies are developed.

Racism, homophobia, and transphobia can contribute to maintaining silence about abuse. For example, if a mainline Protestant church receives a complaint regarding a minister of color who is accused of sexual involvement with a congregant, church officials may be reluctant to investigate because of the possibility that they will be accused of racism if the minister is found guilty. Similarly, fear of accusation of transphobia could keep a church committee from investigating a complaint against a trans rabbi, or board members' own transphobia might make them reluctant to hear the complaint of a cis male congregant against a trans spiritual leader.

When a community refuses to address the abusive and unethical conduct of a minister for fear of being called racist, homophobic, transphobic, etc., it ignores the experience of victims who are most likely members of the very same marginalized community as the spiritual leader. In its effort to avoid -isms, the institution is only avoiding a difficult confrontation and ends up being racist or homophobic/transphobic by not addressing the victimization of women of color, children of color, or queer and trans congregants, students, or staff members.

But having said this, we cannot assume that the institution has license to pursue complaints involving persons of color or queer folks without consideration of the painful reality of racism, homophobia, and transphobia. We must still examine our prejudices and then proceed. The work of dismantling white supremacy, addressing racism, and working to end transphobia and homophobia in our relationships and communities is work that must be done in an ongoing, consistent way—not only when a complaint of misconduct highlights the need for such work. Our best protection against -isms is to let our goal of justice-making for victims guide our policies and actions. (See Appendix: "The Factor of Race/Ethnicity in Clergy Sexual Abuse of Children" by Traci C. West)

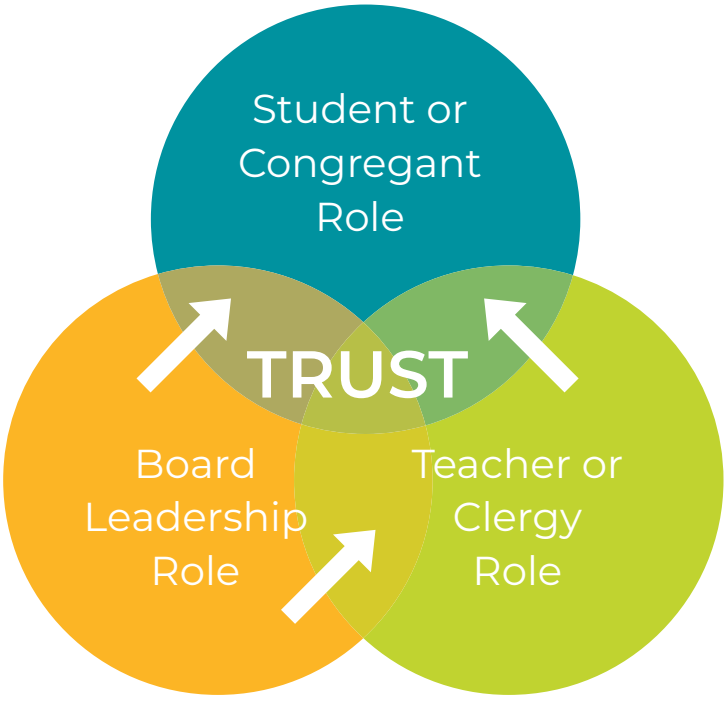
Ethical Analysis: What's Wrong with Spiritual Leader Sexual Misconduct?

Why is it wrong for a spiritual leader to be sexual with someone whom they serve or supervise? The essential harm is that of violating boundaries within the ministerial/teaching relationship and thus betraying a trust. The congregant or student may fear saying "no" to the minister for fear of jeopardizing the ministerial relationship and wanting to please the minister.

1. It is a violation of role.

The ministerial/teaching relationship presupposes certain role expectations: the spiritual leader is hired and expected to bring certain resources, talents, knowledge, and expertise to serve the best interests of the congregant, staff member, student. Sexualized behavior is not part of the ministerial/teaching role. The spiritual leader has a fiduciary responsibility.

The spiritual leader is in the role of a fiduciary, one who is entrusted with resources that belong to another. In the ministry/teaching context, the spiritual leader is entrusted with the spiritual well-being of congregants and students. The fiduciary has a duty to act in the best interest of the one that has given the trust even if such action is not necessarily in the personal interest of the spiritual leader. In the ministry/teaching context, this duty is an ethical obligation.



▲ This graphic illustrates the fiduciary responsibility of spiritual leaders in that they are entrusted with the well-being and circumstances of the student/congregant. The board/leadership has a fiduciary responsibility in that they are entrusted to act in the best interest of the whole organization or community (both the spiritual leaders and students/congregants).

2. It is a misuse of authority and power.

The role of spiritual leader carries with it authority and power (resources) and the responsibility to use these resources to the benefit of those who call upon the spiritual leader for assistance. This role can be misused (intentionally or unintentionally) to initiate or pursue sexual/emotional boundary crossings with congregant, student, staff member, etc. Even if the boundary violation is initiated by the congregant, student, staff member, etc., it is still the responsibility of the spiritual leader to maintain clear boundaries for the sake of everyone involved.

Examples of misuse of authority and power:

- Overcoming a congregant's will by using guilt or manipulation
- Using spiritual language to shame a student into compliance
- Exploiting a congregant's desire for the minister's attention or approval
- Making claims of special knowledge of enlightenment/ultimate reality/God's mind and desires
- Shunning or withholding spiritual blessings/knowledge/ceremonies in response to a lack of compliance.
- Misinterpreting sacred texts to distort meaning

3. It is taking advantage of vulnerability.

One is vulnerable to another person when one has less power/fewer resources than that person. Congregants, staff, and students are by definition vulnerable to their spiritual leader. This does not mean that they are powerless, but it does mean their vulnerability can be exploited by someone with more power. Due to multiple circumstances, they may be manipulated, deceived, and taken advantage of by a minister who seeks out those who are vulnerable. For a spiritual leader to exploit vulnerability in this way is to violate the mandate to protect the vulnerable from harm.

4. It is an absence of meaningful consent.

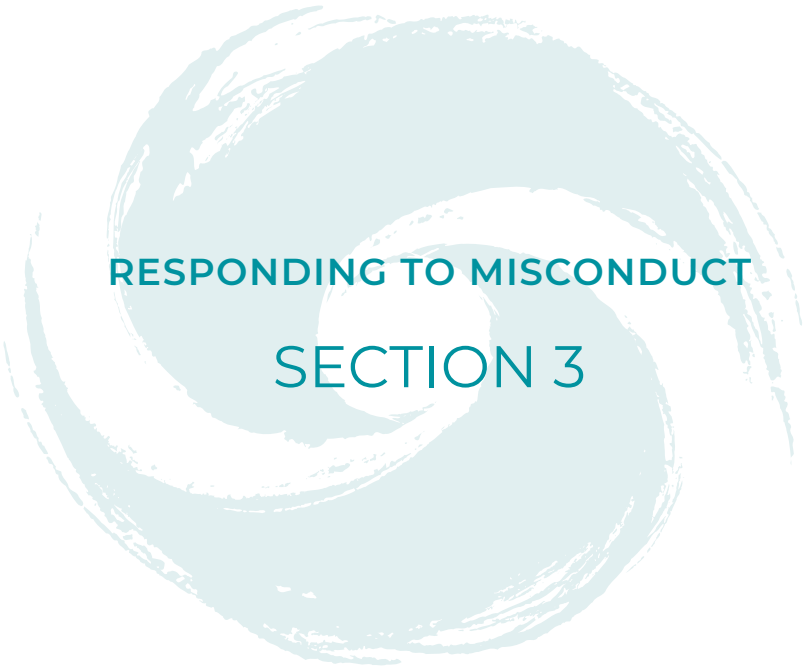
Meaningful consent to sexual activity requires equality that makes real choice possible. Meaningful consent assumes the absence of any constraint, subtle coercion, or manipulation. The imbalance of power/resources in the ministerial/teaching relationship precludes this equality, even when the two persons see themselves as "consenting adults." If they are not peers, then there is no meaningful consent.

It is these four aspects that determine that misconduct is a violation of boundaries and trust in a ministerial/teaching relationship and thus a source of harm to individuals. The harm extends to the community as well. Members and other bystanders are victims too. They have experienced "theft" and betrayal as individuals and as a community. As a spiritual community, they

experience the shame of the fallen leader. Some leave and go to another community or practicing or being involved in the community. There is collateral damage everywhere.

Finally, all of this severely compromises the mission of the spiritual community. As an institution, the church, synagogue, or religious organization loses credibility in the wider community. It becomes the object of disdain, and critics cry hypocrisy. If the spiritual community responds poorly or does not respond at all, then it often becomes the object of legal action that may result in financial losses that then further undermine the mission.

The brokenness is substantial; the wound is deep and cannot be healed lightly; the consequences are wide and stretch into the future. Fortunately, the teachings of our spiritual traditions offer us guidance to acknowledge the brokenness and make justice and healing.



RESPONDING TO MISCONDUCT

SECTION 3

SECTION 3

RESPONDING TO MISCONDUCT

What Is Your Agenda?

The greatest challenge for the leadership of a community, seminary, or organization in facing the misconduct of one of its ministers/teachers is to decide what its agenda is. What are we trying to do here? What are our values and priorities? We do have choices. Unfortunately, our default position is often the same as other institutions: raise the drawbridge and "protect" the institution from challenge, ignore our theology and ethics, try to "make this go away."

The real tragedy of this "institutional protection agenda" is that it is a lose-lose proposition. In the end, it doesn't protect the institution. Look around at how many organizations are bankrupt because they chose this agenda and almost always lose in civil litigation. In addition, this agenda does further harm to survivors, abusers, and communities. It extends the brokenness caused initially by one person to the entire institution.

For the most part, congregants and students understand that there may be individual abusers within our religious or spiritual institutions. And many people understand that at some point, someone in the community may be harmed by one of them. But when that happens, they trust and expect the institution to act to protect them and others, to call the abuser to account, and to support them in their healing.

When the institution then betrays their trust in order to "protect" itself, their betrayal is magnified. Only then does a victim-survivor consider civil action. Only when the institution fails to provide a healing response does the victim-survivor feel that they have no other option.

We have another choice in responding. The "justice-making agenda" is a win-win. When the institution keeps faith with its members, responds quickly and appropriately to a complaint, and, as necessary, takes action to protect people in the future, the victim-survivor is well served, the institution maintains its integrity, the abuser is called to change their behavior and stop the harm, and there is the possibility of healing the breach caused by the abuser.

Choosing the justice-making agenda requires conscious attention. It does not come naturally. It requires that we stay grounded in the teachings of our spiritual traditions, that we act in accordance with our traditions, not out of a place of fear. In the end, it is the right thing to do; it can bring some healing; and it will cost less in the long run. Hence, a win-win.

Here are your options:

Buddhist Perspective

Institutional Protection	Justice Making
Wisdom of Tradition	
right speech as a way to silence victim-survivors and their advocates	right speech as truth-telling
Virtue	
compassion for the perpetrator	compassion for all (including victim-survivors)
Language	
“an affair,” “an indiscretion,” “guru devotion”	sexual abuse by teacher
Lawyer’s Role	
protect institution from victim-survivors	make justice for victim-survivors
Policy	
protect institution from liability	hold abusers accountable
Money	
defend the institution in civil litigation	restitution for survivors and prevention training

Christian Perspective

Institutional Protection	Justice Making
Use of Sacred Texts	
"judge not . . ."	hypocrisy
Language	
"an affair," "an indiscretion"	ministerial misconduct
Lawyer's Role	
protect institution from victim-survivors	make justice for victim-survivors
Policy	
protect institution from liability	hold abusers accountable
Liturgy or Ritual	
to "heal the wound lightly"	name the sin, grieve, bring healing, make justice
Money	
defend the institution in civil litigation, pay lawyers	restitution for survivors, prevention training

Create Your Own

Institutional Protection	Justice Making

A Trauma-Informed Approach to Spiritual Leader Misconduct

Spiritual leadership is a sacred calling and position, and one that is sustained by trust and authority granted by the community, its members, and formal institutions. When that trust is violated, it is necessarily traumatic for both individual victim-survivor(s) and the community as a whole.

Individual trauma results from an event or series of events. A one-time traumatic event may be a car crash or natural disaster while a series of traumatic events may be living in poverty or experiencing domestic violence in a relationship.

Everyday discrimination is also a form of trauma that consists of many events put together, such as the racism experienced by Black and Indigenous individuals as well as other People of Color (BIPOC) or the transphobia experienced by transgender individuals on a daily basis. For this reason, we will focus on intersectionality throughout this handbook, acknowledging the compounded effects of trauma on people who are marginalized in our society. (See Section 2: "Power in Spiritual Communities")

To define it succinctly: "Individual trauma results from an event, series of events, or set of circumstances experienced by an individual as physically or emotionally harmful or life-threatening, with lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being."[1]

Trauma impacts the way we feel, act, think, behave, or relate to the larger world and our experiences. It is anything that happens externally that is too much for us internally. It is when an experience overwhelms our ability to cope or make sense of that event. This is true for both individuals and communities.

In responding to trauma, whether our own or another's, it is imperative that we understand that no two people are the same and therefore all responses to trauma are valid. For example, Lauren and Emily drive to work together and get into a serious accident. Both are physically fine, but pretty shook up. Perhaps Lauren is OK the next day to get in the same car and drive back to work. And maybe Emily takes days or weeks to be comfortable getting into a car at all.

Lauren and Emily's individual responses to the same event have a lot to do with their individual experiences both in the event itself and in their broader lives. Even though on paper they experienced the same event, it impacts them differently.

Similarly, a victim-survivor may come forward and share that they have experienced abuse perpetrated by a spiritual leader. They may present in a way that is very upset and very activated. And that may make sense to us as an outsider. This person has experienced something very terrible, and they are expressing that in a way that the listener can personally make sense of.

On the other hand, a victim-survivor may present with more of a flat affect. And it may be confusing to us. They're saying something really terrible happened, but they're acting very calm, cool, and collected. Someone who is listening without a trauma-informed frame of mind might be dismissive

[1] See SAMHSA, "Trauma and Violence," U.S. Department of Health and Human Services, 2022, https://www.samhsa.gov/trauma-violence.

of what they're hearing, saying, "Well, it must not be that bad," or even, "I'm sure they're lying." This of course adds additional harm to what's already been done.

However an individual responds to trauma is what makes sense for that person's experience of the event, the sum of their past experiences, and the tools they have to process their experience. (See Appendix: "Centering Victim-Survivor's Voices" by Brian J. Clites and "To Listen Well is to Give Breath" by Azza Karam)

As leaders who respond to others' experiences of spiritual leader abuse, we must be trauma-informed in our work, so that we can do our very best to meet people where they are and not perpetuate additional harm. Being trauma-informed means allowing a basic level of trauma awareness inform the work we do with victim-survivors, complainants, and communities.

The Substance Abuse and Mental Health Services Administration (SAMHSA) outlines the four Rs of trauma-informed care, which are a helpful roadmap to evaluate whether our processes and practices are trauma-informed. They write that a program, organization, system, or institution that is trauma-informed will:

> Realize the widespread impact of trauma and understand potential paths for recovery. This is a basic acknowledgment that these things happen, and they are happening in our community.
>
> Recognize the signs and symptoms of trauma in clients, families, staff, and others involved in the community, relationships, and events in question.
>
> Respond by fully integrating knowledge about trauma into policies, procedures, and practices. Not only are we trauma-informed in our individual responses, but the processes we ask complainants to go through are themselves designed to minimize harm to victim-survivors of abuse.
>
> Resist re-traumatizing the individual or the community in terms of what we ask of them and put them through.

Beyond our formal responses to abuse, how might our communities foster a trauma-informed culture? Do we interact with each other and spend time together in ways that are safe, hospitable, and respectful of people from diverse backgrounds and experiences? Remember that we don't know who among us has experienced trauma, how that continues to impact them, and what they might experience every day with regards to their unique, intersectional identity.

In the event of abuse or an abusive relationship, the victim-survivor's voice, choice, and autonomy are taken away. For that reason, a trauma-informed response will center the complainant's voice, provide and honor their choices, and respect their autonomy.

Signs or symptoms of trauma could include physical symptoms such as nausea, headache, exhaustion, loss of appetite, or sleeplessness. Psychological impacts could be depression, distrust, distancing in relationships, or becoming very attached/insecure in relationships. Emotional impacts could be shame, guilt, or self-blame. These are only a handful of examples. Again, someone's trauma could manifest in ways that we expect, or in a form that is totally foreign to our experience.

Consider expanding the motto "do no harm" to "do no further harm if harm has already occurred." As you develop your trauma-informed policies and procedures, imagine what it would be like to walk through them from start to finish. Where are the possible pain points where too much may be asked of a complainant? Where are they not given sufficient agency? Address those issues before implementing the plan.

Expanding our focus, let's consider who is impacted by spiritual leader abuse. We have the primary victim or victims and their family and friends. We also have the community as a whole that is impacted by the betrayal of a leader. The person who caused harm is impacted by their own choices, as are their family and friends, peers and other employees. The abuse also impacts the wider mission, reputation, and trustworthiness of the community and institution and its leaders.

Keep in mind that the impacts of trauma, whether individual or collective, can take the form of psychological, emotional, physical, spiritual, and relational symptoms. For a more in-depth look at working with communities in the wake of spiritual leader abuse, see Dr. Darryl Stephens's article in the appendix: "Community Healing after Spiritual Leader Misconduct."

Cultural Humility

You may be familiar with the term *cultural competence* (broadly defined as an understanding of and respect for cultural differences). A more helpful and comprehensive approach to working amidst difference is called *cultural humility.* The term *cultural humility* was coined by Melanie Tervalon and Jann Murray-Garcia in 1998 as they were seeking ways to enhance multiculturalism in their work in healthcare.

One of the pitfalls of cultural competence is the false idea that there is a kind of checklist or defined set of knowledge that one may master and therefore arrive (and remain) at a state of competence. With this false understanding, we might inadvertently slip into a mindset of "I took a class on that, so I know all about it." Or, "my best friend or partner is part of that community, so I'm an expert on that experience." Of course culture is much more complicated than that and cultural humility can be a very helpful reframing of how we engage culture with the posture of a perpetual learner.

There are three important values that undergird cultural humility:

> **Lifelong learning and critical self-reflection.** We each bring our own experiences, set of circumstances, and identities to the table. We change, grow, and learn more about ourselves year after year. We must be aware of our own social locations and appreciate that there is no end to learning about ourselves or those around us. Engaging in critical self-reflection means we can name where we hold power and privilege, how our identities shape our experiences, and how these things impact our relationships.
>
> **Recognize and challenge power imbalances.** We must acknowledge the very real power imbalances in our organizations and interpersonal relationships. These power imbalances in our communities are typically mirrors of the wider social context of power and inequality that we see in our country and world. We must work to challenge and mitigate these power imbalances everywhere

Institutional accountability. Our institutions must also do the work of cultural humility by engaging in critical self-reflection and working to mitigate power imbalances. Institutions play a critical role in the work to address misconduct by spiritual leaders.

Picture an iceberg, where 90% of the mass is submerged underwater. Imagine that the top of the iceberg represents surface culture—the things we can directly see or experience of other people, like food, festivals, holidays, or music. But the bulk of someone's cultural worldview is actually much deeper and often harder to articulate, things like concepts of the self, attitudes toward authority, ideas of respect, the often-unspoken rhythms and values of a community.

We offer this image as a helpful reminder that we don't know all there is to know under the surface. The best we can do is to be curious and humble in our approach to others. Just as we can't know the shape of an iceberg from just seeing 10% of it, we don't know the shape of someone's inner worldview. Even if we are very familiar with the culture they come from, we must remember that the individual before us is uniquely shaped and formed.

Case Studies

Consider the following case studies in light of cultural humility and trauma-informed approaches.

Case Study #1: Emory

Emory (they/them/theirs) is a 25-year-old Asian American trans person who lives in a mid-sized city. For the past six months, they have become active in a new spiritual community called Thrive, enjoying the weekly young adult group both for its social aspects and for the spiritual learning Emory craves.

Friends describe Emory as a vivacious and outgoing person. They work as an executive assistant at a large corporation but dream of being a spiritual teacher one day. Most people in their new community don't know this, but Emory was actually pushed out of their previous faith community when they came out as trans. It was a crushing blow at the time, but now, several years later, Emory genuinely doesn't feel the need to share about their past with their new friends. They just feel grateful to have found a home here.

Recently, Emory moved into a shared house with three other members of their spiritual community who are also in their 20s. The four of them have become close and enjoy hosting social events and study gatherings for their community.

Sue is a teacher at Thrive. She is a cis woman in her 50s, partnered with a man, and worked as a chaplain on a college campus for many years before transitioning to her ministerial role as a teacher, mentor, and counselor at Thrive about five years ago. Sue leads the young adult group and enjoys mentoring Emory and nurturing their natural gifts for leadership.

One night at the shared house, Emory walks into the kitchen to hear Jordan, one of their peers, making a derogatory comment about trans people. Emory pastes a smile on their face and act as if they didn't hear. The group sees Emory and snaps to attention, quickly changing the subject.

Over the next few days, Emory can't shake the suspicion that they were meant to overhear Jordan's comment. They decide to seek advice from Sue at their regular meeting for coffee at lunchtime on Friday.

Sue listens carefully to Emory's story and realizes this is an excellent teaching moment for a young person interested in going into ministry. "Emory," Sue says, "there are going to be so many people who want to dim your light. Jordan is not a confident person. He has a fragile ego and is probably jealous that you've joined Thrive and become such an outstanding leader in such a short time. You can't let someone like that get you down. Just let it roll off your back and keep doing your good work."

Emory feels conflicted. On the one hand, they enjoy Sue's praise and are aware that leaders have to work with all kinds of people, even if they don't like them or get their feelings hurt sometimes.

On the other hand, though, Thrive is supposed to be a safe place. They literally say that on their website. It is also been such a haven to Emory, they feel a sense of dread that they might lose this place if it is not safe after all. Emory starts to feel flushed and their breath becomes more shallow at the thought of being expelled from Thrive as they were from their old home as a teenager.

Feeling like they're 16 again and feeling almost timid, Emory says, "But that wasn't right what Jordan did."

Sue sighs, "I'm sorry, Emory. But it's something we all have to go through. As a woman in ministry, I've had to deal with sexism my whole career! It's just part of the deal. We can't change other people, we can only control our response to them."

Emory feels defeated. They check their phone and say they need to get back to their office. They pat Sue on the back as she envelopes them in a hug, and go to work.

Sue leaves the meeting feeling unsettled. She gave the best advice she knew how to give, from her own experience. But she feels like she was missing something. She realizes that she has never seen Emory so withdrawn before. Something about them felt very young by the end of their conversation. She checks the time—it's only 4:30pm—and she picks up the phone.

Questions for Reflection:

- What power dynamics are at play in this story? How are Emory, Sue, and Jordan all positioned in relation to one another in their spiritual community as well as the larger social structures at play?
- How could Sue better embrace the principle of cultural humility in her response to Emory?
- Who do you want Sue to reach out for as she's realizing she missed something earlier in the day? What could she say or do next that would be more trauma-informed than her response so far?
- What do you imagine Emory might have needed from their friends in the kitchen? From Sue? From Jordan?

Case Study #2: Liam

Liam, a 40-year-old gay man, has just recently come out after divorcing his wife, with whom he has a 10-year-old daughter. Liam was raised in a very conservative Evangelical church and feels tremendous guilt both for the divorce and his sexuality. Liam began attending a non-denominational church in his new neighborhood about a year ago and has kept both his relationship history and sexuality from his community. Liam's ex-wife suspects he is gay, but Liam has never confirmed this because he believes she would use it against him and disrupt the relationship he has with their daughter.

About six months ago, Liam started dating his boyfriend, James. Their chemistry was off the charts, and since it was Liam's first real relationship with a man, he relished all of the new feelings that were both intense and consuming. James moved in with Liam after two months, as Liam has a successful online business and offered his home as a temporary measure while James was transitioning from one job to another. They were so in love, Liam thought it would work out great.

However, Liam has noticed in recent weeks that his depression—which he was first diagnosed with in seventh grade—has worsened. He's having a hard time sleeping and has all but lost his appetite. He thought he was OK with being in a relationship with a man, but he wonders if God is punishing him for leaving his wife and being intimate with James.

Liam isn't sure who he can turn to to talk about the spiritual questions that keep him up at night. He checks his church's website and sees that there are lay counselors that volunteer to meet with fellow church members. He fills out the online form.

Soon Liam is matched with a counselor, Jeffrey, a man in his 60s who is an elder in the church and has been married to his wife for over 35 years. Jeffrey is very involved in the church and even preaches on occasion. Liam has never met Jeffrey before, but knows who he is and has heard him preach a few times. He's relieved to have someone with such a depth of spiritual wisdom to talk to.

Over the course of three or four weekly sessions, which usually take place over beers in Jeffrey's man cave (a converted garage off his family's living room), Liam comes out to Jeffrey and explains that his symptoms of depression have been worsening since James moved in.

Jeffrey shares that he himself is attracted to men but decided as a teenager that it was God's plan for him to marry a woman and raise children. He wonders aloud if Liam's depression is a sign from God that he is not on the right track.

Distraught, Liam leaves. His worst fears have been confirmed by this spiritual leader, and he wonders if the only solution is to become celibate. But he loves James and feels sure that their relationship is healthy. For some weeks, Liam avoids going to church. He visits his doctor to talk about treatment for depression. He ignores Jeffrey's calls and texts, not feeling up for any more sessions.

One day, Liam listens to a voicemail from Jeffrey, where Jeffrey clearly states he is tired of being ignored. He puts Liam down, cusses him out, and uses an ugly slur. Shocked, Liam deletes the voicemail and throws his phone onto the couch.

Witnessing this, James asks what's wrong. Liam confides in his partner all the doubts and confusion he's faced since they moved in together, culminating in this abuse by Jeffrey, who was supposed to be a helper, and who Liam was sure would have some answers for him.

James encourages Liam to reach out to the ministry director in charge of the lay counseling program at his church.

Melissa is the director of congregational care and has led the training for lay counselors for many years. She personally trained Jeffrey and has never had any complaints about him as a counselor. She's shocked when she receives Liam's email and reaches out right away by phone.

"Liam," she says, "first of all, I just want to say that I'm so, so sorry that you were mistreated by a member of our team. That is never OK."

As soon as he hears this, Liam wells up. One thing he didn't expect was this earnest humility after his experience with Jeffrey. Melissa asks if he would be comfortable coming into her office to talk more about what happened. She is forthright that she is required to make a report to the personnel committee, but that he is welcome to be as involved (or not) as he would like.

Liam is very nervous about Melissa's report. He is sure that he does not want his name included, because he is not out, and he does not want to take any chances that his wife could find out that he's gay and use it against him in their on-going custody case over their daughter. With her assurance that he will not have to take any action or be named, he feels immense relief and sets up a time to meet with Melissa.

To prepare for her meeting with Liam, Melissa reviews the church's harassment policies and procedures. She makes sure to schedule the meeting for a time when Jeffrey is not expected to be in the building. Without mentioning Liam, she lets her supervisor know that they need to pull Jeffrey from all his counseling responsibilities and that she will file a report with more details by the end of the week.

When Liam arrives, he finds Melissa's office to be warm, inviting, and private. She offers him something to drink and he accepts water, settling onto the couch, feeling nervous.

"First of all, I just want to thank you for your willingness to speak with me," Melissa says.

"I wasn't sure that I would, but my boyfriend really encouraged me. I appreciated your response to my email," Liam replies.

Melissa is gentle and quiet throughout the conversation, and Liam gets the sense that she has all the time in the world. When he shares his concerns about being outed, Melissa is affirming and does not pressure him in any way. Once Liam has gotten through the story, Melissa explains the process of what will happen next on her end, checking in along the way to see if Liam has any questions for her.

Leaving their conversation, Liam feels heard. He notices that he feels unsettled about reporting anonymously, but he doesn't feel overwhelmed by the feeling and, checking in with himself, feels sure he doesn't feel pressured to change his mind. Melissa gave him a referral for a licensed therapist who has no connection to the church and is themselves queer. Liam is looking forward to reaching out to make an appointment in a couple of weeks. For now, he just wants to make some space to rest.

After Liam leaves her office, Melissa feels tired but good. She's disappointed in Jeffrey and her heart aches for Liam. She wishes that Liam would be willing to come forward, but truly understands his reasons for not participating in the process. She feels good knowing she will be able to process everything with her supervisor tomorrow. She sits down to complete her report and before she leaves at the end of the day, she drops Liam a quick email just thanking him for sharing with her.

<u>Questions for Reflection:</u>

- What power dynamics are at play in this story? How are Liam, Jeffrey, and Melissa all positioned in relation to one another in their spiritual community as well as the larger social structures at play?
- What cultural and theological beliefs might Jeffrey hold that could have informed his abusive behaviors? What could the institution do to address these kinds of beliefs during the selection, training, and supervision of volunteer counselors?
- What do you like about Melissa's responses and approach to Liam? Is there anything you would do differently? What additional follow-up could Melissa offer to Liam?
- How can Melissa and her supervisor employ a trauma-informed framework to address the alleged abuse with Jeffrey throughout the complaint process?

Theological Foundations for a Response to Spiritual Leader Misconduct

Any attempt by a community or organization to engage in response to spiritual leader misconduct or abuse must be grounded in theology and ethics. This is one of the biggest mistakes that institutions make when they set out to establish policy and procedures to address complaints; they focus most of their energy on the nuts and bolts of policy and have their lawyers carefully review the particulars, and then finally, at the end, tack on a supposed theological/ethical justification.

Rather, we need to begin with our theology and traditions, using this as a valuable resource to guide us in the on-the-ground response to complaints of misconduct.

This process will be different for each community, seminary, or organization because each will highlight different theological principles. However, the process is important.

For Jewish Communities

All the same, religious leadership demands a high level of integrity. Religious leaders are moral and spiritual exemplars, representatives of God to the people they are charged to teach, inspire, counsel, and lead. The behavior of any religiously observant person—but especially that of a spiritual leader—is especially sensitive to being a *Kiddush Hashem* (a sanctification of God's Name) as well as its converse, a *hillul Hashem* (a desecration of God's Name). Their successes and their failings can and do reflect on the One they represent and impact the religious behaviors and beliefs of their adherents and students, both positively and negatively. When leaders are guilty of desecrating God's Name, they betray God and foster disillusionment and even cynicism in the community. It is for this reason that the Talmud reminds us that when learned, religiously observant people are honest and pleasant, others are impressed with them and the spiritual tradition they represent. Conversely, when such people are dishonest or discourteous—to say nothing of abusive—others blame the tradition and God that they claim to represent.[1] When spiritual leaders cross inviolable boundaries, they bring discredit to their calling and should be held accountable publicly. In fact, "wherever there is desecration of God's Name, honor is not extended, even to a rabbi."[2]

Leaders must be accountable for their wrongdoings. Allowing them or enabling them to violate the authority and privilege of their positions without any restraint or accountability undercuts the community's trust, undermines adherence to the community's values, alienates congregants' from God, and allows victims to be continually and systemically revictimized by those individuals, institutions, and movements whose duty it is to protect them. —Rabbi Mark Dratch

For Buddhist Communities

Although we mentioned in the first section that some suggest Buddhist teachers and leaders require additional training to respond to misconduct, Buddhist teachings do provide a solid ethical and theological foundation upon which to build. What is most crucial is an accurate and non-harmful interpretation of these teachings. As we have heard from survivors (highlighted in Section 1), some teachers misinterpret and misuse teachings to support or rationalize their harmful behavior.

1 Talmud, *Yoma* 86a.
2 Talmud, *Berakhot* 19b.

One critical issue is the teacher-student relationship. In any Buddhist tradition, the teacher is regarded as the spiritual authority and/or the organizational leader. This creates a power imbalance between the teacher and student. This dynamic can be exploited by the teacher to facilitate misconduct, as the student may be coerced into doing what the teacher suggests because they are seen to be spiritually advanced. Coercion may also occur because the student may not want to jeopardize their spiritual progress, which is often seen as in the hands of the teacher.

These power dynamics also can perpetuate the continuation of misconduct. The student may want to speak out but does not feel able to because the teacher could shame or reject them from the sangha. When victims do speak out, they are met with disbelief and denial by other sangha members and, sometimes, are shamed by them for speaking ill of the teacher. Such power dynamics make it incredibly difficult for victimized students to speak, for their experiences to be validated, and for the teacher to be held accountable.

In Vajrayana Buddhism, the samaya vow between a teacher and a student has been misinterpreted to mean that students do not question their teacher's actions for they risk punishment in future lives. Samaya actually means a commitment with someone to uphold and view them in their fundamental goodness. It is not a one-way relationship but a mutual relationship in which the teacher protects the well-being of the student and never harms them. As a two-way relationship, students should and can question their teachers when they observe them doing harm or experience harm from them directly. This is often easier said than done; it's important that we create communities in which things like samaya vows are taught within a victim-centered and trauma-informed context so that students know that speaking the truth about abuse is not a violation of samaya vows.

Even though a concept of samaya may not be shared across all Buddhist traditions, addressing the power imbalance in the teacher-student relationship does cut across all traditions. As discussed in section 1, teachers, gurus, and leaders are meant to uphold their precepts and vows. These precepts and vows do not imbue them with power but are reminders that their role is to relieve suffering and do no harm out of great compassion. Furthermore, the Three Jewels and the teaching of oneness reminds us that all sangha members have a responsibility to relieve suffering and address harm as they perceive it. Spiritual power is not a hierarchy—it is an interconnectedness established through our oneness, our Buddha-nature, our compassion, and our shared sufferings. (See Appendix: "The Buddha Would Have Believed You" by Bhante Sujato)

For Christian Communities

Many denominations point to general expectations of clergy in their policies and doctrines, such as avoiding "conduct unbecoming the ministry." While this language is not adequate for a policy, it does suggest a high standard of integrity in ministry.

> Jesus said to his disciples, "occasions for stumbling are bound to come, but woe to anyone by whom they come! It would be better for you if a millstone were hung round your neck and you were thrown into the sea than for you to cause one of these little ones to stumble." Luke 17:1-2 (NRSV)

Jesus was very clear that his followers could be the source of not only misdirection, but also harm to those they serve. Jesus continues in Luke 17:3-4:

> "Be on your guard! If another disciple sins, you must rebuke the offender, and if there is repentance, you must forgive. And if the same person sins against you seven times a day, and turns back to you seven times and says, 'I repent', you must forgive."

Jesus mandates confrontation of any follower who sins by causing harm, and forgiveness is tied to repentance by the abuser. (See "On Forgiveness, Repentance, and Reconciliation" below) There is no question that the prophets call leadership to repent:

> "Therefore I will judge you, O house of Israel, all of you according to your ways, says the Lord God. Repent, and turn from all your transgressions; otherwise, iniquity will be your ruin. Cast away from you all the transgressions that you have committed against me, and get yourselves a new heart and new spirit! Why will you die, House of Israel? For I have no pleasure in the death of anyone, says the Lord God. Turn, then, and live!" Ezekiel 18:30-32 (NRSV)

For victims, God promises justice in the parable of the widow in Luke 18:1-8 and also in the Psalms.

> "For God did not despise or abhor the affliction of the afflicted; God did not hide God's face from me, but heard when I cried out . . . The poor shall eat and be satisfied; those who seek God shall praise God. May your hearts live forever!" Psalm 22:24, 26 (NRSV— inclusive)

> "For you have delivered my soul from death, my eyes from tears, my feet from stumbling. I will walk before God in the land of the living." Psalm 116:8-9 (NRSV)

There is also a word of caution for the faith community, calling us to account for our fear and inadequate responses to harm among us.

> "Is there no balm in Gilead? Is there no physician here? Why then has the health of my poor people not been restored?" Jeremiah 8:22 (NRSV)

> "They have treated the wound of my people carelessly, saying, 'Peace, peace,' when there is no peace. They acted shamefully, they committed abomination; yet they were not at all ashamed, they did not know how to blush." Jeremiah 8:11-12 (NRSV)

> ". . . but let those who boast, boast in this, that they understand and know me, that I am God; I act with steadfast love, justice, and righteousness in the earth, for in these things I delight, says our God." Jeremiah 9:24 (NRSV)

The Necessity of Justice-Making

One of the theological/ethical aspects that is frequently overlooked by spiritual communities is the practical importance of justice-making in response to spiritual leader misconduct and abuse. Our best teachers about this are survivors of misconduct or abuse by spiritual leaders. When asked, they quite often know what they need for their own healing, and they also intuitively know that their spiritual community should be able to provide it. They are correct.

When survivors ask for things like:

- "I want to tell my story to the Bishop."
- "I want my abuser held accountable and never to be able to do this again."
- "I want compensation for my medical and therapy bills."
- "I want to return to seminary and complete my education."
- "I want the community to know what really happened."
- "I want you to listen and not be afraid of me."
- "I want his name taken down off the building honoring him."

They are asking for justice. These are concrete, reasonable responses that we can make, once a complaint is adjudicated, to bring real healing to survivors and their families.

As we have listened to hundreds of survivors seeking healing in past years, we began to realize that their needs fell into seven categories listed here.

The Elements of Justice-Making

1. **Truth-telling**

   The victim-survivor needs to give voice to the reality of the abuse.

2. **Acknowledging the violation**

   Someone who matters, like the governing body or board, needs to hear the truth, name the abuse, and condemn it as wrong.

3. **Compassion is to suffer with the victim**

   The powers-that-be need to listen to and suffer with the victim. Wait until later for the problem-solving.

4. **Protecting the vulnerable**

   The powers-that-be need to take steps to prevent further abuse to the victim and others.

5. **Accountability**

   The powers-that-be need to confront the perpetrator and impose negative consequences. This step makes repentance possible for the abuser.

6. **Restitution**

   The powers-that-be need to make symbolic restoration of what was taken, to give a tangible means to acknowledge the wrongfulness of the abuse and the harm done, and to bring about healing (e.g. payment for therapy).

7. **Vindication is not vengeance**

   It means to set the victim-survivor free from the suffering caused by the abuse. Some experiences of justice can vindicate the victim-survivor and free them to even consider "forgiveness."

Clearly, in the elements presented here, the spiritual community has a major role to play. This is one place that we frequently, passively drop the ball. We wait . . . for the victim to go away? For the perpetrator to resign? For the victim to "forgive and forget?" And if we wait long enough, we will be looking at a lawsuit because this is the last recourse for a survivor who expects their spiritual community to actually do something about this betrayal of trust.

Few survivors actually experience all these aspects of justice-making. However, what is important is that they experience enough to be able to move forward in their lives and store these memories on their hard drive. This is "approximate justice"; less than they deserve, but enough to experience some vindication and healing.

It is up to the spiritual community to do everything it can to make this possible. This is clear in the seven elements; most of them fall to the powers-that-be. This is the work of the spiritual community. We are called to heal the wound deeply. A scar will remain, but fullness of life can be restored.

In other words, this isn't the work of the victim-survivor alone as they finds themselves up against a powerful institution whose agenda may not include them. This is the work of the spiritual community and the institutional bodies that oversee it.[3]

[3] For further discussion, see Marie M. Fortune, *Is Nothing Sacred? The Story of a Pastor, the Women He Sexually Abused, and the Congregation He Nearly Destroyed* (Eugene, OR: Wipf & Stock, 1999), 113-120.

Basic Guidelines Concerning Policy and Procedures

In preparing or revising a policy and procedure statement for your judicatory, seminary, or organization, we urge you to do four things:

1. Revisit your mission statement. This will help you ground your response to complaints of misconduct in the overall mission of your spiritual community.

2. Take the time to reflect together theologically and ethically. As we have suggested above, the values and teachings of our traditions provide primary direction in operationalizing our response to misconduct.

3. Review the options for "What is your Agenda?" and make an intentional choice.

4. Review your polity so that you integrate your procedure into your existing polity and loci of authority within your spiritual community.

Effective intervention is based on policies that clearly state 1) the boundaries of ministerial/teaching conduct—what is and what is not appropriate behavior for spiritual leaders in their relationships with congregants, clients, employees, students, and staff members—and 2) fair procedures for investigating allegations, adjudicating formal complaints, and either exonerating or disciplining spiritual leaders who abuse.

1. The purpose of a policy and procedure adopted by a judicatory, congregation, or seminary to address misconduct by a spiritual leader is to provide a mechanism to respond to a complaint of unprofessional and unethical conduct on the part of someone who is credentialed and authorized to function on behalf of that body.

The policy and procedure should be fundamentally fair to all parties and should assume good faith on the part of the complainant and innocence on the part of the accused until the matter is investigated and adjudicated.

The policy and procedure should then authorize steps to either exonerate the accused or discipline them and to ensure that they are restrained from doing further harm to other people .

2. Policies and procedures should be publicized at the congregational/local and denominational/movement levels in the context of an educational presentation.

It is especially important that the policies and procedures for making complaints be publicized periodically and be readily available to community members both in hard copy brochures and on websites.

3. Policies and procedures must be clear enough for church/synagogue/sangha members, who may not be experts on legal or administrative procedures, to be able to understand and to follow.

A CAUTIONARY NOTE

The biggest temptation for judicatories, seminaries, or organizations when faced with a complaint about misconduct is to try to avoid adjudication. This means avoiding making a judgment call as to whether we believe the complaint is true or not true. Here are some of the avoidance strategies we often see (and do not recommend) in policies and implementation:

Informal Intervention: Attempt an initial response to "resolve the conflict" between complainant and accused spiritual leader. Remember, in most cases this is not a "conflict," although it creates conflict. It would be like approaching a burglary where someone broke into your house and took your possessions as a "conflict" between two equal parties. Rather, the complaint is that a spiritual leader violated someone's boundaries and the judicatory or organization's policy. The questions for the leadership are 1) did this violation take place, and 2) is this the person who did it?

Referral to a Therapist: Ask someone else to decide if this accused spiritual leader is an abuser or not. The same analogy applies: in a burglary, refer the accused to a therapist to answer the question, "Does this person seem capable of being a burglar?" This is not the question at hand; rather, did the violation occur, and is this the person responsible? While therapy and mental health services may be a valuable resource for the accused in general, the issue at hand is about their conduct. Once the complaint is adjudicated, we might consult a therapist with expertise in boundary violations to help assess what the next steps should be.

Decide Not to Decide: In a "he said, she said" situation, to simply decide "we don't have enough evidence." This is usually decided without any real investigation and translates into taking no action. This is unacceptable. (See "Complaint > Investigation > Adjudication" and "Guidelines for Assessing Evidence" below)

4. The **tests of any policy or procedure** concerning misconduct or abuse in the ministerial/teaching relationship should be:

- Is it clear, fair, and consistent with the values and mission of the spiritual community it represents?
- How does it feel to complainants who may be victims and survivors? Does it communicate a clear understanding of the problem and help bring healing and justice for them?
- Does it have the capacity to hold perpetrators accountable?
- Does it have the capacity to determine a false allegation and subsequently exonerate the accused spiritual leader?

5. In order to insure that a policy or procedure measures up to these tests, it is important that survivors (i.e. persons who have experienced abuse by spiritual leaders and are not currently engaged in an active case) be included on **any committee charged with writing or revising policy and procedures** concerning misconduct in the ministerial/teaching relationship. Their insights can be invaluable.

6. If **criminal charges** are filed, the judicatory or organization should cooperate with the prosecutor's investigation. Do not try to shield an accused spiritual leader from investigation. It may be advisable to hold the judicatory procedure until the criminal charges have been resolved. But remember, if the accused is acquitted by the court, this is not a reason to cease ethics investigation or avoid disciplinary action. The evidentiary standard in criminal court is higher than in civil cases and hopefully higher than in your policy. (See "Guidelines for Assessing Evidence") The misconduct may not have been criminal, but it still may have violated your policy and the spiritual leader in question may still represent a risk to the health and safety of the community.

WHEN IN DOUBT, ASK YOURSELF

Ultimately, how will our action/inaction bring healing for the survivor(s) and accountability for the offender? How will it help make justice and restore the integrity of the ministerial/teaching relationship?

Basic Components of Effective Policy and Procedures

Procedures for addressing allegations and/or complaints of abuse or misconduct in the ministerial/teaching relationship must be fair; they must be clear; and they must be followed carefully.

Basic components of effective procedures include the following:

1. **The "policy"** portion should specify the behaviors that are not acceptable in the ministerial/teaching role. A more general reference, such as "conduct unbecoming the role," is not adequate. In any case, it is not likely that there will be consensus on what "conduct unbecoming the role" means.

This policy should be limited to the denomination's responsibility for the conduct of spiritual leaders in the ministerial/teaching relationship, i.e. in their professional roles. It is not appropriate to address personal sexual or non-sexual ethical issues in this policy. If you so choose, those issues may be addressed in a separate code of conduct. Language such as the following is preferable:

> Spiritual leader misconduct is when any person in a ministerial or teaching role of leadership or pastoral counseling (clergy, religious, or lay) engages in harmful behaviors that violate the ministerial or teaching relationship. Violations can include sexual contact, sexual harassment or sexualized behavior with a congregant, client, employee, student, or staff member (adult, teenager, or child), financial irresponsibility or irregularities, violations of confidentiality, use of technology for illegal or harmful purposes, intentional deception or dishonesty including misrepresenting personal qualifications, acts of physical, emotional, spiritual violence or bullying, and gross negligence of ministerial responsibilities. Such misconduct is a violation of the ministerial/teaching relationship in which a person in a position of leadership takes advantage of a vulnerable person.

This language both defines the misconduct and asserts it to be an ethics violation. This then becomes the standard against which you would judge a complaint of misconduct. Did the alleged offender engage in this behavior that you have defined to be unethical?

2. **Procedures for making complaints** should designate a specific person by title or role within the judicatory or organization to whom community members can make their complaints. The procedure should require that in the case of a complaint on behalf of a child, the governing bodies should make an immediate report to the law enforcement. (See Appendix: "A Story of Two Calls: The Intake Process for Misconduct Complaints" by Heather Bond)

3. **Procedures must provide for due process** in assessing a complaint. "Due process" means that the steps of the procedure are reasonable and fair. The procedure must be unbiased and protect the rights and interests of both the complainant and the accused.

4. **Post adjudication.** If, after an investigation, the allegations of spiritual leader misconduct are inconclusive or unsubstantiated, steps must be taken to restore the accused leader's credibility. For

A CAUTIONARY NOTE

Concerns about "due process" can sometimes become a smokescreen for inaction. The purpose of "due process" is to insure that the process is fair and transparent and that the outcome has integrity. Unfortunately, we have seen cases where the understanding of "due process" by the adjudicating body has meant that they allowed the accused spiritual leader to control the process and negotiate the outcome. This clearly favors the accused spiritual leader and rarely leads to a just outcome. The adjudicating body controls the process and finally decides whether someone retains their credentials for ministry/teaching.

The other smokescreen that sometimes arises here is the decision, based on "due process," to not pursue a complaint because it might "damage the reputation" of the accused spiritual leader. The possibility of a false allegation of misconduct faces all of us. As a public figure, it is a risk that comes with the job. If we are falsely accused, we need to know that the procedure, with "due process," will allow us to defend ourselves and prove our innocence of the charges. Then the spiritual community should provide the means to exonerate the person falsely accused.

example, if the spiritual leader chooses, the results of the adjudication could be sent out to the community or published in appropriate media.

If the allegations of spiritual leader misconduct are validated, steps must be taken to:

- Discipline the offending spiritual leader. (See "Disciplinary Process" below)
- Protect and restore survivors, including having the abuser provide restitution where appropriate.
- Seek to restore the integrity of the ministry/teaching.
- Seek to restore the community in which the offense(s) occurred, including notifying the membership of the findings and the disciplinary action taken and providing education and an opportunity for open discussion. (See "Response to the Community" below)
- In the future, only consider restoring the offending minister to professional health if requirements are met.
- Ensure that appropriate information regarding the spiritual leader's offense(s) is given to any other community to which the leader may move and to the umbrella denomination or movement.

5. **Procedures should be established at the denominational or movement level for disclosure of information:**

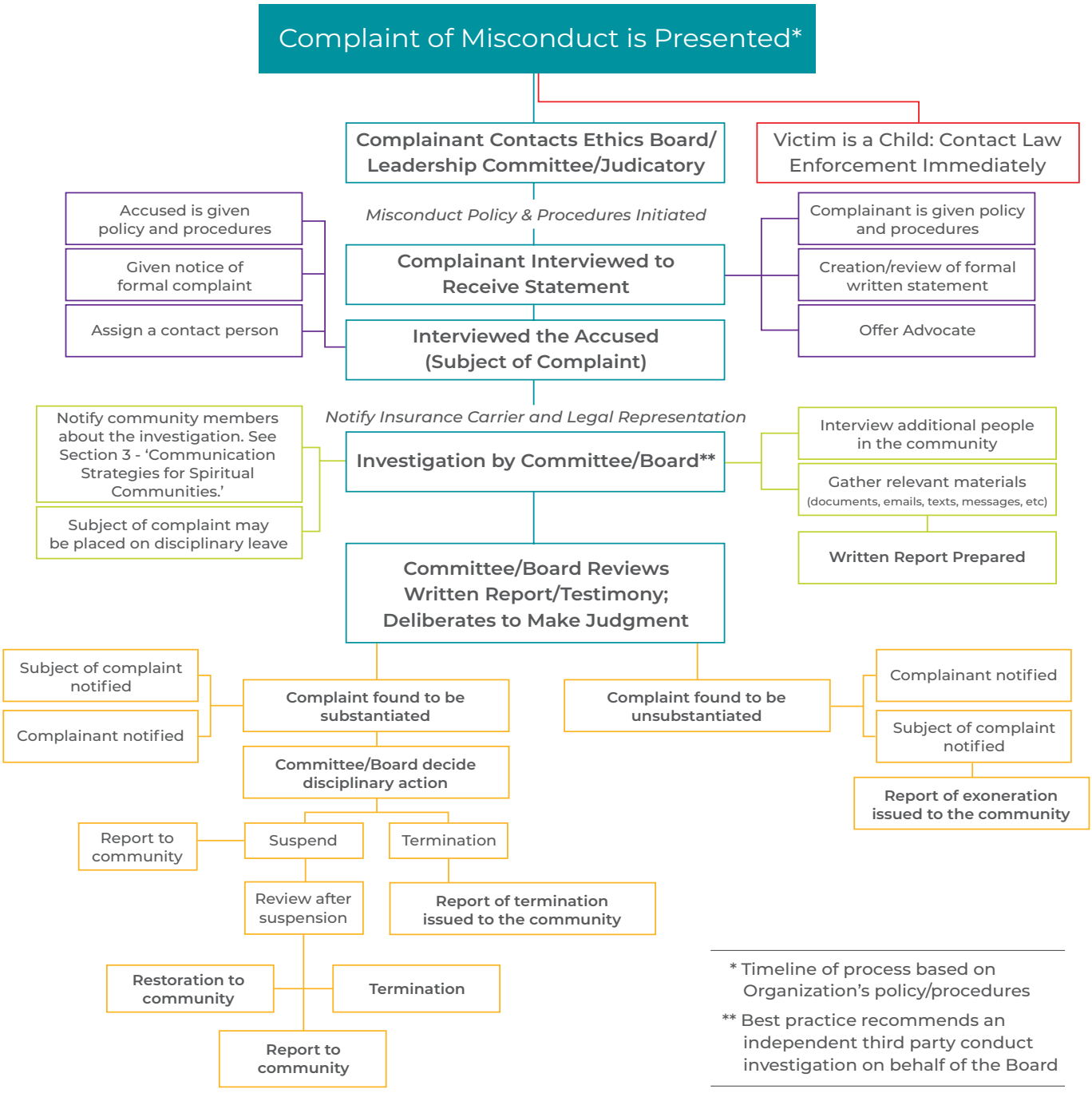
- Maintain an open personnel record in order to respond to future requests for references.
- Provide information about the accused spiritual leader to any new communities to which they may be assigned or may move. In the case of organizations that do not have an overarching structure, every effort should be made to communicate this information to the new community.

6. Communities and their governing bodies should develop **hiring procedures that require the disclosure of previous complaints**, including actions taken and the determination of findings, as well as a full criminal background check (in some states, this is required by law) prior to hiring. A release of information from the candidate for any position must be acquired before performing the criminal background check. If the candidate refuses to provide this release, you then have important information about them.

A CAUTIONARY NOTE

The information that needs to be provided is fairly simple: The nature of the complaint filed against the spiritual leader, the resolution of the complaint, and the action by the governing body should remain in the spiritual leader's personnel file and available for future reference. The particulars about the misconduct and the identities of the complainants should not be available unless there is good reason in the request for reference information.

Best Practice Flowchart for Adjudicating Complaints



Roles in Response

It is critical that community/organizational staff and volunteers are clear about the roles they are playing in response to a complaint. Sometimes your polity will dictate this; for others, there is flexibility. Often the confusion of roles or conflicts of interest in roles are roadblocks to successfully processing a complaint. Here are some things to consider as you determine roles both in your policy and also in your implementation of procedures in response to a complaint.

1. Judicatory Executive, Bishop, Dean of Seminary, Board President, Organization Executive

You have to decide what your job is within your polity or institutional structure. For example, if, as Bishop, you are a pastor to pastors, then you will not be able to oversee the process of responding to the complaint. We also suggest that you don't take on an advocacy role for the accused, but try to remain neutral even as you attend to the players involved. If you have a significant prior relationship with the complainant or the accused, you may need to step out of the process and designate others to implement the process in order to avoid a conflict of interest. Also, we caution against seeing your role as "protecting" your institution against the complainant in an adversarial way.

However, if you decide that your responsibility is the overall health and wellbeing of the judicatory, seminary, or organization and the effective implementation of the policy and procedures you have adopted, then be clear about that in relation to both the complainant and accused. You are the neutral party committed to the integrity of the process. Designate, but oversee staff and volunteers carrying out their responsibilities.

Once the complaint is adjudicated, you are still responsible for implementing the outcome. If the complaint is valid and discipline is required, it is your job to follow it through. If the complaint is invalid and exoneration is required, it is your job to follow that through.

2. Response Team

A number of communities or organizations have created something often called a "Response Team" as part of their process in responding to a complaint. This is another place where there can be confusion.

It is not the Response Team's responsibility:

- To "handle" this complaint, i.e. to "make it go away"
- To "protect" the institution's assets or reputation

A Response Team can be a valuable resource if they are 1) well trained and 2) clear about their role. Their role should generally be as a well-informed resource available to:

- Designate an advocate for the complainant, i.e. someone who helps the complainant navigate the system and who clearly acts in their interest rather than the institution's interest (See Appendix: "The Role of the Advocate" by Laura Sider Jost)
- Be an educational resource to the local congregation or organization where the accused was employed to provide support and education about the nature of abuse by spiritual leaders.

3. Investigation Team (See "Complaint > Investigation > Adjudication" below) This is a separate person or persons whose job it is to gather information regarding the allegations of the complaint.

Preferably, this is an outside consultant with expertise (a legal background would be helpful; a background in clinical therapy would not necessarily be helpful) who can come in, interview the appropriate people, request possible evidence (e.g. calendars, emails), organize this information, and present it to the Adjudication Committee of the judicatory or organization. This person would be compensated for their services. The fact that they would have no association with individuals in the judicatory would be an advantage in minimizing possible bias. They would not be serving as legal counsel.

To carry out this task, you may decide to appoint individuals within the judicatory or organization as volunteers.

- **Advantage:** No expense.
- **Disadvantages:** It's asking a lot of your volunteers/staff, and they probably won't have the expertise needed to accomplish the task. (See "Investigator Role" below)

4. Adjudication Committee (See "Complaint > Investigation > Adjudication" below) This is the group of persons who are formally authorized within a judicatory or organization to hear the evidence, adjudicate (i.e. decide the validity or non-validity of the complaint), and then make recommendations regarding discipline, exoneration, or other action.

This committee should correspond with the persons who already have the authority and responsibility to grant or remove credentials of authorized spiritual leaders. Within the seminary or nonprofit, it should likewise be those who have responsibility for hiring and firing. Some organizations already have a structure in place for a judicial review or trial. Their authority and responsibility are usually clearly laid out.

The most important thing about the Adjudication Committee's role is that everyone is clear that it is only up to this body to "adjudicate" the complaint, i.e. to decide whether they believe the allegations are true and are covered by your policy. (See "Best Practice Checklist for Policy and Procedures" below) This adjudication task is not up to the investigator, the Response Team, the Executive, the insurance company, a therapist, or legal counsel.

The simple question the Adjudication Committee is trying to answer is:

Did the accused spiritual leaders engage in conduct that violates the policy that established ethical standards for them?

Intentions, rationalizations, explanations, or extenuating circumstances are fundamentally irrelevant to the adjudication process.

5. Legal Counsel

Legal counsel can be a vital resource in responding to a complaint, but only if both the lawyer and the institution are clear about roles and expectations.

Too often in the past, a judicatory, seminary, or organization has turned to their lawyer to "handle this," which has resulted in the lawyer assuming their role is to protect the assets of the institution from the complainant. Ultimately, this has not served the real or perceived interests of the judicatory, seminary, or organization.

Your process in response to a complaint of spiritual leader misconduct should be driven by:

- Your goal to protect the integrity of the ministerial/teaching relationship and to protect those who may be vulnerable
- Your commitment to a fair and just process
- Your theology, ethics, and values to interrupt harm and to confront injustice
- A commitment to support those who have been harmed by one of your leaders with justice and healing
- A commitment to call to behavioral change and accountability for those who have done harm

A CAUTIONARY NOTE

As we have seen in recent cases, judicatories, seminaries, or organizations are often found liable for significant sums of money in addition to lawyers' fees. In most cases, these costs are unnecessary if the institution had simply stayed focused on the goals listed above. A lawyer who is experienced and well-informed and who has a clear mandate from their client (the institution) can save you a lot of money and help do the right thing, which ultimately serves the long-term interests of your judicatory or seminary.

If you hire an attorney, you should be hiring them to help you implement these goals, using your policy and procedures to be sure that you are careful in your process and that the outcome has integrity. (See Appendix: "Sexual Misconduct in Spiritual Communities: A Lawyer's Perspective" by Carol Merchasin)

If, on the other hand, you "turn this problem over to counsel," they will not be implementing these goals, which will mean:

- Denying pastoral contact with the complainant
- Withholding information
- Denying any acknowledgment of a finding that the complaint is held valid
- Denying restitution

All of these responses greatly increase the likelihood that the complainant/victim will not find what they need and deserve from the judicatory, seminary, or organization (See "Elements of Justice-making" above) and will therefore have no choice but to pursue civil litigation.

6. Therapist/Consultant

A judicatory committee or organizational leaders may decide it wants to consult with a therapist as part of its process. The question is why? What role are you asking that person to play?

Sometimes the committee wants the accused, who may be denying the allegations, to be evaluated by a therapist to determine if they are an abuser. This is a mistake. Therapists who have expertise in boundary violations and abuse will generally refuse to play this role. Having a therapist evaluate the accused is an attempt to avoid having to consider the evidence and adjudicate the complaint. Additionally, there is no psychological profile or test that can be administered by a therapist to determine whether or not a spiritual leader is capable or likely to violate boundaries. Of course, there are diagnostic tests for mental health conditions and other disorders, but results of these tests will not tell us if the accused minister did or did not do what is being accused of them.

A CAUTIONARY NOTE

Do not try to use a therapist to help determine whether an allegation is true, i.e. whether these events actually happened. You are not trying to determine whether the accused spiritual leader has a personality making them likely to violate boundaries. You are trying to determine if they violated boundaries and violated your policy.

In the disciplinary phase (after adjudication), a judicatory may consider requiring therapeutic work on the part of the abuser in order to be considered for reinstatement as a minister or teacher. A competent, experienced therapist may agree to take this on if the perpetrator fully and unequivocally acknowledges the misconduct and takes responsibility for it. This evaluation is then to determine what kind of abuser they are and whether or not therapy would be helpful.

If the abuser is a wanderer, therapy may be a useful rehabilitative resource. However, if they are a predator, therapy will be of little value to change behavior.

7. Insurance Agent

If your judicatory, seminary, or organization has insurance regarding professional malfeasance, which it should have, then notify your insurance agency immediately once a complaint is filed. (See "Best Practice Checklist for Policy and Procedures" below)

The same principle applies here that we discussed above in regard to legal counsel. Do not drop the complaint in the insurer's lap with the directive to "handle this." Be clear ahead of time about how you expect to work with the insurer. You have insurance so that you can afford to provide for the material needs of those who have been harmed by a spiritual leader. If you have coverage for a complaint, the insurer should help to compensate the victim for pain and suffering experienced. This sum will generally be far less than the settlement reached as a result of a civil suit.

Investigator Role

If you decide to conduct the investigation of misconduct in-house, rather than using a third-party investigator, follow these best practices.

Inviting People to be Interviewed

- Solicit people to be interviewed via an invitation on your website, internal newsletter, and/or other appropriate places; indicate a deadline by which interviews must be scheduled.
- Set up an email address to accept inquiries and decide who will be responsible for monitoring the email; consider an auto-reply so that people know their message was received.
- Review with the interviewee the parameters of confidentiality that will apply to the interview; answer their questions with transparency and sensitivity
- Timely responses are crucial.

Facilitating the Interview Process

- Interviewers – Decide if you will have one or two people at each interview, and do your best to be consistent throughout the process (If you have two people, it can be helpful to assign a primary note taker, time keeper, etc); be aware of interpersonal dynamics between interviewer and interviewee
- Setting – choose a neutral setting conducive to sensitive conversations that will protect the confidentiality of the interviewee. If possible, it can be helpful to provide two appropriate and achievable location options, and let the interviewee choose which they prefer.
- Time – plan for 1 hour; make additional appointments if necessary. Give yourself time afterward to organize your notes and process information. Do not book back-to-back interviews.
- Transparency – be open about the function and limitations of your role, the organization's process, and what's next.
- No surprises – keep the interviewee apprised of any changes to your appointment (e.g. will a different member of the committee than originally planned be conducting the interview?) and do your best to stick to the plan you have outlined with them.
- Confidentiality – be clear about the parameters of confidentiality in the interview process, answer questions about this from the interviewee; demonstrate your commitment to confidentiality throughout the interview.

Interviewing the Complainant(s)

- Review the principles of trauma-informed responses.

- Do not rush or interrupt them; be an active listener and an active interviewer.
- Invite the complainant to share as much specific and corroborating information as possible (times, dates, documentation, etc.).
- Thank them for sharing their experiences and trusting you with their story.

Interviewing the Accused

- Always have two people; do not conduct this interview alone.
- Be prepared for the accused's initial minimization or denial of the accusations.
- Do not be thwarted by the accused's threats to sue the community for loss of livelihood or slander.
- Focus the interview on the allegations of misconduct, and not on the accused's feelings of being "victimized."
- Be fair and neutral; do not negotiate or make deals with the accused leader.
- Do not allow the accused to resign and give up credentials before the adjudication.
- Do not minimize or add your own personal commentary to the accusations or complaints.
- Do remember that unequivocal accountability is the best means to bring an abusing spiritual leader to account.
- Thank them for participating in this process and sharing their responses with you.

Responding to Emotions

- Those you interview may express a variety of emotions: anger, sadness, confusion, blame, shame, disbelief, and/or mistrust (of you and/or the process).
- Show empathy while staying fair and neutral.
- Practice critical self-awareness; be mindful of your strengths and sensitivities.

Considerations for Interview Questions

- In general, your questions should provide information on the behaviors and patterns of the accused, information about the community's culture and norms, and any information that the interviewee deems relevant.
- Remember, the adjudicating committee is going to rely on information from interviews to determine: did the alleged behavior take place and, if so, does it violate our policy?
- Your questions should not violate the confidentiality of the complainant or accused.
- Open-ended and closed-ended questions both serve an important purpose (e.g. "What would you like to share with us today?" and "Has [accused] ever asked to borrow money from you before?" are both good questions).

- Always, always be prepared to learn new information that may expand or complicate the original complaint.

Taking Notes

- Non-judgmental tone
  - **Do:** "EC stated her relationship with Edward confused her a lot because he would always change his story, and be hot and cold."
  - **Don't:** "EC seemed confused and didn't usually understand what her teacher was saying to her."
- Avoid Conclusions
  - **Do:** "EC apologized for crying and was silent for a couple minutes."
  - **Don't:** "EC was upset and couldn't finish her story."
- Using quotations
  - **Do:** "EC said, 'He asked me to come over right away and I thought it was an emergency. When I came in, he told me I looked beautiful and he gave me some tea. After that, he groped my breast and kissed me.'"
  - **Don't:** "EC said that he touched private parts of her body and made a pass at her."

Best Practice Checklist for Policy and Procedures

Policy

❑ Does policy state your community's ETHICAL MANDATE of why these issues matter?

❑ Does policy include a STATEMENT OF PURPOSE? (i.e. role of the policy; Mission Statement - Protection Philosophy)

❑ Does policy define its SCOPE stating to whom the policy applies? (i.e. to all paid employees and volunteers, those working with children, members, congregants/students)

❑ Does policy outline a CODE OF ETHICAL CONDUCT that indicates conduct considered unethical to the organization/congregation as a whole? (i.e. also applicable to general conduct of individuals in community; may include language on gift-giving)

❑ Does policy include DEFINITIONS?

- Describes Types of Abuse
  - Physical Abuse
  - Financial Abuse
  - Emotional Abuse
  - Spiritual Abuse
  - Sexual Abuse
  - Sexual Harassment & Bullying
  - Retaliation
  - Neglect
- Describes who is a child, youth, teen, young adult, vulnerable adult, adult
- Describes who policy applies to
  - Volunteer
  - Adult / members / vendors / lay leader / congregation child care worker / youth leader
  - Staff
  - Spiritual leader (sanctioned or credentialed leadership)

❑ Does policy address a DESIGNATED COMMITTEE? (i.e. governing body to oversee policy and enforcement / Response Team; jurisdiction to a Personnel Committee if a staff person is involved as complainant or accused)

❑ Does policy address SPIRITUAL OR LAY LEADER MISCONDUCT? (or reference a separate applicable policy)

❑ Does policy undergo an ANNUAL REVIEW by which a governing body reviews and updates and re-affirms the policy every year?

❑ Does policy address GENERAL SAFETY? (i.e. a carefully monitored system for controlling keys to all church property; all exits clearly marked; workers with children trained in emergency evacuation procedures; fire extinguishers strategically located and periodically inspected; first aid kits available; CPR-certified adults available at all times when children are present and a system for alerting them is in place; adult "floaters" available in locations central to child and youth classrooms; a system for alerting spiritual leaders to emergencies is in place; safeguards for handling and disbursing funds are in place)

❑ Does policy contain a COVENANT FOR FACILITY USE? (i.e. facility use by vendors or groups)

❑ Does policy address BULLYING, HARASSMENT, AND/OR RETALIATORY BEHAVIOR?

❑ Does policy contain statement and procedures related to SEX OFFENDER PARTICIPATION or the presence of a registered child sex offender in the spiritual community?

❑ Does policy contain COVENANT OF LIMITED ACCESS FOR SEX OFFENDERS in the spiritual community?

❑ Does policy clearly address SOCIAL MEDIA in a way that establishes how staff, lay leaders, members, volunteers, and youth workers interact in spiritual community, and particularly with children and young adults, online?

❑ Does policy contain statement on WEAPONS AND FIREARMS in spiritual community spaces? (i.e. policy that specifically states what is a weapon, and who is authorized to carry a weapon or firearm on premises)

❑ Does policy ADHERE TO STATE LAWS FOR REPORTING suspected child abuse? (Requires all paid employees and volunteers [in any capacity] to understand state law concerning child abuse reporting obligations)

❑ Does policy contain statement on the PROTECTION OF VULNERABLE ADULTS and procedures for reporting suspected abuse? (i.e. elders or disabled)

❑ Does policy clearly address CONFIDENTIALITY in a way that establishes how staff, lay leadership, volunteers, members, and the community who are involved in a complaint receive, hold, or respond to the information?

❑ Does policy contain statement on appropriate INSURANCE COVERAGE that covers the scope of all programs and is reviewed annually?

❑ Does policy contain an EDUCATION COMPONENT, which requires the policy and procedures to be openly available for all and posted on the website and public grounds of the community?

- Procedures outline annual or periodic training of the policy for all members, employees, volunteers, and designated groups (i.e. childcare workers, camp counselors, etc.) with a signed covenant.

Procedures

❑ Does policy clearly outline REPORTING PROCEDURES for a suspected incident or disclosure of abuse? (i.e. how and to whom to report a concern or complaint; process flowchart, timeline, delineated roles of adjudicators, investigators, conflict of interest disclosure requirements; appropriate forms; process post-adjudication)

❑ Does policy contain a RESPONSE PLAN that provides both pastoral and community care, including education about sexual abuse and an open discussion in order to help spiritual community process the incident or disclosure of abuse? (e.g. assignment of advocates or support persons for complainant and accused)

❑ Does policy contain a RESPONSE PLAN TO MEDIA INQUIRIES, including use of social media, in the event an incident occurs? (i.e. who is in a leadership role to respond and how)

❑ Does policy contain procedures that address the HIRING PRACTICES & PROCESS for paid staff and volunteers working with children? These should include:

- Application forms (written)
- Qualification screening process
- Interview process (face to face)
- Background checks (including sex offender registry and other criminal registries)
- Reference checks

❑ Does policy outline MANDATORY TRAINING & SUPERVISION for all paid employees and volunteers working with children?

- Training to understand the issue of child sexual abuse
- Training at regular intervals on how to carry out policies and procedures to prevent sexual abuse

❑ Does policy include procedures for training to understand and carry out policies and procedures to prevent SPIRITUAL AND LAY LEADER MISCONDUCT?

❑ Does policy contain GUIDELINES FOR WORKING WITH CHILDREN/YOUTH?

- At least two non-related adults present at all times during any community-sponsored class, activity or event involving children
- No child care or youth workers who are less than five years older than the children or youth for whom they are responsible
- Written guidelines on how long a youth or adult worker must participate in the community before being allowed to apply to work with children (i.e. "six month rule")
- No child care or youth workers who are under the age of eighteen, unless they are working under the supervision at all times of two non-related adults
- Safeguards for children using restrooms
- Nursery procedures including restroom and diapering
- Refusal to release children to anyone except their parents or authorized guardians. (i.e. sign-in/sign-out procedures)
- Windows in all classroom doors
- No meetings with children in secluded places
- Advance notice and full information to parents about all events in which their children will be participating
- Generational boundaries for sleeping quarters and showers at community camps, lock-ins, overnight trips, etc.
- Transportation and vehicle use
- Appropriate discipline and expressions of affection

A CAUTIONARY NOTE

Confidentiality vs. Secrecy

Another place where judicatories are tempted to get off track is in their understanding and invocation of "confidentiality." Confidentiality has to do with stewardship of information. We may be given information in confidence, which means that we are entrusted with overseeing that information. There may be circumstances that require that we disclose or discuss this information. For example, if a student shares a personal crisis, we may need to consult with a colleague about how best to support this person. We do not need to disclose names or particulars in order to get the assistance we need to be helpful to someone else.

A secret means not disclosing any information regardless of the context. For example, we are planning a surprise birthday party for a colleague, and it's a secret.

The questions in regard to confidentiality are with whom do we need to share information and what information do we share in order to carry out our pastoral and ethical responsibilities?

In responding to a complaint of misconduct, the process should be confidential, but not secret. Confidentiality is intended to protect the process, but once the process is completed, people need to know what happened. This ensures the integrity of the process. Confidentiality is never intended to protect a spiritual leader who is found guilty of misconduct from the consequences of their actions.

In the process, information should be shared on a "need to know" basis. Who needs to know that an investigation of this particular spiritual leader is going on? The accused, the leadership of the congregation, organization, or seminary where this person is employed, the complainant, and the organizational leadership. Who needs to know the identity of the complainant(s)? Probably only the accused and the members of the adjudicating committee, unless the complainant wants to self-disclose in other settings, which is their right.

The expectation that the accused spiritual leader not disclose or discuss the identities of the complaint(s) may need to be made clear to them. Too often we have seen the accused name the complainant(s) and proceed to trash them in the community as part of their effort to derail the investigation.

Post-adjudication, if the complaint is upheld, the identity of the spiritual leader needs to be shared with the appropriate people, including the congregation, the judicatory, the organization, and the denomination/movement/lineage. The identity of the survivors does not need to be shared unless they so choose. In addition, survivors should not be asked to agree to a gag rule as a condition of resolution. This does not help with their healing process. It was their experience of abuse, and they should be free to talk about it.

Third-Party Reports: How Do We Process Them?

When a spiritual leader violates their community/organization's policy, an affected party (complainant) may come forward and make a complaint to the governing body or judicatory. The governing body's procedure will most likely request that the complainant present a written, signed complaint that states their allegation of misconduct on the part of the spiritual leader.

This statement then becomes evidence that, along with any other evidence or complaints filed by other complainants, will be used by a committee to adjudicate the complaint, i.e. to determine whether or not the judicatory, seminary, or organization policy has been violated.

One of the common concerns expressed by those who are developing or implementing organizational policies on spiritual leader abuse is the question of "What do I do when I indirectly receive information about a spiritual leader engaging in unprofessional conduct?" There are several different circumstances under which this might occur:

1. Rumors: Second- or third-hand rumors may be passed to a judicatory administrator. It is virtually impossible to act on information that is presented only as a rumor. It is important to try to acquire some actual evidence or a first-hand report in order to activate the procedure. One must always be cautious about rumors because they may represent malicious false reports. On the other hand, an administrator would do well to attend to rumors as a signal to pay close attention to future reports about a particular situation.

2. First-Hand Information from a Third Party: In this situation, someone may come forward with information based on their witnessing a spiritual leader in violation of the judicatory/organization policy, e.g. being sexual with a congregant or client. The third party may be willing to file a complaint, but the recipient of the sexual contact by the spiritual leader may have no interest in a complaint. The person involved with the spiritual leader may see themselves as a "consenting adult" in a sexual relationship with the spiritual leader and in no way a victim of abuse.

This circumstance should not limit the process of the governing body in investigation and adjudication of the third-party complaint. The question for consideration is: **Did the spiritual leader violate the community/organizational policy?** The third-party report of first-hand information is important evidence. The absence of a "victim" is not relevant and should not deter the governing body from pursuing the case.

However, it must be first-hand information, i.e. conduct on the part of the spiritual leader that was actually seen or heard by a third party.

3. A Confession by the Spiritual Leader without a Victim's Complaint: Likewise, the question here is: Is there evidence that the policy was violated? Certainly, the acknowledgement by the spiritual leader that they have engaged in this activity is the best evidence available.

In circumstances of first-hand information from a third party and a confession by the spiritual leader without a victim's complaint, the governing body's procedure should be implemented in order to adjudicate the individual case.

Occasionally, there will be a complainant who comes forward and shares their experience with a judicatory/organization administrator, but is then unwilling to file a formal written, signed complaint. This unwillingness is usually the result of their fear of confronting the abusing spiritual leader or of that person knowing their identity. However, the complainant wants some action; in short, in coming forward they want this misconduct to stop.

It is important to help the complainant understand why the written, signed complaint is important and that it will expedite the process.

The administrator might also ask the complainant if they know of others with similar experiences. Would they contact any of those persons and ask them to come forward? Would they be more comfortable filing a complaint if there were others doing so as well?

Some policy/procedures have allowed for the organizational administrator to file the formal complaint on behalf of the victim if they are convinced of the complaint's veracity and of the necessity to protect the victim through anonymity. A policy can provide for this option for the administrator to be the third-party complainant, which would then trigger an investigation.

The question that always challenges the organizational administrator or committee is what will be the result of their not acting on information that comes to them, which may later result in someone else being abused. This also becomes a question of legal liability. Did you choose not to act on information you had and was someone else harmed as a result?

Complaint > Investigation > Adjudication

When a congregant/student comes forward to disclose that they have been subjected to boundary violations by a spiritual leader, they should immediately be connected to the designated person to receive a complaint. That person should respond with sensitivity and assurance that the community/organization takes this matter seriously and will respond. The complainant should receive a copy of the policy and an overview of what will happen. They should be informed that a written complaint is required to begin the process.

Ultimately, the adjudication process should answer two questions:

1. Does the alleged conduct by the spiritual leader represent misconduct as defined by the policy itself?

The Adjudicating Committee reviews the policy, evaluates the situation within the context of the policy, and analyzes whether the totality of the circumstances indicates that the conduct falls within the policy prohibitions.

For example, if the complaint alleges that the minister was intoxicated at the New Year's party at a community member's home, this would likely not be covered and should be addressed in some other way. If, however, the complaint alleges that the minister was intoxicated and made sexual advances toward a community member, then we have an allegation of conduct prohibited by the policy.

In some cases, although the presenting problem may be couched in terms of sexual harassment or sexual abuse, the conduct may not fall within those prohibitions, but may be problematic nonetheless. Systemic or organizational issues may contribute to the problem. In such cases, the governing body may refer the matter to the appropriate body for consideration and may implement any recommended corrective actions to resolve the problem.

2. If the alleged conduct by the spiritual leader is covered by the policy, then is the allegation substantiated, unsubstantiated, or inconclusive? Do you believe this actually happened?

The answer to this question will come from an investigation (i.e. a gathering of facts and information) and an adjudication process in which the evidence is weighed and a judgment is made by the committee authorized to carry out this function.

Engaging a neutral expert to do the investigation is preferred. If the results of the investigation are to be trusted by all parties, it should be done by someone who does not have relational or collegial ties to any of the parties, has the professional expertise to perform such work, and is compensated for the work. A sexual harassment or sexual abuse complaint is not the time to save budget dollars by having a volunteer conduct the investigation. However, if the governing body chooses to appoint

a committee to do the investigation, it is crucial that these persons be adequately trained and are not associated with the accused or the complainant.

Ideally, the governing body should engage an investigator as promptly as possible, and the investigator should begin the inquiry within a few days after receipt of the written complaint.

The investigation will cover the circumstances of the complaint, the people directly involved, and anyone who may have first-hand knowledge of these circumstances or other relevant information. The investigator is looking for information that would confirm or deny the allegations of the complaint. They might request copies of correspondence (e.g. emails, letters, text messages), calendars, or diaries. Since others in the community may have had similar experiences with this minister, this is also the time to review any previous inconclusive complaints in this community, to discover whether the spiritual leader had any complaints at other places where they served, and to investigate whether the spiritual leader has any relevant criminal or civil charges.

The investigator presents the information to the Adjudication Committee, which weighs the factual findings and decides whether the accusations are substantiated, unsubstantiated, or inconclusive. (See “Investigator Role” above)

Guidelines for Assessing Evidence

Remember, in assessing the evidence presented to support a complaint, the goal is to determine whether the judicatory policy regarding spiritual leader conduct has been violated.

For example, if the policy is descriptive of the behaviors considered unethical, then the committee's job is to assess: Does this behavior fall under the policy and did it take place? If it did, then the policy was violated, and the procedure provides for the next steps. (See "Complaint > Investigation > Adjudication" above)

Sometimes an abusing spiritual leader will acknowledge some violating behavior and then insist on making an explanation about how and why. For example, "She came onto me"; "He's an adult and knew what he was doing"; or "I was going to pay the money back."

These explanations are irrelevant to the determination of the committee. If the policy is clear about the nature of the unethical conduct and about the responsibility of the spiritual leader to maintain the boundaries of the ministerial/teaching relationship, then the only relevant question is: **Did the behavior take place?**

The committee should determine its standard of evidence prior to adjudicating a complaint. In other words, how much evidence will convince them that unethical behavior did in fact occur?

The legal standards are instructive on this point.

- In a criminal proceeding, the standard is **"beyond a reasonable doubt,"** which means that 90 percent of the evidence must support the complaint. The reason for this high standard in our legal system is that a criminal conviction usually carries with it incarceration, i.e. the denial of one's freedom, so we must be very certain of the accused's guilt.
- In a civil proceeding, the standard is **"a preponderance of the evidence,"** which means that at least 50 percent of the evidence must support the complaint. In other words, is it more than likely that the behavior occurred than that it did not occur?

Since the action of the judicatory is not a criminal proceeding and our concern is to determine whether there was a violation of the ministerial/teaching relationship, the civil standard is quite adequate for our purposes. **The committee needs to be clear on this before it begins hearing evidence.** In making your assessment, be aware of the following:

1. **A perpetrating leader will frequently minimize, lie, and deny** when first confronted with the complaint.

2. If there are **multiple complaints** about the same spiritual leader, this is convincing evidence! However, one complaint is enough cause to pursue the matter—i.e., implement the procedures—and one complaint validated is enough cause to discipline the spiritual leader.

3. **Look for a pattern.** Determine whether the accused spiritual leader's alleged behavior, the alleged incidents, and/or the situations of the complainants are consistent with what you know about abusers. If a pattern is evident, this is convincing evidence.

4. **Ask the accused directly** about specific alleged behaviors. For example, "Did you have sexual intercourse with her?" "Did you use the church credit card for personal purchases?" "Did you ever kiss her and put your tongue in her mouth?" "Did you call him a [slur]?" Surprisingly, when asked directly and specifically, some abusing spiritual leaders will admit the behaviors.

5. **Do not get hooked** if the accused asserts that they are being "victimized" by the investigation. If an accused burglar complained that they were being victimized, would you stop the investigation? The process of being called to account may be extremely painful for an abusing spiritual leader, but this is not victimization.

6. When it becomes a matter of the complainant's word against the accused's word, **do not stop the process**. You must reach a judgment based on the "**preponderance of evidence**" and based on the **possibility of future professional misconduct** by that spiritual leader. Remember, your first obligation is to protect those who are vulnerable to spiritual leaders.

7. Finally, this is a critical decision for the governing body of your organization. **If you decide that the accused spiritual leader did not violate the policy and you return them to their position of trust and they then abuse someone else, the institution faces significant legal liability. You had a chance to stop this person, and you didn't.**

Disciplinary Process

If the Adjudication Committee decides that the accusations are substantiated, the disciplinary process begins. There should be several levels of possible disciplinary action available to the committee. (See Section 1: "Who Are Perpetrators in Spiritual Communities?")

A Reprimand: This disciplinary action is appropriate for a complaint in which the behavior is "wandering" and represents poor judgment, and the spiritual leader clearly acknowledges and takes responsibility, is apologetic, and can learn from their mistake.

A Suspension: This disciplinary action is appropriate for a complaint in which the behavior is serious and perhaps represents a pattern or indicates other problems (e.g. substance abuse), and the spiritual leader acknowledges and takes responsibility, realizes the gravity of their behavior, and is willing to accept therapeutic help to address the problem(s) in addition to restrictions imposed by the judicatory, seminary, or organization. At this point, the spiritual leader might make restitution to the person who they harmed.

A suspension can be lifted and standing restored. However, the governing body of the organization must be clear about the requirements placed on the spiritual leader before it will consider restoring credentials or employment. Even if the spiritual leader has fulfilled every requirement, the leadership must still make a judgment call as to whether they believe this person is now able to minister/teach effectively. Supervision of the spiritual leader should continue.

Termination of Standing: This disciplinary action is the most severe discipline that the judicatory can impose. The governing body permanently removes the credentials of the spiritual leader to practice within that denomination or movement or seminary. This discipline is appropriate for child abusers and most other predators.

Some argue that it is better to suspend rather than terminate the credentials of a perpetrator to allow the judicatory, seminary, or organization to "keep an eye" on this person and control their behavior. Otherwise, the abuser is released into the community with no supervision.

This suggestion only has merit if the spiritual leader will in fact be closely supervised and denied access to vulnerable people in the community. This is extremely hard to ensure.

The risk for the judicatory or seminary is that the spiritual leader will still have credentials that they will use to continue to gain access to vulnerable people and thus will continue to abuse. **The legal liability here is huge. You had the chance to stop them in your setting and did not.**

The final step after termination is to notify other judicatories/organizations within the denomination or movement that this step has been taken and that this person no longer serves as a spiritual leader here. The national office needs to track this information. Some communities publish this action along with the comings and goings of authorized leaders. This action should not be kept secret. The spiritual leader has no right to privacy here. Their records should remain available for any future reference checks, making it more difficult for the spiritual leader to move to another community.

Writing a Report

Components of Report

In preparing a report to summarize the details of an investigation, we recommend the following components be included: the **Scope of Investigation**, the **Process** you will be undertaking, detailed **Complaint(s) and Allegations**, **Conclusions** about and **Evidence** supporting the allegations, and **Recommendations** to the adjudicating body on whether to charge or exonerate.

1. Scope of Investigation

a. Clearly state who and what are you investigating.

EXAMPLE

Scope of Investigation:

This report is an assessment of the allegations of spiritual leader misconduct by [name] in [name of community].

[Name of community] received a statement of complaint on [date] with allegations of spiritual leader misconduct by [name] and in violation of the policy. The investigation team was established in [date] to carry out an investigation/assessment for [name of community]. This investigation team included [name of investigation team members and qualifications].

The scope of the investigation through interviews and a review of evidence (emails, written statements and supporting documentation) was to provide findings as to whether it was more likely than not the actions and behaviors of the accused were in violation of the [name of policy]. The investigation team began [date] and concluded its work with the completion of this final report.

2. Process

a. Identify the policy and procedures that were in place at the time of alleged misconduct.

b. List what means of evidence you are providing, e.g. interviews, email evidence, other documentation.

EXAMPLE

Process:

The team interviewed the complainant and accused, as well as additional witnesses who came forward. Interviews of the complainant and accused were conducted in person. Interviews of witnesses were conducted by Zoom. All investigation team members were present for the interviews, along with an additional person to take notes. The complainant and accused each invited a support person to be present for their interview. The support person did not speak unless a question was directed to them. The investigation team used a prepared questionnaire for the interviews to maintain consistency of questions. Notes from each interview were prepared and reviewed to identify themes. Some individuals interviewed provided an additional written response to the question/statements along with supporting documents and witnesses.

3. Complaint(s) and Allegations

a. Restate the complaint and allegations as submitted by the complainant. Do not paraphrase unless you state in the report that you have summarized. Then be sure to provide the original statement in an appendix.

4. Conclusions and Evidence

a. Conclusions are based on the "preponderance of evidence" standard, not "beyond a reasonable doubt" (See Section 3: "Guidelines for Assessing Evidence")

EXAMPLE A

Conclusions and Evidence:

Our investigation leads us to conclude that there is a preponderance of evidence that substantiates the allegations of misconduct in violation of [name of policy]. We have substantiated the allegations through [list example of evidence]. The investigation found the complainant's testimony credible, and testimony was corroborated by additional interviews and documentation with constituents.

EXAMPLE B

Conclusions and Evidence:

The investigation team finds that it is more likely than not that the alleged actions and behaviors of the accused were in violation of the [name of policy]. We have substantiated the allegations through [list example of evidence]. We believe the complainant acted in good faith in their report of hurt and harm. The investigators found the complainant's testimony credible, and the testimony was corroborated by additional witness interviews and documentation. We recommend that the credential for [name] be removed.

5. Recommendations

a. Additional recommendations could be provided based on the scope of the investigation. For example, recommendations for additional training for leadership or a revision and review of the organization's policies and procedures.

6. Appendix

a. Should include extra information that is useful to reader, such as full transcripts or emails, screenshots of websites, rosters, letters, etc.

Common Derailments

Across religious traditions, there are some responses to misconduct that prevent safety and healing and actually create more harm:

Compassion: Compassion is an inexhaustible resource that we can draw upon as we navigate the terrain of abuse and misconduct. It is possible to have compassion for victim-survivors and compassion for perpetrators. Compassion for victim-survivors of violence will look different than compassion for perpetrators and those who cause harm. Often, compassion as a concept is used to sidestep our processes in order to avoid accountability for perpetrators. Holding people accountable for their actions can be a very powerful form of compassion.

Crazy wisdom and other unconventional teaching methods: Some Buddhist teachers claim their harmful actions are in the service of "crazy wisdom"—that is, bestowing wisdom through unconventional teaching methods like psychological and emotional abuse, sexual abuse, and substance abuse. Others may encourage this and help to shield teachers by claiming that teachers are wise and therefore, their actions are inherently wise and meant to benefit others. These could be intentional tactics to avoid accountability and enable misconduct or the teacher and others could truly believe in the benefits of "crazy wisdom." Regardless of the intentionality, its harms the victim by justifying the misconduct, invalidating their experience, and sidestepping perpetrator accountability.

Forgiveness: Some spiritual traditions have explicit teachings about forgiveness that often play a significant role in communal and individual responses to harm and misconduct. While some traditions may emphasize forgiveness less than others, most traditions are imbued with larger cultural and societal notions or expectations of forgiveness. In either case, we often see forgiveness pushed on victim-survivors from the very start, pressuring them to forgive the person who hurt them. Forgiveness plays an important role in the healing journey of many victim-survivors and not in others. An individual's relationship to and choices around forgiveness are their own and should not be dictated or demanded by anyone.

Guru devotion: Speaking out about sexual violation within the spiritual community may be seen as bringing disrespect to the teacher, the lineage, or the community. In some traditions, guru devotion is seen as means to enlightenment because the guru is considered an enlightened being. Samaya, the sacred relationship between the guru and student, can be used to enable misconduct and sexual abuse because the teacher is seen to be above reproach or because the abuse is defined by the teacher as part of the practice.

Mediation: Mediation is an excellent tool for some situations, such as a conflict between peers or a communication roadblock on a team leading to disruptive disagreement. The goal of mediation is to bring two (or more) parties to a resolution or compromise that is satisfactory to all parties. Mediation should be used in situations where the parties involved

A CAUTIONARY NOTE

Is your misconduct policy dependent upon a conflict resolution or mediation paradigm? Do your procedures propose a mediation between all parties? It is a mis-assessment to conceive of alleged abuse or harm as a conflict or a relationship problem. It's unfair to burden a potential victim with the notion that they need to solve a relationship issue with the person who they say is causing them harm.

have relatively equal power and when abuse and/or exploitation is not part of the issue at hand. Abuse should not be conflated with conflict or disagreement; rather, it is an abuse of power and an exploitation of vulnerability. (See Section 3: "To Use or Not Use Mediation")

Sangha and secrecy: The sangha is one of the three refuges of Buddhism, however there are a few ways that the sangha can enable misconduct and sexual abuse. One way is for sangha members to deny, shame, or victim-blame the survivor when they come forward with their experiences. This is because they too are concerned with protecting the teacher or lineage or simply do not believe the survivor. Another way is through misuse of compassion; other sangha members may validate the survivors' experience but may also encourage them to have compassion for the perpetrator at the expense of their own healing process. Both approaches encourage secrecy about the misconduct and abuse and sidestep perpetrator accountability.

Shooting the messenger: When someone in our community brings forth a complaint of possible abuse and harm, we (as individuals and as a wider community) often experience a period of tumult, pain, and disruption. It can be tempting to "shoot the messenger"—in other words, blame the complainant for the difficulties that arise following the complaint. In truth, the complainant is a courageous member of our community making a choice to seek support from the institution for something they believe is wrong or harmful. It is our job to listen, be grateful for them, and act according to our values, policies, and procedures.

Spiritual bypassing: Spiritual bypassing refers to the use of spiritual teachings to avoid or sidestep an issue. For example, the Buddhist teaching of "emptiness" can be misused to invalidate the harm and trauma experienced by victims which also sidesteps accountability for the harm caused by the perpetrator. Another example of spiritual bypassing is the idea that "everything is practice, and practice is everything," and victims are encouraged to use the abuse to deepen their practice. Again, this sidesteps the issue of misconduct; the perpetrator is not held accountable, reparations are not made to the victim, and harm is likely to recur. When spiritual practice and teachings are used in the service of denial and defense of harm, real-life human needs are bypassed.

Therapy: We do not recommend using therapy as a replacement for an investigation and/or adjudication of a complaint. It would be like approaching a burglary where someone broke into your house and took your possessions and referring to a therapist to ask the question, "Does this person seem capable of being a burglar?" This is not the question at hand; rather, did the violation occur, and is this the person responsible? While there are psychological assessments that can lead a qualified professional to diagnose mental health issues, personality disorders, and so on, there is no assessment or psychological profile that can tell us whether or not a person violated the boundaries of another person and if that behavior violates our organizational policies. Once the complaint is adjudicated, we might consult a therapist with expertise in boundary violations to help assess what the next steps should be.

Victim-blaming: Victim-blaming refers to words, actions, or beliefs that hold the victim of harm accountable—in whole or in part—for the harm perpetrated against them. There is nothing anyone can do, believe, wear, say, etc. to deserve or cause sexual violence, harassment, or assault. It's important that we keep victim-blaming at bay in order to focus on the issue at hand, which is to handle the complaint with sensitivity, clarity, and transparency.

To Use or Not Use Mediation

Some communities have adopted mediation as the Option A response to a complaint of spiritual leader misconduct. The thinking here is that mediation can help "resolve" this "conflict" between spiritual leader and congregant/student. When this doesn't work, then they go on to Option B and adjudicate the complaint. This strategy on the part of a community represents an inadequate understanding of mediation.

Mediation is a dispute resolution process whereby a neutral person (someone who is impartial and unbiased about the situation and the parties involved and has no direct interest in the outcome) helps the parties in conflict to discuss their issues and the possibilities of working through their conflict. One may hear mediation commonly referred to as an alternative dispute resolution, or "ADR," method. This process is used in various contexts to resolve situations that have turned into a conflict.

The dispute may be a war of words, a disintegration of a relationship, a legal battle, a fistfight, or an armed conflict. In addition to the neutrality of the third-party intervener, the other major principles of mediation include the parties' freedom to decide whether to participate (and to what extent), the parties' ability to speak for themselves rather than only through representatives, and the parties' ability to make free and informed decisions. If used appropriately, mediation processes may be used effectively to resolve some complaints made against spiritual leaders.

> Consider this scenario. A spiritual leader becomes emotionally involved and sexually intimate with a congregant/student. The congregant/student realizes they are entangled in an inappropriate relationship and brings it to the attention of the body that authorizes the spiritual leader's credentials. The accused leader is loved by many and has been a successful leader. Therefore, the authorizing body wants to handle this matter with as little disruption to the community's equilibrium as possible.
>
> Some believe the accusation may just be a "misunderstanding." To minimize the damage of a scandal, the authorizing body invites the congregant/student to participate in a mediation session with the spiritual leader. The congregant/ student declines participation and wishes to press forward with a formal complaint. The authorizing body is dismayed by the refusal to mediate and fears the congregant/student may have unreasonable demands.
>
> What is askew in this picture? The answer lies in the underlying reasons for the proposed mediation.

In the scenario above, the authorizing body is afraid an ethics complaint would create controversy for a popular minister and be disruptive to the congregation. Mediation is suggested as a way to keep the matter confidential and dispose of the complaint as quickly as possible. If an authorizing body suggests mediation before it has investigated the allegations, it is inappropriately using mediation to avoid action.

The situation described above is not a "conflict" between two equal parties. One party who has greater power in the relationship has taken advantage of the other party. This is potentially a violation of the judicatory policy on clergy misconduct.

Avoidance of addressing this violation has devastating consequences for the complainant and the community. It frustrates the complainant's efforts to regain their sense of power by standing up to the accused and encouraging the community to confront the alleged offender and hold them accountable. Avoidance suppresses allegations that others may have and may put others in harm's way. The authorizing body may unwittingly collude in maintaining a spiritual leader's destructive behavior pattern and enable the spiritual leader to hide behind a cloak of legitimacy.

When an authorizing body has assessed the results of a thorough investigation, mediation between the accused spiritual leader and the complainant may be appropriate if the facts reasonably indicate that professional boundaries were not violated and a misunderstanding occurred between the persons involved. This might be the case if, for example, there are differing cultural expectations about certain behaviors.

Mediation in this situation would enable the complainant and the spiritual leader to discuss the issues that brought them to this point, gain a better understanding of one another's perspective, and make decisions about their future interaction. To preserve the integrity of the process and any outcomes, neither party should be shamed or coerced into participating.

Returning to our scenario above, the authorizing body causes an independent investigation to be conducted after the complainant declines mediation and the evidence substantiates the complaint of sexual abuse. **Is it appropriate for the authorizing body to suggest mediation before taking disciplinary action?** This is unlikely. The answer to this query depends on the motivation for suggesting mediation at this stage and what the authorizing body expects to accomplish. Mediation may be appropriate if the authorizing body wishes to have a facilitated discussion with the complainant without the accused spiritual leader's participation concerning the impact of the situation, the alternatives for disciplinary action, and the alternatives for restitution. Using mediation to avoid taking disciplinary action or to mitigate discipline is an inappropriate use of the process. This avoidance undermines the ethical foundation of the community's sexual abuse policy, procedures, and disciplinary actions. Pressing for a mediation session with the accused spiritual leader's participation would also be undesirable unless requested by the complainant.

Our scenario poses one final question. **What about mediation between the complainant and the offending spiritual leader *after* adjudication and disciplinary action?** Restorative Mediation is a type of mediation process used by some dispute resolution practitioners who mediate spiritual leader sexual abuse cases. The goal of this form of mediation is for the complainant and the offender (or, if the offender will not participate, then a responsible party) to engage in a process that will promote the complainant's healing. The complainant and offender (or responsible party) undergo extensive preparation before the mediation conference. The complainant must be emotionally ready to face the offender and identify what they need to regain spiritual connection, safety, strength, and a sense of justice. The offender (or responsible party) must be prepared to face the complainant, listen to their account of the devastating impact of the abuse, accept responsibility for the actions and the harm caused, and make reasonable amends for the negative consequences suffered by the complainant. Since adjudication of the case has already occurred, the focus is on the complainant's healing and restoration.

Communication Strategies for Spiritual Communities

We offer the following best practices in communicating about a complaint and subsequent response to misconduct in a spiritual community. We encourage any spiritual community to consult with a communications professional and counsel in implementing a communications strategy. It is important for the leadership/board of directors to be proactive, transparent, maintain appropriate confidentiality, and always be mindful of the goal to support actions that bring justice and restore the integrity of the ministerial/teaching relationship.

1. Once a complaint is filed with the organizational leadership, the board of directors or designated response team should notify the community membership (where the leader presides) of the complaint. This is to alert anyone else who might have knowledge or experience of misconduct to come forward. Keep it simple.

> "We are writing to communicate with you that allegations of misconduct by a spiritual leader in violation of our policy have been filed against [name] with the [Board of Directors/leadership]. [We] are addressing this complaint and will report our findings to you as soon as possible. [Name] will be on paid leave until this matter is resolved. If you have information regarding this matter, please contact [name] at [phone or email address]."

Best practice assumes your policy provides for or requires leave of absence during the processing of the complaint.

Sometimes allegations may be brought to the attention of the leadership when a formal procedure for receiving complaints is not in place. Communication strategies should still be proactive and transparent as well as always protect the confidentiality of the person making the allegations unless the complainant chooses to share their name.

DO NOT identify the complainant(s) or discuss details of the complaint; DO NOT give other details that are irrelevant. But if this complaint has involved an arrest by law enforcement, you should include that information.

2. The notification of the complaint against a spiritual leader needs to be distributed individually to the entire membership. The preferred means for this notification would be snail mail/hard copy. DO NOT use social media to make this notification. DO NOT engage in discussion of the complaint or the process on the community's social media. Discuss with counsel whether you post an announcement to the community's website.

3. Be prepared for inquiries from the media. Appoint one person to be the spokesperson representing the board of directors/community. This ideally is someone who has had experience in communicating with media and who is part of the community's identified leadership.

4. For follow-up requests and inquiries about the process, use the same format as #1 above in any prepared statements, adding, "A [committee/leadership team] has been designated to conduct an

investigation/fact-finding assessment of the allegations. There is not any further information to be offered at this time." You can respond to questions about the process, e.g. name the committee/leadership [Response Team] handling the complaint, who chairs it, what is the timeline, when do you expect to have a report of findings, etc. Direct those who feel they have relevant information about the investigation to a contact person for the investigation.

5. Once adjudication is complete, a formal report of findings and actions should be made to the community, again in hard copy but hopefully accompanied by an open meeting with leadership who can take questions. For example:

> "[Board of Directors] has determined that [name] engaged in unprofessional conduct in violation of our policy and involving violations of sexual boundaries with [two] adults who were members of [pronoun] community. As a result, [pronoun] has been removed from leadership of [name of spiritual community]. The [Board of Directors] will determine in the coming weeks the status of [pronoun] credentials."
>
> -or-
>
> "[Board of Directors] has determined that [name] engaged in unprofessional conduct in violation of our policy and involving violations of [financial] boundaries with [two] adults who were members of [pronoun] community. As a result, [pronoun] has been removed from leadership of [name of spiritual community]. [Board of Directors] will determine in the coming weeks the status of [pronoun] credentials. [One] adult has filed criminal charges in this matter. The criminal investigation is ongoing."

6. After adjudication and conclusion of the process, if a complainant/victim-survivor would like to speak publicly about their experience, they are certainly free to do so (this includes with the media or with the community where the person is/was a member). It is their story to tell and they should not be constrained by a gag order or a non-disclosure agreement from the community.

Response to the Accused Spiritual Leader

1. **Do not be surprised** by the accused's initial minimization or denial.

2. **Do not be thwarted** by the accused's threats to sue the judicatory for loss of livelihood or slander.

3. **Do not get hooked** by the accused's complaints of feeling "victimized."[1]

4. **Do not negotiate or make deals** with the accused spiritual leader.

5. When appropriate, **do require treatment** from only a specialized, trained resource selected by the judicatory, not the spiritual leader.

6. **Do not allow** the spiritual leader to resign and give up credentials before the adjudication and then seal the records. If they decide to resign, keep the records open and clearly indicate that they resigned while under investigation. This is important and should be communicated to anyone in the future who seeks a reference on this individual.

7. **Do encourage or require restitution** to the survivor(s).

8. **Do not respond with "cheap grace" or quick forgiveness.**

9. **Do remember that unequivocal accountability** is the best means to bring an abusing spiritual leader to repentance/behavioral and intention change.

10. **Do consider restoration of credentials or position.** For an abusing pastor to be considered for restoration to leadership, these minimum conditions should be met:

- Unequivocal acknowledgment of responsibility for harm done to victim(s), with a letter of apology
- Genuine remorse for harm done
- Repentance—a fundamental change in behavior and understanding, which may be accomplished through appropriate therapy
- Offering of restitution to survivor(s)

The way in which an abusing spiritual leader responds to the accountability process is the clearest indicator of their potential for restoration to ministry/teaching. Resistance, minimization, and rationalization are indicators that the spiritual leader will not be able to return to an effective ministry.

[1] The acronym DARVO describes the common reaction by perpetrators when being held accountable: Deny, Attack, and Reverse Victim and Offender.

In considering a request for restoration to ministry/teaching, a judicatory/organization leader or committee should consider this question:

> **Can you assure the community that this person will not violate the boundaries of the ministerial/teaching relationship again?**

If you cannot (and this is very hard to ensure), the spiritual leader should not be placed in a position of trust again because the risk to the community is so great. The legal liability for everyone involved in allowing a known abuser to minister/teach again is enormous if they perpetrate again.

11. **Do reach out to spiritual leader's family members** with care and concern.

12. **Do try to arrange for the financial support of the perpetrating spiritual leader's family** during a possible employment transition for the perpetrating spiritual leader.

Response to the Complainant

1. **Offer an advocate** during the investigation and adjudication phases. (See Appendix: "The Role of the Advocate" by Laura Sider Jost)

2. **Offer outside counseling referrals**.

3. **Reimburse counseling expenses**.

4. **Offer opportunities to meet with other complainants.**

5. **Provide information** in a timely fashion. For example, return their phone calls as soon as possible.

6. **Communicate** in person, by phone, by email, and by letter.

7. At the end of the process, after an abusing spiritual leader has been called to accountability, **express appreciation** to the complainant for coming forward and helping to restore the integrity of the ministerial/teaching relationship.

WHEN IN DOUBT, ASK YOURSELF:

How will this action/inaction affect the victim-survivor(s)?

How will it help make justice?

How will it bring healing to the community?

How will it bring change in behavior by an abusing spiritual leader?

How will it protect community members/staff from further harm?

Response to the Community

1. In conjunction with local leadership, communicate in writing the findings and the actions of the judicatory/organization with every member of the community.

People need to have direct, formal information from the judicatory/organizational leaders. The letter should clearly indicate the nature of the misconduct, but without details, and should not identify the complainant(s) unless they request so.

2. Offer a trained consultant (e.g. from the Response Team) to provide education on the topic of spiritual leader misconduct/sexual abuse in the ministerial/teaching relationship. This will help attend to the community's grief, anger, and other reactions. (See Appendix: "Community Healing after Spiritual Leader Misconduct" by Darryl W. Stephens)

Education is key to the healing of a community whose fabric is often torn apart by the disclosure of abuse by their spiritual leader. In the absence of understanding what this means, it is common for members to pick sides based on their experiences, which are usually their positive experiences of the popular spiritual leader "who could not possibly have done these things." They generally don't know who the complainants are and so they can easily demonize and blame them for this uproar.

Basic education can equip members to better understand and deal with their feelings. We recommend the following resource.

- ***Not in My Church (DVD)*** (available at VAWnet.org)
- ***Not in My Congregation (DVD)*** (available at VAWnet.org)
- ***Is Nothing Sacred? (Book) by Marie M. Fortune*** (available at Amazon.com)

▲ This infographic shows the common five responses of a spiritual community upon learning about the allegations against their spiritual leader, the investigation, and the outcome of the investigation.

Picking up the Pieces: Life after Adjudication

If you are a spiritual leader hired after a misconduct case has been adjudicated, you may follow someone who engaged in misconduct, boundary violations, and/or abuse involving sex, finances, etc. You may enter with:

- Information unknown to you prior to being hired
- Information disclosed to you by judicatory or organizational leaders

Whether or not the details of the misconduct are disclosed to you or not, you likely will observe or experience:

- Poor or confused boundaries
- Mistrust
- Secrecy
- Loss of members
- Other disclosures to you
- Trauma responses like anger or malaise

If the details of the misconduct are unknown to you, pay attention and ask questions. Help people name what happened. If the misconduct is disclosed to you, you have the opportunity to help the community move toward healing.

Temptations for spiritual community at this time:

- "keep a lid on" – no information
- "let's move on" – denial and avoidance
- "forgive and forget" – unhelpful ethics
- "blame the victim(s)" – scapegoating
- "support of offending spiritual leader" – denial

Temptations for you as leader at this time:

- Ignore and avoid
- Try to look beyond the issue or move on too quickly
- Remove the "problem"— i.e. encourage survivors to find another spiritual community

What people need at this time:

- Information: What happened? What action has been taken by the governing body?
- Education: What is spiritual leader misconduct?
- Pastoral/spiritual care and support
- A trauma-informed response (i.e. the four R's) (See Section 3: "A Trauma-Informed Approach to Spiritual Leader Misconduct")
- Framework rooted in tradition: Where is God in this trauma? What does this mean in our pursuit of ultimate truth?
- Space for anger and grief: individual and corporate
- Integration into their history

Your job as spiritual leader after misconduct:

- Recognize anger, hurt, shame and betrayal
- Create safe space for disclosures or conversations
- Educate and inform
- Recognize stages of grief
- Practice good boundaries
- Be proactive and lead them through this period of loss
- Don't be afraid to preach and teach texts from your spiritual tradition

Overview: Best Practices in Responding to Spiritual Leader Misconduct

When a complaint of misconduct is brought forward in your community, refer to this list of Do's and Don'ts in responding to the complainant and addressing the accused and your spiritual community.

Do	Don't
Respond promptly to complaints. Meet with the complainant and thank them for coming forward.	Refuse to meet with the complainant; wait an undue amount of time to reach out to the complainant.
Assume that the complaint is made in good faith until adjudicated.	Discount or minimize the complaint. Blame the complainant.
Give notice of the complaint to the accused.	Not tell the accused of the complaint in a timely manner.
Assume that the accused is innocent until the complaint is adjudicated.	Assume that the complaint is false until proven.
Offer an advocate or support person to the complainant. Provide a contact person for the accused.	Not provide support for the complainant nor the accused.
Be clear with your lawyer that your priority is to protect your community and hold spiritual leaders who cause harm accountable. You expect the lawyer to help you do this in accordance with your policy.	Put your lawyer in charge of responding to the complaint or allow your insurance company to drive the process.
Be fair and neutral in the process.	Retaliate against the complainant for taking action; make promises to either the complainant or the accused.
Explain the process and give complainant and accused a copy of your policy and procedures.	Not follow your policy. Use an informal process.
Communicate with all parties involved about the process, findings, and decision.	Fail to communicate with the complainant about the status of their complaint (updates).
Acknowledge the complainant's pain and the accused's distress and assure them that you take this very seriously.	Fail to respond to the complainant or accused with sensitivity or sincerity.
Follow the guiding tenets and principles of your tradition.	Disregard the mandates of your spiritual tradition that call you to seek and prioritize justice.

After Adjudication	
After adjudication, if a complaint has been verified, you need to:	After adjudication, if a complaint has NOT been verified, you need to:
Complainant	**Complainant**
Notify the complainant and offer to meet.	Notify the complainant and offer to meet.
Thank the complainant for bringing the complaint and making it possible for the community to take action.	Review the process and offer pastoral/spiritual support.
Offer restitution (material payment) if appropriate.	**Accused**
Ask what else the complaint needs for their healing process.	Notify the accused and offer to meet.
Do NOT identify the complainant unless they request it.	Offer to exonerate in appropriate ways.
Do NOT request or agree to a gag order for the complainant.	**Spiritual Community**
Accused	Notify members of the spiritual community of the outcome of your process.
Notify the accused and offer to meet.	
Do NOT agree to provide a reference or confidentiality to the accused in sharing information about the outcome of your process.	
Spiritual Community	
Notify members of the spiritual group of the outcome of your process.	
Offer to meet with members of the faith community to explain your process and actions.	

RESPONDING TO SPIRITUAL LEADER MISCONDUCT

APPENDIX

A Story of Two Calls: The Intake Process for Misconduct Complaints

HEATHER BOND

Heather came to this work in Misconduct and Safer Congregations at the Unitarian Universalist Association (UUA) after thirty years in the for profit world where she worked as the director of administration for three law firms, managed a group medical practice, and was the general manager for two manufacturers. She now serves as both the budget and safe congregation manager for the Congregational Life Staff Group and the intake person for the Office of Ethics and Safety for the Office of the President. She and her spouse live in New Hampshire with their two black cats, Mika and Gus.

A good intake process is more than a set of guidelines to follow. At the end of the day, it's about the stories you hear and your ability to sort through what you're hearing and respond well and in a trauma-informed way. Here is the story of two calls I've fielded in my time doing intakes for the Unitarian Universalist Association's (UUA) Office of Ethics and Safety for the Office of the President. Although some of the processes described are specific to my organization, I hope there are key themes and practices that you will find useful in your work as well.

Story 1: A self-identified woman calls the complaint line. Her first words are, I'm so upset, I just can't believe a minister would do this!

Conclusion: The minister is informed there is a congregant with early stages of dementia who is fixated on him.

Story 2: A self-identified woman of color calls the complaint line. Her first words are, I'm so upset, I don't know what to think. Am I right to think a minister shouldn't behave this way?

Conclusion: A formal misconduct complaint is filed, investigated, and adjudicated. The minister loses their accreditation with the denomination.

How did story 1 and story 2, which began so similarly, wind up with such different conclusions?

The intake process for a misconduct complaint phone line or email account can attract all kinds of callers for a multitude of reasons. People do not call or email the intake person just for misconduct claims, so let's get that out there first. What types of calls do we get as intake people?

1. Informational
2. Help managing a known or newly discovered sex offender
3. Help with destructive community members
4. Help with a community conflict that is not religious professional misconduct
5. Asking for help, but not in our denomination or religious community

6. Calls complaining about behavior that is not actionable per the policy (i.e., a minister is in an open marriage)

Finally, we get misconduct calls. Those, too, can be separated out into categories, but how does one do that? Here is the process I go through with every call.

1. Let your phone to go to voicemail so you have time to prepare. You can call back immediately if it's an emergency, but that is rare. I find it's better to email or call to arrange a time when both of us won't be rushed to talk. My outgoing voicemail message clearly states that this is not an emergency line, and people should call 911 if they have an emergency. It also asks callers to leave their phone number, to spell their name, and to provide an email address. Our internal standard is to get back to a person within 24–48 hours.

2. Do your homework:

a. Look up the person in the database, find out if they are a member of a congregation/community, chat with the regional staff for that community to find out if there are already known issues.

b. Before the call, start a document with any information you know. I write an email to myself, but you can do this any way you want.

c. Think trauma-informed: the person may not tell their story in a coherent order, so be prepared to start in the middle or even at the end. In whatever way you are keeping notes, leave room for the part that comes before what you've already written down. Sometimes it's easier to keep this record by hand so you can write notes with stars and arrows and even numbers.

3. Let the caller know you've set aside time (e.g. 1 hour) to talk to them and are willing to schedule another call if necessary. This takes the pressure off having to get something done immediately.

4. Introduce yourself and describe what it is that you do. I have an elevator speech practiced and ready to go.[1]

5. Make it clear to what extent this conversation is confidential. Typically, I keep this initial conversation confidential between the two of us unless there is an immediate danger or crisis present in the conversation. If you will be looping in someone else from your denomination or organization, make sure this is clear from the get-go.

6. Ask the complainant to introduce themselves. What are their pronouns? Do they feel comfortable telling me what community and what spiritual leader they're calling about? What is their role in the community? Are they in leadership? This is very important to the UU process, in

[1] *First, let me introduce myself. I'm Heather Bond, I'm the intake person for the Office of Ethics and Safety here at the UUA. What that means is that I'm here to listen to your story and explain which of the several paths we have that would be most appropriate for your particular situation. You don't have to tell me everything, but I need enough to be able to figure out which way I should point you in order to continue a process to help. I've set aside an hour for this call. In my experience, an intake call can last anywhere from 30 to 60 minutes. If at any time you want to terminate the call, think about what we've talked about, and call back later, we can certainly do that. Why don't you tell me something about yourself and why you've contacted me?*

If they want to know about my background, I take two minutes and tell them the short version: *I came to this work through being an HR professional. I'm not a minister; I'm not a therapist. I've been doing this work now for 13 years.*

many instances. Make sure you gather the basic information needed for your organization's process while also building rapport with the caller.

7. Once introductions are done, take a breath. Literally take a breath—maybe two or three. Tell the complainant you're breathing deliberately to give a few seconds for both of your thoughts to settle down.

8. Ask the complainant why they called.

a. Ask open, non-leading questions like, *What prompted you to call? Or, How can I help you? It's best to avoid questions like, What is your complaint? Or, What's your problem?*

b. Let them talk for a while, even if it's incoherent. Make non-verbal sympathetic sounds *(mmm, mmhmm)* so they know the line has not been disconnected.

9. Next, ask gentle questions. *When did this start? Where did this happen? Clarify the basics: when, why, who, what, how?*

a. See if they are now ready to give you the congregation and minister name, if they have not done so already.

10. Move on to the harder questions.[2] Don't be afraid of the hard questions: *What were your expectations of the encounter? Do you have a sense for why it went so wrong? How do you feel? How did you feel? Have you told anyone else about this?* (There's no need to name who they have told. This is just to know if you are the first person they have shared with.)

a. Other questions, but only if there have been hints about this in the conversation: *Just to clarify, was the religious professional drinking/impaired? Were you impaired or feeling vulnerable? Physical or other disabilities noted?*

b. Important question, *Did you talk to the religious professional about this at any time to express your feelings?*

11. Thank them for calling and for sharing. Acknowledge you know how hard this can be. Express out loud your understanding that this is upsetting.

12. Pause and breathe more whenever it seems like it would be helpful.

13. Start reflecting back in chronological order to be sure you have accurately captured their story. (This is where your notes come in.) Many times, this is the first time the complainant has heard their story in some kind of order, and it can be traumatic; often there are tears.

14. If what you've heard so far constitutes misconduct according to the policy, be measured and supportive. *I'm so sorry this happened to you. Or, It sounds like a horrible time in your life.*

[2] It's important to ask questions that can provide you important details without implying that any harmful behavior was the fault of the caller. Taking care to have a non-judgmental, respectful tone is crucial. Victim-blaming has no place in any organizational process.

a. They will want you to agree with them. Try to be more empathetic and sympathetic than in agreement, unless it's egregious.

15. Ask, *what do you want to come out of this call?* Outline the possibilities and explain the differences between them. This is the process part of the call. Some options are:

a. A formal complaint

b. A letter to the religious professional's file (for incidences that may not rise to the level of an accreditation review)

c. Just someone to listen

d. Something else you can offer?

16. Depending on the scope of your role, you may end your call here and pass the complainant's information on to another body. Be sure to let the complainant know who you will be contacting next, their role(s), and what they may do with the information.

17. If your role requires you to determine whether the complaint ought to be escalated to investigation and adjudication, take the following steps as well:

a. What if you see no ministerial misconduct?

i. Be honest and kind: *This does not rise to the level of a credentialing review or The actions are not in violation of the policy.*

ii. If it's on the edge of qualifying as misconduct, or the behavior was a minister doing something ill-advised but that does not constitute misconduct, offer a letter to the file. Make sure the complainant understands that the religious professional will receive a copy and therefore be able to respond.

iii. Let the complainant know who you will be contacting next, their role(s), and what they may do with the information.

b. What if you see no spiritual leader misconduct and you fear the person is going to tear the congregation apart over their complaint?

i. Be honest and kind. *What do you want to get out of this process? What do you see as the potential consequences for your continuing with this process?*

ii. Be clear that the UUA (i.e. your community) will not be supporting them in this complaint and why. Be specific about your organization's policies and procedures.

c. Make sure they have followed their own congregation's procedures. In a spiritual tradition or denomination with congregational polity, most local communities have policies to address

individual problems with spiritual leaders of the more common kind (i.e., bullying or tokenism). Those pathways need to be explored before a complaint can be filed.

Let's Go Back to Story 1:

"Darlene" and I exchanged a couple of emails and found a time to talk. In the meantime, I did my homework. She was listed as a member of this congregation and was 78 years old. This was a new minister at her congregation who was a cis male with a wife and a child on the way.

The regional field staff had no mention of any problems in the congregation. They had done a start-up weekend for the minister a few months before. (This is a traditional service to provide the minister and board with joint leadership training held during the first six months of a new ministry.) This woman was not at the start-up and wasn't in leadership at this time. There had been no complaints or calls for help to the regional staff before this call to me.

After introductions, Darlene told me why she was so upset: The minister was coming on to her and it was just disgusting! How could a minister do that? His wife knew about it. She could tell because the wife ignored her and wouldn't look at her anytime they were in the same room.

To my question of, *Had she talked to the minister about this?* She said she would get up and stand at the back of the sanctuary during his sermons and glare at him because that's when he did it. *"Did it"?* I asked. *Yes, all of his sermons are just full of hidden innuendos that make it clear he is coming on to me.* I asked, *How do you know it's you he's speaking to?* She said, *He looks right at me at least a couple of times every sermon. I can just tell. He needs to stop it. I'm a widow, for heaven's sake, he shouldn't be coming on to me.*

I asked her some more questions about her life, how long had she been widowed. Did she have any family near? And then tiptoed back into the complaint: When did this start? (Around Christmas time.) What is it that would make you feel better about this? (He should stop it!) Does he ever say anything outside of his sermons directly to you? (No, he's too smart for that.)

It had become increasingly clear to me that this was a tragedy happening in front of me. A woman long respected in the congregation was having delusional episodes and was becoming fixated on the new, young minister.

Some other details came out: she had given good advice to the wife which had been rejected meanly. She had once been on the board but hadn't held any leadership positions in seven to eight years.

I suggested we both take a deep breath and give me a minute to think about what she'd told me. She had been very angry but was now softly tearful.

I suggested I would call the regional field staff and ask them to talk to the minister. *Would that help you feel better?* Yes, it would. *OK, then, I'll do that.* I closed by validating her feelings of loneliness and mental stress but not promising anything besides talking to the field staff. She thanked me for taking the time to talk to her. *Not many people do that nowadays,* she said.

I hung up from her and called the field staff that is the primary contact for that congregation. They called the minister and had a conversation. He was clueless, of course. But he jumped on it, found some old friends who confirmed she was indeed starting to slip into dementia and wound up calling her daughter in another state to express some concern. The daughter hadn't seen her mom in about six months and made the effort to visit her in the next month. The upshot of this is that this woman wound up moving to an assisted living place close to her daughter within the next six months.

Let's Go Back to Story 2:

A person calls and says they're very upset by an action of their minister and is wondering if they should file a complaint. We email and find a time we both have free to talk later that day.

Before the call I do my homework: I call the field staff for that congregation who tells me that, as far as he knows, nothing is happening in that congregation. The current minister, a white cis male in his 40s, has been there for five years. And while he has had some conflict with his board and congregation members here and there, there is nothing currently going on as far as the field staff know. The person is listed as a member of the congregation.

I check in with the Ministries Staff Group. They don't have anything in the official file for this minister; however, the head of transitions tells me that there have been rumors about this minister at other congregations in the past. It would be nice, they say, to get something in writing if there is misconduct going on.

I call the complainant, "Luisa." I introduce myself and she identifies herself as a Hispanic woman who has lived in this urban area for 20 years and discovered UUism about 10 years ago. Luisa joined the congregation shortly thereafter and has been in various leadership roles over the years.

Luisa jumps right in to *the minister is coming on to me and it makes me feel icky.* When I ask her to tell me the story, she starts at a walk in the park then backtracks to a Diversity, Equity, and Inclusion (DEI) committee meeting. She then fast-forwards to what happened at an event two months ago. As she talks, I'm putting it in a timeline in my notes and gently questioning for details. When she finishes her story, I repeat it back to her in order, asking at intervals, *Is that correct?* And, *Did I get that right?*

I make regular compassionate sounds showing I'm listening. Once I say, *Oh, yeah, that would make me feel icky too.* We are establishing a basic level of trust.

Here's the story when I put it in order: She was asked to co-lead a DEI committee in her congregation. Their task was to come up with and oversee activities in the congregation that would explore DEI and how the congregation could work towards becoming a more inclusive organization. She had a serious conflict with her white co-leader and went to the minister for help. After telling her he was too busy to talk, he then suggested they take a walk through a local park.

Bottom line: She described that he came on to her.

I was not just taken aback, I felt icky all over, like I needed a shower. I got out of there as fast as I could. She tried to go back to church as if it had never happened. And for a while, she thought maybe it was a onetime aberration. She resigned from the committee, not willing to ask for any further help from the minister. Several months later, he again approached her in an overtly sexual way.

She had told a good friend about the first incident. When Luisa told the same friend about the second incident, the friend encouraged her to call the complaint line at the UUA. Luisa waited to see how sure she felt but realized she couldn't even go back to church. The thought of hearing his voice gave her shivers. By the time she called me, that last incident had happened two months before.

Deep breath. Let's just sit with this for a minute.

These are at least two problematic areas:

1. Going back to the beginning of this story, let's remind ourselves that nothing was done to address the conflict over the co-leader of the DEI committee. Note that for the record.
2. The minister and his actions towards the complainant.

What can the UUA do? Luisa wants to know. We go back and forth on process. She decides she wants to talk this through with an advocate. I tell her it could take as long as a week to match her up and get an introductory email out. In reality, I can usually get this done in a couple days. I sort this out and she gets in touch with an advocate.

Over the next couple of weeks, Luisa has some questions. Once a complainant has an advocate, all questions go through the advocate, who I then discuss the questions with.

Luisa is tempted to simply file a letter of concern, which is not investigated, but is discussed with the minister by the head of the Ministries Group. He has the right to write a response, and then both documents will be put in his permanent file. The advocate helps Luisa discern how this man's behavior has affected her congregation and damaged her faith, not merely given her an isolated icky experience. The advocate will support Luisa in the process. She files a formal misconduct complaint.

These two stories anchor the range of calls you might receive, from fully without merit (although requiring empathy and action nonetheless) to fully with merit, requiring denomination censure and clergy removal. In between is where most of your intake calls will fall. In time, your ability to evaluate what you're hearing will grow and your ability to meet the needs of the people with whom you're speaking and take the right actions will increase.

Hopefully this guide will help you navigate your way forward into becoming an experienced intake person, using a trauma-informed approach and always remembering that the person reporting is usually coming from a place of pain.

Suggested Citation: Bond, Heather. "A Story of Two Calls: The Intake Process for Misconduct Complaints." In *Responding to Spiritual Leader Misconduct: A Handbook*. Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 151-157. Seattle, WA: FaithTrust Institute, 2022.

Centering Victim-Survivors' Voices

BRIAN J. CLITES

Brian J. Clites is an assistant professor of Religious Studies at Case Western Reserve University. His current book project, *Surviving Soul Murder*, draws on 11 years of ethnographic work with Catholic survivors of clergy sexual abuse, focusing on how they have rebuilt their life and faith in the wake of such intense childhood suffering. Trained as a historian and ethnographer, Dr. Clites's broader teaching and research interests include case studies of how gender, trauma, and power are experienced differently across marginalized religious communities.

Voice is fundamental for survivors. When a victim tells you about the misconduct they have suffered, they are revealing invisible scars across their soul. By sharing their intimate trauma, they are inviting you to travel with them on their journey back to wholeness.

If you can center a survivor's voice, they are more likely to work collaboratively with you towards the shared goals of spiritual repair and institutional reform. Survivors who feel heard are also less inclined to seek punitive damages. Too often, however, spiritual leaders inadvertently silence victims, and that silencing inflicts additional harms—not just upon the victim-survivor but also upon the entire faith community.

This article explains the importance of voice for survivors of clerical misconduct, and it outlines steps you can take to honor and respect the courage of survivors who come to you, in vulnerability and hope, to share their suffering and rebuild their faith.

Voice and Justice

For many victims, voice is the most basic act through which they can begin to rid themselves of shame, admit that the harm was not their fault, and begin to reconcile with the trauma of misconduct by a trusted spiritual leader. Through speech, writing, poetry, music, or artwork, a victim who voices their suffering has taken the first step in transforming themself from a victim to a survivor.[1]

Individual speech can be healing. Bearing public witness can be prophetic. And communal testimony can rebuild the social fabric of a whole faith community. When dark secrets are brought into the light, the spirit of truth and justice can begin to shine. Voice provides victims with a sense of agency, and it is vital towards their journey of reconstructing safe and trusting relationships.

[1] Brian J. Clites, "A Theology of Voice: VOCAL and the Catholic Clergy Abuse Survivor Movement," *U.S. Catholic Historian* 40, no. 1 (Winter 2022): 81–105.

But survivors of sexual assault know how difficult it can be to find their voice. Many childhood victims do not remember the details of their abuse until they are in their 30s or 40s, which is a natural psychological response for trauma victims. On top of that delay, survivors often feel deep shame and confusion.

This chaos is so all-consuming that some victims and psychologists refer to the effects of spiritual leader misconduct as "soul murder." In order to repair their souls, survivors must regain the trust necessary for intimate friendships and healthy sexual relations. "The key is connection of the survivor with her history," the sociologist Carol Barringer observed, "of the present with the past, of the lost and numbed-out feelings with the words that release them."[2] Without first retrieving their own voice, how can we expect a victim to rebuild their relationship with the divine?

Listening and Affirming

Listening and affirming are key skills for responding ethically to survivors. In the words of survivor and theologian Shanell Smith, "Listen. Validate. Full Stop."[3] It sounds so simple, but the truth is that most of us are better at talking than we are at listening. Whether because of our desire to help, or the common discomfort with awkward silences, many of us are in the habit of responding quickly to the pain of others through vague, generic suggestions.

Survivors may feel hurt by overtread theodicies. Try to avoid reflexively dispensing short reassurances like "everything happens for a reason" or "this must be your cross to bear." Such responses minimize the victim's pain and do more to ease your discomfort as a listener than to help the victim.

Unfortunately, there are no easy answers for victims of spiritual leader misconduct. They have been betrayed by a trusted spiritual leader, and they may also feel betrayed by the divine. They are in the midst of an existential crisis that can be as psychologically daunting as the aftermath of war. To center survivors' voices, you need to remember that they are engaged in the serious and sacred work of "facing the abusing god."[4] It will take real time and work to begin to repair their faith and trust.

Empathy and Apologizing

Victims are inherently vulnerable. They are disclosing details about their most intimate pain and suffering. Often, victims come to spiritual leaders before talking about their abuse with anyone else. They might carry deep shame or embarrassment, and the misconduct might have been one of the only sexual experiences in their life.

Many survivors who I have met tell me things that not even their spouse or children have heard. You might be the first person who they have told their story to. This is a sacred privilege, and you should respond in the spirit of empathy, trust, and confidentiality.

[2] Carol E. Barringer, "The Survivor's Voice: Breaking the Incest Taboo," *National Women's Studies Association Journal* 4, no. 1 (Spring 1992), 17.
[3] Shanell T. Smith, *Touched* (Minneapolis: Fortress Press, 2020), 61.
[4] David R. Blumenthal, *Facing the Abusing God: A Theology of Protest* (Louisville, KY: Westminster Press, 1993).

Lawyers often advise religious institutions not to offer an apology to potential plaintiffs, but I suggest that you apologize as soon as you are sincerely ready to share in the victims' pain. Few survivors actually want to sue their church, but almost every survivor wants an apology for the harm they have suffered. If you wait until an investigation has concluded, you may lose the opportunity to help the survivor heal spiritually.

Honesty and Transparency

Over the past five decades, few religious institutions have responded to misconduct allegations with honesty and transparency, but that is beginning to change. While responding transparently may have its legal risks, the decision to withhold information from victims creates even greater spiritual and ethical liabilities.

It is OK if you don't know what to do when a survivor contacts you, but it is not OK to promise help and then do nothing. And you probably can do something, even if you feel powerless or like your hands are tied. When in doubt, refer the survivor to additional resources, including secular nonprofits for victims of sexual violence.

Often, the best referral is the name of another local survivor who has given you permission to share their contact information. If you don't know of other survivors in your faith community, look for regional support groups for survivors of sexual abuse. You should help survivors in your community network with one another, or provide the support they need to travel and meet with survivors in other faith communities.

Creating Community for Survivors

Trauma victims cannot retrieve their voice alone. It is essential that they speak, hear, and learn from other survivors within the context of community. This relationship between trauma and community is well-documented by researchers in anthropology, communication studies, and social work. Individual stories of sexual violence are often too big for a single

A CHECKLIST FOR CENTERING SURVIVORS' VOICES

Here are some of the most important steps that you should try to incorporate in order to center the voices of victim-survivors in your faith community.

When a survivor comes forward, spiritual leaders should attempt to:

- Listen attentively
- Express sympathy
- Bear witness to their suffering
- Apologize
- Help connect new victims to other survivors
- Invite victims to bring a friend / advocate to the next conversation
- If other victims come forward, help them network with one another
- Provide victims with a list of third-party resources (secular and spiritual)
- Always have at least one survivor on your judicatory or review board
- Voluntarily disclose all prior allegations, and promptly communicate new misconduct allegations to your entire faith community

WHAT TO AVOID: RESPONSES THAT HARM SURVIVORS

It is vital that you avoid responses which make survivors feel revictimized. These mistakes also risk damaging the credibility and long-term health of your broader spiritual community. If your goal is to nurture and protect survivors' voices, try to avoid:

- Minimizing the situation
- Justifying the harm they experienced
- Hiding behind lawyers
- Asking survivors to recount the explicit details of their assault or rape
- Forcing victims to revisit the space where the misconduct took place
- Insisting on forgiveness, silver linings, or divine will
- Insisting on prayer or meditation
- Silencing or intimidating victims
- Using non-disclosure agreements
- Concealing prior allegations
- Shunning victims from your faith community

voice to express. When survivors come together for communal storytelling, they are often able to share what another has not been able to name for themselves.

Survivor networks are essential because the aftermath of spiritual leader misconduct is so painful and isolating. Through support groups and survivor conferences, victims can uplift one another's voices to rebuild their individual spiritualities, reclaim spiritual spaces and rituals, and confront the anger and distrust they feel towards the divine.

Restoring Your Faith Community with Survivors

When spiritual leader misconduct occurs, it damages not just the individual victim and their family but also the entire community. There is serious potential for broader spiritual suffering, the loss of trust, or the erosion of institutional credibility. Hiding spiritual leader misconduct is unwise because it increases this potential for communal harm—in addition to leaving the door open to further individual victimization by the spiritual leader. On the other hand, acknowledging misconduct can have the positive effect of increasing faith and trust within your community.

Listening sessions provide an opportunity for survivors to share their stories with non-abused members of your faith community. Their stories have the sacred potential to enliven and heal your congregation. Listening sessions have been transformative for Catholic survivors, who drew on the models created by survivors of the apartheids in India and South Africa, where public sessions enabled survivors "to both voice and show the hurt done to them, as well as to provide witness to the harm done to the whole social fabric."[5]

If you are considering a listening session, begin by asking the survivor(s) whether they would appreciate the opportunity to discuss their experiences more publicly. If they like the idea, you should follow their lead in terms of creating a session where they feel safe and supported, even

[5] Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley: University of California Press, 2007), 59.

if that means excluding yourself or other religious leaders from the session, while having trained facilitators present to hold the space on behalf of the survivor(s).

Silence and Revictimization

When survivors first come forward, spiritual communities often react by silencing them, denying their accusations, supporting the accused spiritual leader, hiding behind lawyers, or attempting to rationalize the misconduct through context or scripture. These reactions are all forms of "revictimization," a term that survivors commonly use to talk about the new, additional harms inflicted upon them after coming forward to discuss the misconduct they have suffered.

Actions that silence, deny, or intimidate victims are all forms of revictimization. Hardball legal tactics such as taped depositions, character defamation, and nondisclosure agreements are also forms of revictimization.

If lawyers must be involved, we need to radically rethink their obligation to the victims. If you need to hire a lawyer to investigate the veracity of misconduct allegations, you should direct them to treat the survivors as their primary clients, working not to defend the institution from liability but to create justice for the broader faith community. "Lawyers can help a church be faithful," Marie Fortune has envisioned, but instead legal counsel usually "helps churches forget who they are."[6]

More Subtle Forms of Silencing

Even if you are trying to listen empathetically to a survivor, certain conversational habits might cause them to feel silenced or ignored. It is better to continue listening than to offer vague platitudes. Tom Economus, a Catholic survivor and priest, described why platitudes come across as unsympathetic and uncompassionate: "To tell a victim of clergy abuse to 'forgive and forget,' 'pray about it,' 'let it go,' or 'keep it between us,' shows a lack of regard for the victim and his or her pain. Victims do not want to hear such unseemly advice, nor do they want to remain silent!"[7]

The silencing of survivors can take more subtle forms, too, including speaking over the victim, completing their sentences for them, or interrupting them when they hesitate or pause. These subtle forms of silencing are so common in patriarchal traditions that we often fail to recognize the harm they cause.[8]

Just as voice and positive change hold sacred potential, silence and inaction increase the likelihood of spiritual damage. Silencing or subverting victims' voices will always eventually cause new spiritual harm to your community.

---

[6] Marie Fortune, "Is Nothing Sacred? 1 Timothy and Clergy Sexual Abuse," *Interpretation: A Journal of Bible & Theology* 75, no. 4 (October 2021), 323.

[7] Tom Economus, "Buzz Words," *The Missing Link* 6, no. 2 (Spring 1998), 1.

[8] Kate Manne, *Down Girl: The Logic of Misogyny* (New York: Oxford University Press, 2018), 4-5.

Conclusion

After reading this chapter, you may worry that talking with survivors is fraught and destined to fail, like walking on eggshells. Fortunately, in my experience, that is rarely the case. Survivors want and deserve our attention and compassion. If they sense that you are responding with honesty and transparency, they won't fault you for an errant phrase or the occasional misstep. When in doubt, listen more than you speak. It is their voices, not ours, that must dictate the next steps in their journey towards rebuilding trust and faith.

Suggested Citation: Clites, Brian J. "Centering Victim-Survivors' Voices," In *Responding to Spiritual Leader Misconduct: A Handbook*. Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 159-164. Seattle, WA: FaithTrust Institute, 2022.

To Listen Well is to Give Breath

AZZA KARAM

Azza Karam, Ph.D., is a leader in interfaith spaces. She serves as senior advisor on culture at the United Nations Population Fund (UNFPA), where she coordinates UNFPA-wide outreach with faith-based partners. She is Professor of Religion and Development at Vrije Universiteit Amsterdam in the Netherlands.

Perhaps it is because I have always been doubted, questioned, and forced to state my case time and again. Perhaps it is because I have struggled to convince the nearest and dearest—as well as the further and far less dear—of almost everything I believe. Whatever the reason, I did not even think to doubt the woman speaking to me. What she described I had seen and heard of happening.

I had been subject to countless attempts to belittle and demean through and with my body and my emotions. "You are too sensitive" and "you are too passionate" remain frequent comments I receive—some by people doubtless attempting to show appreciation. Both are condescending comments which are judgmental to the core, and are comments men are highly unlikely to receive.

They are not sexual per se, but they are gendered. And gender and sex are intertwined and intersectional in nature and approach. Gendered notions and attitudes about life are fundamentally built on sex or sexual norms and perceptions. So for someone to approach in gendered language is a sexualized approach.

To Listen

As the woman told me the story of how she had to fend off unwelcome sexual advances by someone she thought of as a friend and a colleague, I found myself torn. Torn between listening to her narrative and listening to my own narrative of knowledge. You see, I knew whom she was speaking about; I knew the cultural, organizational, and even individual contexts she was referring to. And because I knew about whom she was speaking and the spaces she was describing, I found myself having to shut myself up and force myself to listen to her narrative, not my own.

As I listened, outwardly silent, the storm inside was growing. Because I knew that the individuals and the contexts lent themselves easily to the story of deceit, manipulation, and sexist and racial wrongdoing she was narrating. After all, I have inhabited these spaces for over three decades, spanning many parts of the world. I feel blessed to know so many who hail from far and near and everywhere. Well, kind of blessed.

And because I knew, far from disbelieving her, a knot of fear and dread from my stomach to my throat made it difficult for me to speak. Those who know me know I am not slow to speak or to articulate my thoughts. Far from it. But this was a moment in which I truly struggled to listen and to speak.

Why was I struggling to listen? Because my own thoughts, my own knowledge, could easily crowd out, and perhaps even redraw, the images she was sharing—her truth. Because my own anger, built on a mountain of pain at the ruthlessness of the combined sexual and racial and social disdain she was describing, could so easily intervene to color what I was hearing her say about her truth. Because part of me wanted to scream this could not, surely not, be true.

And yet I knew that I had to be so very, deeply, and deliberately careful, to try to balance what I wanted to scream versus what I knew I had to do: to be there as she struggled to find words to describe how and what she wanted to say and to do.

And herein I encountered one of the deepest challenges of listening to a total stranger share a story of sexual harassment involving people I know. This was not the first time I had been approached with such a story. In most cases, I knew the perpetrators being spoken of—not just knew of them, but actually thought myself to know them personally as well as professionally. In many of these cases, the accused were people for whom I had respect and even affection.

In each case, I remember the distant sense of panic, the one where it seems as if the heartbeat grows so loud, and yet my thoughts go so slowly, that my entire body seems to freeze in slow motion. Because in hearing the story, I question myself too. I realize I am friends with a sexual harasser, or someone who lends themselves, quite clearly, to such an accusation. And this does not sit well inside me.

So my struggle is to listen without wishing to bang my head against a wall very hard, since I am not the self-forgiving type. Listening to a story of sexual harassment can be a test of my own endurance and of my own self esteem.

I often wonder what I would feel if I did not know the men in question. Would it be easier? I am tempted to think it might be. But in any case, full listening, with minimal interruptions, until the woman has voiced her whole story in the way she feels it important to say, is imperative.

I also know that the best listening approach is to ask questions rather than rush to speak out one's own opinions or judgments. From question to question, each question figuratively holding the woman's hand and trying to navigate together deeper into whatever parts of the story the person speaking wishes to share. Not because I know what the shore should look like or what it is. Frankly, I do not. And I say this openly. "I am not sure I can help in doing anything about this," is a refrain I will honestly say. "But I will listen."

The process of sharing is itself part of the healing. My conviction—call it a bias if you will—is that few women would go through a narration of such incidents just for the heck of it or because they wish to show off their enormous sexual appeal. No woman, I am convinced, finds it easy to describe being taken advantage of, especially not sexually, even if she were utterly fabricating the entire story. Few women love to share how they were touched in ways and in places that embarrass them deeply or hurt them or degrade them or make them feel unheard when they voice their discomfort. Few women enjoy feeling disrespected. So it is important to listen.

This is also why I believe it is important to walk (or is it swim?) through her sense of pain—and often the shame—and confusion about her feelings, about the incident itself, to reach a shore where the woman can go from minute feelings of infirmity and disability to some sense of relief of sorts. Because I understand that how we speak of and share these particular stories can be part of how we ourselves write our own truths. And writing or voicing our truth is part of our faith in ourselves.

Our words are our truth. Our words can be our path to healing. Thus, when we decide to share, we are already beginning a journey towards some form of healing.

To Whom Do I/We Speak?

Over the years, I have also learned that to whom I/we speak will make a huge difference to the journey of healing we are seeking to undertake. The worst insult which adds to the sense of injury is to speak to someone whom we deem trustworthy, or even just someone we identify out of need, only to find one's truth questioned in so many ways—sometimes subtly and sometimes openly.

The next awful thing is to have our memories questioned. "Are you sure?" has got to be a rotten classic. "Could it not have meant [insert anything innocent sounding here]?" is another sequel to that insult. Even to begin to respond with a "but…" can hurt. Changing the subject or walking away are equally unhelpful. Trying to remove oneself from responsibility by saying, "Oh, you need to speak to so and so [not really to me]" can be insulting. Even if one is not able to actively do anything about the sense of injury, one can—and should—listen and carefully, lovingly, let the woman know she is being heard. Her voice is being registered.

This is why the battle inside me rages on as I listen, each and every time. I have got to be one of the queens of "but"—a heritage of my Libra mother who insisted on questioning every single thing (including debating her own convictions). So to prevent myself from sounding the miserable "but" as it rings deafeningly in my ears is a feat of self-control. My own husband believes I should have been a trial lawyer, one that tears apart every story of any witness—credible or not. The reasons why he thinks so are quite beyond the scope of this paper, but (pun intended) let me get back to the challenge of listening quietly with all my being, making no internal buts or howevers, or asking too many questions inside myself, and not—absolutely not—passing any judgment either way.

Beyond Generations

Hercules would have failed miserably, while Athena, the goddess of love—and war—may just succeed. The point being that as listeners to the narrative of sexual harassment, we need to be trained, above all, in some form of self-control. Quite apart from the logistical implications of how and whether this is to be taken up, and with whom, and to what end, and all those complicated and necessary questions and processes, the process of listening itself is very much like allowing the baby, just out of the womb, to take its very first breath.

We cannot fail to listen properly. If we do, the damage is beyond imagination, and it is generational, because a woman's sense of humiliation and anger can and does go beyond the one generation.

Look—and feel—around you, wherever you are: it is not just through our own children that we transmit emotions and thoughts, just as it is not just through legislation that we transmit a sense of justice.

Indeed, women are such powerful bearers of longstanding social norms that successive generations, institutions, and even empires seek to silence them, burn them in so many ways (including literally), or mold them to a particular version of truth that should be carried forward. Our sense of injustice, even when not articulated or acted for or against, transmits through the pores of the fabric of all existence.

Women's feelings are powerful agents of transformation, beyond schools and universities, beyond books and tablets, beyond the here and now. Why else would so much effort go into killing the spirits and ruining the bodies of women, even in the very same cultures where they are supposed to be venerated?

Hell Hath No Fury as a Woman Scorned

For a woman to be sexually harassed is to demean a woman's spirit, to scorn her most ruthlessly. This is why the saying "hell hath no fury as a woman scorned" should not be underestimated. So when a woman has a story of sexual harassment or misconduct to tell, the veracity thereof is critical for sure, but true or false, there are underlying causes anyway. We can choose, as and when we are chosen as listeners, to listen and to listen well.

Or we can choose to add insult to the sense of injury, and fail to listen, or worse, to take action that demeans further. Please understand me here: I am not saying all that is said in stories of being sexually harassed is true. I am saying that those who speak the stories have to be listened to—and that how we listen will define how we are as a society for generations to come.

Suggested Citation: Karam, Azza."To Listen Well is to Give Breath." In *Responding to Spiritual Leader Misconduct: A Handbook*. Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 165-168. Seattle, WA: FaithTrust Institute, 2022.

Sexual Misconduct in Spiritual Communities: A Lawyer's Perspective

CAROL MERCHASIN

Carol Merchasin is a lawyer (retired) and former partner in the Philadelphia office of Morgan, Lewis and Bockius where she was the director of Morgan Lewis Resources, providing training on harassment and discrimination as well as investigation services for clients. Ms. Merchasin is an experienced investigator who has conducted dozens of workplace investigations. She was a pro bono investigator for Buddhist Project Sunshine where her investigation revealed sexual misconduct within Shambhala International. She is currently assisting several sanghas in bringing allegations of misconduct to light.

When Anita Hill testified before Congress in 1991 in the confirmation hearings of Supreme Court Justice Clarence Thomas, accusing him of sexual misconduct in the workplace, she opened a nationwide conversation about sexual harassment. This conversation was given new life in 2018 with the allegations against Harvey Weinstein, exploding a movement aptly known as #MeToo.[1]

It was inevitable that this movement of accountability for sexual assault by men in power would spread to include religious and spiritual organizations.[2] Beginning in 2018, a variety of media outlets covered allegations of sexual assault against such high-profile spiritual leaders as Sakyong Mipham Rinpoche of Shambhala International,[3] Lama Surya Das of the Dzogchen Foundation,[4] Ravi Zacharias of Ravi Zacharias International Ministries,[5] and Swamis Vishnudevananda, Mahadevananda, and Prahlada, teachers with Sivananda International Yoga Vedanta Institute.[6] Many Muslim, Jewish, and Christian communities have also not been without allegations of sexual misconduct.[7]

Clearly, religious and spiritual organizations need to understand the potential criminal and civil liability for their leaders' behavior, just as any workplace does. That includes understanding the organization's own liability when it knew or should have known about the conduct as well as the correct way to respond to allegations. Far too many communities decide, without investigating, that the allegations cannot be true. Then, to avoid confronting the issue, they silence or shun the

1 Originally started in 2006 by activist and author Tarana Burke, the movement went viral and gained global awareness in 2018.
2 Of course, it is not only men in power that commit sexual abuse; they are, however, the vast majority of cases.
3 Andy Newman, "The 'King' of Shambhala Buddhism Is Undone by Abuse Report," *The New York Times*, July 11, 2018, https://www.nytimes.com/2018/07/11/nyregion/shambhala-sexual-misconduct.html.
4 Justin Whitaker, "Popular American Buddhist Teacher Lama Surya Das Admits to Sexual Relationships with Students," *Buddhistdoor Global*, August 6, 2020, https://www.buddhistdoor.net/news/popular-american-buddhist-teacher-lama-surya-das-admits-to-sexual-relationships-with-students.
5 Ruth Graham, "Ravi Zacharias, Influential Evangelist, Is Accused of Sexual Abuse in Scathing Report," *The New York Times*, February 11, 2021, https://www.nytimes.com/2021/02/11/us/ravi-zacharias-sexual-abuse.html.
6 Louise Adamou, "'Coercion and rape': Investigating my yoga school," *BBC News*, July 2, 2021, https://www.bbc.com/news/world-asia-india-57400014.
7 "Muslim Communities Divided Over Abuse Allegations Against Popular Preacher," NPR, *All Things Considered*, November 22, 2020, https://www.npr.org/2020/11/22/937804223/muslim-communities-divided-over-abuse-allegations-against-popular-preacher; Allison Kaplan Sommer, "Not Just Weinstein: The Year #MeToo Rocked and Shocked the Jewish World," *Haaretz*, September 18, 2018, https://www.haaretz.com/israel-news/.premium-not-just-weinstein-the-year-metoo-rocked-and-shocked-the-jewish-world-1.6480994.

person who came forward. Driving people who report allegations of sexual misconduct out of the community may appear to "solve" the problem by removing the person who complained, but it creates legal risks for the organization.

This article sets out the basic legal must-knows with the definitions of common types of sexual misconduct, including sexual assault, rape, sexual harassment, and issues related to consent and power imbalances. It will review the pitfalls boards and leaders often fall into that can lead to claims of negligence. Finally, it will provide three steps that organizations can take to avoid sexual misconduct and harassment problems. Please note that this article focuses on the legal responsibilities of an organization. As a specifically spiritual organization, you will have other ethical, social, and theological considerations to address in your policy-making that are beyond the scope of this article.

The Meaning of Sexual Assault

Sexual assault is a serious offense with both criminal and civil law ramifications. It is often defined as sexual contact that occurs without the explicit consent of the victim. Sexual assault includes rape, attempted rape, fondling, groping, unwanted sexual touching, forcing a victim to perform sexual acts such as oral sex, or penetration of the victim's body.

> Barbara, a member of your community, tells you that the leader of your organization, Jeffrey, has been asking her to go out with him, but she has turned him down every time. When he passed her in the hallway the other day, Barbara says Jeffrey grabbed her and touched her breasts as he kissed her. What should the board do?

There are so many mistakes that a religious or spiritual organization can make at this point. A common one is deciding that Barbara is lying. "Everyone" knows Jeffrey wouldn't do anything like this. He is married and the very essence of moral rectitude. Who would want to tarnish his good name? Or maybe the mistake is thinking that this is not sexual assault. Perhaps Barbara consented. Probably it was only a kiss, and the touching was accidental. And what's wrong with a kiss? It's hardly sexual assault.

When adults engage in a sexual relationship willingly and with explicit consent, the term "sexual assault" does not apply. However, there are limitations to the issue of "willingness" depending on the law of the jurisdiction you are in. It's important to recognize that in 13 states and the District of Columbia, consent cannot be a defense in sexual assault cases involving clergy. The reason for that is clear: there is a tremendous power imbalance between a religious leader and a student or congregant—so much so that consent cannot be given at all.

The better question is, should the organization do anything about this before it becomes a legal matter? As you've probably guessed, the answer is yes. What happened to Barbara could meet the definition of a sexual assault (sexual contact that occurs without the explicit consent of the victim). And until an investigation is conducted, you do not know the facts. At this point, you only have assumptions and opinions—neither of which are going to help you in a lawsuit.

Is there a right way to deal with this? Hopefully, before Barbara comes to you with her allegations, you have done three things:

1. Written a sexual harassment/misconduct policy;[8]
2. Enforced the policy with a process for reporting issues and by investigating all claims; and
3. Taken prompt, effective action designed to end any conduct that violates the policy or the law.

Write a Policy

Here are the things that should be in your organization's policy:

- *To whom does the policy apply?* Policies that exclude the leader are deficient. The policy must apply to everyone.
- *What is a violation of the policy?* You should clearly set out examples of what conduct will violate the policy so that everyone knows what is expected.
- *How will you manage consensual relationships?* Some organizations do not allow them (especially if you are in one of the 13 states or District of Columbia that do not permit consent as a defense); others require that consensual relationships be reported so that the risks can be mitigated.
- *What is the process for reporting a violation of the policy?* This should be simple, clear, and not limited to one person or one committee. Complaints should be able to be raised through a variety of avenues. Don't have a different process depending on the nature of the complaint. The process should always be the same: complaint, investigation, resolution.
- *Maintaining confidentiality.* Complaints should be confidential and only divulged on a need-to-know basis. Gossip about a complaint is unacceptable and can lead to claims of defamation. However, it may be necessary to reveal the name of the person raising the issue for the accused to be able to defend themselves. Likewise, it may be necessary to reveal an investigation into the accused, so that others may be invited to come forward to provide information relevant to the investigation.
- *Encourage reporting.* Don't make it difficult. Widely disseminate the policy. You want to know about small issues before they become large (or legal) issues.
- *Do not allow retaliation.* It is hard to overstate this: People who come to you with complaints are worthy of your respect because they are helping you to create a better environment for everyone. They may also be helping your community to avoid a claim of negligence.

Barbara wants to report the sexual assault she experienced from Jeffrey. She tells Angela, a member of board, what happened. However, Angela says she can't do anything because the policy says that all complaints must go to the ethics committee and Jeffrey's best friend, Joseph, is on that committee. Barbara decides she had better not say anything more.

[8] Some organizations call this an ethics policy; others have a separate harassment policy. If the bullet points above are covered, it does not matter what the policy is called.

Is this a good outcome? Only if you like risk. The board is now "on notice" (that is, they know the harassment occurred). Now, even if Barbara doesn't come forward, if Jeffrey assaults someone else, there is a legal risk of a claim of negligence. In addition, if Barbara is an employee, this conduct would potentially violate the sexual harassment laws of state and federal government.

Enforce the Policy

After you have a policy with a simple, clear, consistent process for reporting misconduct, you must enforce the policy. It doesn't help to have a policy that you don't pay any attention to.

What does that look like? Every issue that comes up that would violate the policy or the law *if it were true*, must be investigated. For example, if Barbara says that George (another member of your community) was rude to her, do you need to investigate?

No, you don't need to investigate whether George was rude to Barbara, because that allegation, even if true, doesn't violate the law. And it probably doesn't violate your policy. It's not something that George should be doing, so you may have to resolve it, but you don't have to investigate.

However, when Barbara says that Jeffrey assaulted her (even if she doesn't use the word "assault") then, yes, you must investigate because it violates your policy and the law.

Here are other potholes to avoid:

- Do not ignore anonymous complaints. It is, of course, difficult to fully investigate them, but you must do the best you can.
- Do not make the mistake of thinking that an "informal" complaint is not a complaint. Any misconduct you know about needs to be dealt with, no matter how it comes to you.
- Don't require people to write their complaint and don't create any other barriers to understanding potential misconduct in your community.
- The board cannot conduct its own investigation of complaints against high-level leaders of its own community. Such an investigation will not be perceived as neutral and unbiased and is therefore not useful. An outside third-party, neutral investigator is needed in these circumstances.

Every time an issue, complaint, or concern is raised, ask yourself: if this is true, would it violate our policy or the law? If it would, investigate.

For example, your board receives an anonymous note saying that Barbara has been sexually assaulted by Jeffrey. Some members of your board feel that this is unreliable information (maybe even "hearsay")[9] and that nothing should be done.

[9] "Hearsay" does not exist outside of the courtroom.

If sexual assault is a violation of your policy and/or the law (of course it is!) then once you know, no matter *how* you know, you must investigate.

Take Prompt, Effective Action

The last step is to act based on the results of your investigation and the seriousness of the violation. Particularly as it applies to teachers and leaders, it is critical to take appropriate action that is commensurate with the findings of the investigation.

For example, after an investigation finds that Jeffrey did assault Barbara, the board decides that they shouldn't do anything, because Jeffrey is only human, has suffered enough, and deserves your compassion. It is true that we are all only human. And yes, Jeffrey deserves your compassion. But all of that is a separate issue from eliminating the behavior.

Sometimes boards feel they can't say anything about the outcome because it will be defamatory to the accused. While you should consult legal counsel if you have concerns about defamation, here is an example of a post-investigation statement that is not defamatory:

After a credible allegation of sexual assault was raised against Jeffrey X, the board retained a third-party independent investigator to look into the claim. After a thorough, neutral investigation, the independent investigator concluded it is more likely than not that the assault occurred.

Negligence: What Happens if We Don't Follow These Steps?

Negligence is generally defined as having a duty and breaching that duty, which is then the cause of harm. When it is part of a legal complaint, it looks like this:

- *The Organization (through the Board of Directors) owed Plaintiffs a duty of care to act in a reasonable and ordinary manner so as not to cause Plaintiffs any foreseeable harm. Among other things, Organization owed Plaintiffs a duty of care to provide a leader who would not sexually harass, abuse, and assault them during the course of their interactions.*
- *The Organization further owed a duty to conduct a reasonable and independent investigation into the serious allegations of sexual misconduct by the Leader.*
- *The conduct of Organization constitutes negligence. As a result of this reckless and conscious disregard of the rights of Plaintiffs, Plaintiffs are entitled to an award of punitive damages against Organization.*

The key words above may well be "punitive damages." These damages are an added amount awarded in order to punish the defendant, to make an example of the defendant, and to deter the defendant and others from committing similar conduct in the future.

A Word About Sexual Harassment in the Workplace

Every state has specific laws about sexual harassment that cover workplaces and their employees.[10] An organization such as a spiritual community might not be covered by harassment laws depending on whether they have employees, how many employees they have, and the status of volunteers. Federal employment law does not cover volunteers (only employees), but the issue of whether someone is a true volunteer can be tricky. In addition, three states have employment laws that do cover volunteers (New York, Oregon, and California). So if you are an organization in one of those three states, it is possible that both your volunteers and your employees have the legal protection of the state's harassment laws.

Sexual harassment can include sexual assault as we described above, but it can also include conduct that is not physical. It includes offensive jokes, sharing sexually explicit images, and sexual advances, for example. It also includes "quid pro quo" harassment, where one person has more power than another and is using that power to obtain sexual favors.

Conclusion

The good news is this: if your community rigorously follows the three steps listed above—have a policy, enforce the policy by investigating, and take prompt, effective action—then you will be creating a community that is both safe and welcoming to all and one that is unlikely to run afoul of the law.

Suggested Citation: Merchasin, Carol. "Misconduct in Spiritual Communities: A Lawyer's Perspective." In *Responding to Spiritual Leader Misconduct: A Handbook*. Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 169-174. Seattle, WA: FaithTrust Institute, 2022.

[10] Also, remember that harassment is not only based on sex. It can also be based on race, disability, age, sexual orientation, and other protected characteristics. Your policies should also include a statement against discrimination, which can be handled in the same three-step process as any sexual misconduct or harassment claim.

The Role of the Advocate

LAURA SIDER JOST

Laura is director at Mennonite Abuse Prevention, where she is building capacity for the prevention of sex-based misconduct in community contexts through client advocacy, case investigation, policy analysis, and public documentation. She also works as a consultant for ethics and safety with the Unitarian Universalist Association, specializing in misconduct investigation. Laura has worked in public health and human rights across industries, from reproductive health counseling to global health communications. She holds certifications in responding to clergy misconduct, investigative strategy, and Title IX.

Most of us who are involved in responding to spiritual leader misconduct want to believe we can act in the best interest of the most vulnerable while also preserving our job, relationships, and church community as they are. In reality, this is not always possible as we face cross-pressures or outright conflicts of interest in navigating our various roles as friend, family member, or employee. If we fail to adequately understand and manage our roles as we respond to spiritual leader misconduct, we can compound harm for everyone involved. For the most vulnerable, it can result in a traumatic experience of institutional or cultural betrayal.[1]

> *Institutional betrayal* can include deliberate acts or negligence perpetrated by institutions onto individuals that rely on these institutions for support, resources, protection, and in some cases survival.[2] *Cultural betrayal* can occur when someone of your same marginalized group abuses you.[3]

A Primary Duty to the Vulnerable

Employees and other members of a religious institution are enmeshed as a part of the community that is most directly affected by misconduct. Their response to misconduct is powerfully influenced by a duty to preserve the organization or community as it has been, a duty to the status quo that has supported their job or their relationships.

In contrast, the role of the advocate is designed with a primary duty to the most vulnerable, working on behalf of their clients' stated wishes with trauma-informed and victim-centered approaches.

> *Community-based advocates* can provide crisis intervention, give information on reporting options, accompany clients for medical or legal interviews, connect them to professional counseling and culturally specific resources, and support them during institutional response processes. Advocates often help their clients understand information offered by authorities

[1] Jennifer J. Freyd, "When sexual assault victims speak out their institutions often betray them," The Conversation, January 11, 2018. https://theconversation.com/when-sexual-assault-victims-speak-out-their-institutions-often-betray-them-87050

[2] C.P. Smith, J. J. Freyd, "Institutional betrayal," *American Psychologist* 69, no. 6, (2014): 575–587, https://doi.org/10.1037/a0037564.

[3] Jennifer M. Gomez, "The unique harm of sexual abuse in the black community," The Conversation, May 13, 2019. https://theconversation.com/the-unique-harm-of-sexual-abuse-in-the-black-community-114948.

and make sure their clients are being treated fairly. They can offer trauma-informed care and encourage victim-centered approaches that make it easier for their clients to access available support and accountability systems.

System-based advocates are employed by legal entities or by organizations handling an internal complaint. They can serve many of the same functions as community-based advocates, but they will have limitations according to their duty to the institution.

Research consistently shows that those who receive the type of support advocates are trained to provide have lower rates of post-traumatic stress and are less reluctant to seek further help.[4]

Power Imbalance and Role Misuse

Individuals who have been harmed by a spiritual leader are generally in a position of less power than the person who harmed them, and the harm itself further erodes their personal agency. They've been put in a vulnerable position, and in order to report the harm to authorities, they must put themselves in another vulnerable position. They must face the power of the institution, which is even greater than or dependent on the person who harmed them.

A well-trained advocate, because of their primary duty to their client, as well as their connection to communities of expertise in abuse prevention, can provide a measure of balance to the power of the institution.

Advocates can also help members of the spiritual community to identify and fulfill their duties in the complaint process. This can be especially challenging because as members of the community we generally have multiple and overlapping roles that might come into conflict with each other. Institutional leaders tasked with handling a misconduct complaint are in a powerful—and difficult—position.

Paternalistic Saviors, Powerless Bystanders, and Peace Police

Dr. Hilary Jerome Scarcella of Colgate Rochester Crozer School of Divinity describes three roles institutions take on in the name of caring for victims that instead work in relation to derail genuine survivor-centered interventions:

> It is an excruciating task for a survivor to engage with any one of these roles, but when confronting just one of them there comes a point when it is possible to analyze, name, and critique the specific strategy a single role uses to covertly undermine survivors' wellbeing. With critique comes the possibility of acknowledgment and change. But what tends to happen is that when an institution or an individual playing the role of paternalistic savior is critiqued as such, they take off that hat and quickly re-dress in the role of the peace police or the powerless bystander.

[4] K.A. Lonsway, J. Archambault, "Effective Victim Interviewing: Helping Victims Retrieve and Disclose Memories of Sexual Assault," End Violence Against Women International, 2021, https://evawintl.org/olti/.

> When a paternalistic savior is shown to have refused survivors' legitimate needs, the savior can slip into the garb of the powerless bystander, claiming only to have been doing its best with limited resources, casting its critics as unjustifiably harsh. When it is revealed that the one playing the role of powerless bystander is not, in reality, a victim, the powerless bystander can move without too much difficulty into the role of the peace police and retroactively claim that its preference for inaction was, in fact, a principled act of holding open middle, neutral ground necessary to any process of reconciliation. And, when it is exposed that the peace police are not as neutral as they claim, they can move back into the position of the paternalistic savior and argue that it has been their right to direct the process all along.[5]

Even when institutional leaders have clearly defined roles and duties, inevitable internal pressures mean they are at risk of misusing their position and power. When leaders can acknowledge that this risk is normal and understandable, they can take responsibility for it and welcome measures of accountability. Indeed, every role in a misconduct case has limitations and associated risks. We all need support. We all need checks and balances.

With this squarely in mind, institutional leaders can welcome advocates to help share the load of a job that is too heavy for any one person or close-knit community to bear alone. Advocates can help ease the burden on institutional leaders to meet the needs of everyone involved.

During an Investigation

Advocates can help both their client and the professionals involved in an investigation by monitoring and protecting their client's emotional state and rights. They can mitigate the effect that stress and trauma have on individuals' ability to remember and share details, and they can reduce the risk that an investigation itself will retraumatize those involved. These efforts help ensure the full participation of those involved, improving the overall effectiveness of the investigation.

- *Monitoring for signs of distress.* With their presence alone, an advocate can provide the comfort and reassurance that facilitates their client's ability to participate well in an interview. An advocate can also monitor whether their client might be experiencing stress and need to take a break. Advocates can help victim-survivors utilize relaxation techniques and they can offer encouragement: "You're doing great" or "We're almost done now, hang in there."
- *Clarification.* If it seems that the person being interviewed has misunderstood or misinterpreted something the investigator has said, the advocate may provide a neutral prompt to help clarify, such as asking the investigator to restate a question. Some questions may have the effect of making the interviewee feel that the investigator doesn't believe them or blames them—for example, questions about consensual sexual contact—and an advocate can ask their client if they'd like to know the reason for the question being asked.

[5] Hilary Jerome Scarsella, "When Survivors Come Forward: Analyzing Patterns of Progressive Institutional Response and Working toward Transformative Interventions." In *Sexual Violence in the Context of the Church: New Interdisciplinary Perspectives*, eds. Mathias Wirth, Isabelle Noth, Silvia Schroer (Berlin, Boston: De Gruyter, 2021), 379–404.

- *Intervention.* In general, advocates should use only neutral prompts and use them sparingly, but advocates can also remind clients of their rights in cases where the professionals involved fail to do so. It can sometimes feel like the client is simply being swept along without any control or decision-making ability in the process. If the behavior of an investigator or another professional violates or threatens to violate the client's rights, the advocate can discuss the issue privately with their client as well as with the professional and possibly their supervisor.
- *Follow-up.* Advocates can also help prompt the professionals involved in an investigation to provide as much information as possible to their clients after an interview and throughout the investigation, including access to written reports.[6]

Checks and Balances

Because part of an advocate's role is providing accountability for institutional leaders who are administering a complaint process, and because many leaders are untrained, inexperienced, or in a compromised position for handling such processes, conflict can arise between the advocate and the institution. To institutional leaders, advocates can be threatening. They can be confrontational and adversarial, or otherwise refuse to conform to institutional norms of engagement. They can seemingly refuse to understand the internal pressures leaders face.

A skilled advocate can ease such tensions, but it is important for institutional leaders to understand that the advocate has a duty to seek redress when they believe the rights or interests of their client have been violated, no matter how good the intentions or strict the internal limitations of the leaders. This duty generally includes advocating for implementation of best practices and broader systemic changes for abuse prevention. Broader systemic change requires institutional leaders to face and embrace the discomfort of significant challenges to the way their communities have operated. The harm we seek to address in a complaint process was in some way enabled by the community in which it occurred. Misconduct does not happen in a vacuum, but rather through the use or abuse of existing structures.

> “ ”
>
> *The harm we seek to address in a complaint process was in some way enabled by the community in which it occurred. Misconduct does not happen in a vacuum, but rather through the use or abuse of existing structures.*

Advocates can be a great help to institutional leaders who honestly want to identify and address systemic problems but might not have the power to influence other internal actors without external pressure. Such dynamic internal-external interplay is an important part of sustainable change.

[6] Adapted from EVAWI: K. A. Lonsway, J. Archambault, “Advocates and Law Enforcement: Oil and Water?” End Violence Against Women International, 2020, https://evawintl.org/wp-content/uploads/TB-Oil-Water-1-3-Combined.pdf.

Dynamic Models of Change

Many theories of change include different modes of action working in concert across fields of experience. Current research shows that the most effective models of abuse prevention are "socio-ecological," including individual, relational, communal, societal, structural, historical, environmental, and spiritual modes of action.[7]

Municipalities and other institutions in the United States are increasingly employing SARTs—Sexual Abuse Response Teams—made up of interdisciplinary, independent groups with distinct duties that work together to identify gaps and problems that interfere with supporting victims, holding offenders accountable, or keeping communities safe. A SART's goal is to explore areas for systemic improvement.[8]

In spiritual communities, institutional leaders should not be expected to administer effective response processes and effect sustainable systems change alone. Embracing a dynamic model of internal-external interplay that includes advocacy for the most vulnerable can help. GRACE, a leading organization in church abuse prevention in the US, assists religious institutions in developing multidisciplinary "safeguarding teams." These teams can assist with responding to misconduct as well as identifying and implementing improvements across areas of relevant expertise, from building safety to religious education to community accountability.

Transformation as Preservation

Our spiritual communities have room for improvement in policies, procedures, and culture toward the goal of preventing abuse. Moreover, healthy communities and organizations are always improving: as the world around us is perpetually reborn, we rise to meet each new challenge. To preserve our communities and institutions, we must build them to continually adapt.

Institutional leaders and advocates generally agree in their goal of restoring right relationship after misconduct and preventing further harm, but conflict often arises with pressure to preserve a community or institution as it was. When the duty to preserve becomes the duty to support perpetual transformation, institutional leaders and advocates can work together as part of a powerful team for peace and justice.

Suggested Citation: Sider Jost, Laura. "The Role of the Advocate," In *Responding to Spiritual Leader Misconduct: A Handbook.* Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 175-179. Seattle, WA: FaithTrust Institute, 2022.

[7] "Recommended Socio-Ecological Model for Abuse Prevention," Black Women's Blueprint, https://wiki.preventconnect.org/wp-content/uploads/2018/08/f0223e_9d9d273646ec48ed9f8f576dd63d38ae.pdf.

[8] Sexual Assault Response Team (SART) Toolkit, National Sexual Violence Resource Center, 2018, https://www.nsvrc.org/sarts/toolkit.

Community Healing after Spiritual Leader Misconduct

DARRYL W. STEPHENS

Darryl W. Stephens holds a Ph.D. in Christian ethics from Emory University, is ordained in The United Methodist Church, and teaches at Lancaster Theological Seminary. He is author of numerous books and articles on ethics and ministry and maintains the blog ethicsconsidered.com.

"Say no!" advised her clergy colleague. "Don't even consider a move to Elmsdale Church. You don't want to be in the middle of that mess of a congregation." Pastor Kellie thought to herself, "I wonder what's wrong with them?"

Communities require intentional healing to overcome traumatic events. One of the most devastating traumas is sexual abuse by a spiritual leader. When a person in a position of ministerial or spiritual authority—lay or ordained, paid or volunteer—violates the sacred trust of that office by inappropriately crossing sexual boundaries, individuals and entire communities are harmed.

In situations of communal trauma, instead of asking, "What is wrong with them?" Pastor Kellie should consider instead, "What has happened to them?" Changing the question in this manner shifts the emphasis from blame to care. The former question reinforces a dynamic that shames the collective victim, implying that they are somehow defective, complicit, and at fault for their circumstance. The latter question expresses empathy for the victimized congregation, offering pastoral accompaniment. This subtle difference in perspective signals a trauma-informed approach to community healing.

The fictional Elmsdale Church scenario provides an entry point for discussing community healing after spiritual leader misconduct. Once the community has received crisis triage and guilt has been determined, there are long-term practices that can facilitate healing. The pastor serving after an incident of misconduct, the *afterpastor*, can engage the congregation in certain rituals, practices, and procedures to promote recovery and healing from its collective trauma. With more information, Pastor Kellie's clergy colleague might have expressed her concern better by saying, "Elmsdale Church has been traumatized and needs an afterpastor to facilitate healing. Are you prepared for that role?"

Trauma

Misconduct by a person in spiritual leadership is an abuse of power and can be traumatic not only for the exploited individual but also for the entire spiritual community. Trauma is an event or

series of events experienced as harmful or life threatening with lasting adverse effects on everyday functioning and well-being.

When an experience is too much to handle, it is experienced as trauma. Trauma overwhelms one's normal coping mechanisms and involves a profound sense of powerlessness. One's subjective response to a potentially traumatic event depends on personal resiliency—the capacity to bounce back from adversity. Resilience depends on many factors, including social support networks, and is compromised by previous traumatic experiences triggered by the current experience. Unfortunately, trauma is not unusual, and many people bear the effects of trauma in their everyday lives. Unhealed trauma prevents the survivor from being fully engaged in the present.

Both individuals and groups can experience trauma. Collective trauma occurs when a group or community experiences an adversity that is too much to handle, overwhelming the community's normal coping mechanisms. The diverse ways in which individuals within a community system experience an adverse communal event further complicate the effects of collective trauma. Stages of grief come into play. Individuals will experience the full range of denial, anger, bargaining, depression, and acceptance—and at different times and to different degrees. Some may experience vicarious trauma, empathetically identifying with a primary victim. Others may experience compassion fatigue as they care for others. Some may cause further harm by denying the violation that occurred or blaming a primary victim. Still others may have the resilience to weather the storm without becoming traumatized.

A spiritual community wounded by its own trusted leader suffers a distinct type of trauma. People may question their faith, their beliefs about God, or theological truths they have held dear. Some people deal with this spiritual dissonance by refusing to believe what has happened. Others will want to move toward forgiveness quickly while still others may seek accountability from those in leadership. Some people will withdraw from the community, and more will follow if the community remains mired in dysfunction rather than healing. Many community members will distrust the pastoral office and the institution that it represents. The very resources that a community typically draws upon—its leadership, judicatory personnel, and integrity as a community of faith—are thrown into disarray, hampering recovery.

Elmsdale Church is fortunate to have the clarity of adjudication. In this case, as it turns out, the former pastor was found guilty of sexually exploiting an adult congregant and was removed from ministry. Yet, members of the community exhibit a wide array of emotions, and some are in denial about the outcome of the church trial. Parishioners at Elmsdale will likely distrust the next pastor and the judicatory that credentialed her, since a previous pastor proved abusive. Thus, Pastor Kellie would begin her ministry at Elmsdale Church in an atmosphere of mistrust. All afterpastors face this reality. A trauma-informed response can assist with recovery and healing.

Trauma-Informed Response

To be trauma-informed is to realize how widespread trauma is, to recognize its signs and symptoms, to respond by integrating knowledge into practice, and to resist doing further harm.[1] This four-

[1] Substance Abuse and Mental Health Services Administration, "SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach" (Publication ID: SMA14-4884) October 2014, https://store.samhsa.gov/product/SAMHSA-s-Concept-of-Trauma-and-Guidance-for-a-Trauma-Informed-Approach/SMA14-4884, 9.

fold description (realize, recognize, respond, and resist) provides guidance for leaders to become partners in recovery for survivors of trauma.

A trauma-informed leader realizes that trauma is widespread. Many people in the community carry their own, often unacknowledged, trauma histories, such as being victimized by sexual assault. Likewise, many faith communities have unacknowledged trauma histories. In an anonymous survey of 1,800 United Methodist clergy, 50% reported having "served a church where sexual misconduct by a ministerial leader occurred in its history."[2] The situation of Elmsdale Church is unusual only in that their offender was found guilty and held accountable. Across traditions and faiths, most cases of misconduct by a spiritual leader are unreported, unadjudicated, and unresolved. Many spiritual communities suffer from unaddressed trauma, and these traumatic wounds do not heal on their own. Symptoms can last for decades in the absence of intentional practices of healing.

A trauma-informed leader recognizes the signs of past trauma, even when the source of the trauma is unknown. In a spiritual community, indicators of an incomplete recovery from past leader misconduct include:

- Perpetual staff changes
- Lack of appropriate boundaries
- Reluctance to change
- Anger, helplessness, or disconnection under stress
- Withdrawal and isolation from the larger community or judicatory
- Secrecy and lack of transparency in communications
- Overly rigid approach to traditions, roles, and relationships

These symptoms are due to underlying fear, unresolved anxiety, and lingering distrust. Communities express these symptoms through seemingly irrational, controlling, and obsessive behaviors. For example, a strong current of overt anger in the community is often a surface expression of generalized distrust. While most spiritual communities exhibit one or two of these symptoms, the co-occurrence of several or more dysfunctions could be an indication of unresolved trauma in the community.

When signs of unresolved trauma are present in a community, a trauma-informed leader responds by applying knowledge of trauma through intentional practices of healing and by resisting doing further harm to the community. Instead of casting blame ("What is wrong with you?"), trauma-informed responders provide care ("What has happened to you?"). The event of trauma is something that happens to a person, overwhelming them; healing and recovery is a process that happens with a person, inclusive of them. The same is true for traumatized communities. Individuals and communities suffering from the effects of misconduct by a trusted spiritual leader need to be cared for with intention throughout their healing and recovery journey.

[2] Unpublished data collected by the author.

Practices of Healing and Recovery

Specific practices can promote healing and recovery within a faith community following misconduct by a spiritual leader. A trauma-informed process of communal healing values safety, trustworthiness, empowerment, collaboration, and cultural and contextual sensitivity.[3] These values serve as antidotes to the abuse of power, violation of trust, coercion, secrecy, and disempowerment typically characterizing misconduct by a spiritual leader. Immediate crisis intervention by support personnel (such as a misconduct response team) prioritizes the physical and psychological safety of primary victims, emergency communications, and triage. Once the immediate crisis has abated, intentional practices of healing can promote long-term recovery and healing within a community of faith. The following practices are illustrative and do not provide a sequential process of steps to be followed. Each practice must be adapted to the contextual realities of the community and its situation.

Reasserting Healthy Boundaries

Misconduct by a spiritual leader is, by definition, an inappropriate crossing of professional boundaries. A person in leadership has abused the power of their office. Traumatized individuals and communities need to feel safe to begin healing from a violation. Reasserting healthy boundaries, including transparency of communications, is of foremost importance for re-establishing safety and trust in a community.

Healthy boundaries can be reasserted through policies, protocols, communication, and practices. Safe church/community policies designed to protect children, youth, vulnerable adults, and those who care for them are essential, even if the violation that occurred involved only adults. Often, it is easier for community members to understand the need for policies when children are involved, laying the groundwork for more difficult discussions of power and vulnerability among adults. Sexual ethics policies for staff and other ministerial leaders, protocols for handling money and financial auditing, rules for giving and receiving gifts, expectations about time management and what constitutes a pastoral emergency—all of these are important ways of communicating and establishing healthy boundaries in ministry. Then these boundaries must be put into practice.

Rituals of Grieving and Lament

The removal of a spiritual leader for misconduct is a type of loss. Whenever a community suffers a significant loss, it is important to allow time for grieving and lament. Rituals of lament provide opportunity for embodied anguish through prayer, song, and art, allowing the community to worship together, transcending differences of opinion and experience.[4] Victim-survivors should be included in planning and leadership. During traumatic events, victims are overwhelmed and feel a lack of agency. Collaborating with victim-survivors in the healing process allows them to regain a sense of agency. Trauma specialists refer to survivors' "voice and choice" as essential to healing and recovery. Allow individual victim-survivors to set the pace of their own involvement.

[3] Adapted from Substance Abuse and Mental Health Services Administration, "SAMHSA's Concept of Trauma," 10–11.

[4] See Joan Huyser-Honig, "Trauma-Informed Care in Church Worship and Life," Calvin Institute of Christian Worship, March 24, 2020, https://worship.calvin.edu/resources/resource-library/trauma-informed-care-in-church-worship-and-life/; and Institute for Collective Trauma and Growth, "Tools for Worship," https://www.ictg.org/tools-for-worship.html.

A complicating factor in the case of misconduct is that persons in the community will grieve different losses and for different reasons. Some may grieve the loss of beloved pastor. Others may grieve the loss of a certain image of God, who should have protected the victims from abuse, or a sense of safety and security in their spiritual community. Still others may grieve the loss of "the way things used to be"—whatever that may look like to them. Furthermore, sexual misconduct may be surrounded by shame and secrecy due to social stigmas regarding the topic of sexuality in general. Such complex and multifaceted grieving is aided by rituals of communal lament, in which members of the community may feel permission to question God, express their disappointment in and anger toward the institution of their faith community and/or its leadership, and face the world's brokenness. There is no set timeline for these practices to occur. Some may feel the community should have moved on by a certain point. Again, the primary victim-survivors will set the pace for this work, which will not be resolved on an arbitrary timeline.

Community Truth-Telling

Telling and bearing witness to the truth of what happened is essential for coming to terms with a traumatic event. When misconduct by a spiritual leader has not been formally acknowledged through adjudication, the truth-telling is much more difficult. In some cases of unresolved past trauma, the first step is to bring the congregation to a realization that the dysfunctions they are experiencing are the result of sexual misconduct that happened years ago. Only when harm is acknowledged can the community bear witness to victim-survivors.

For truth-telling to contribute to healing, the focus and priority must be on hearing from survivors, though no victim should be required to share their story. The congregation can bear witness to survivors, even if there remains division within the congregation. Allowing adult victim-survivors to tell their truths can be empowering when done in a safe environment. Ground rules, a covenant of civility, and assurance of appropriate confidentiality should be put in place. This is not the appropriate occasion for an offender to speak—even penitently. Leaders should collaborate with victim-survivors to maximize their choices and allow them voice in planning a communal practice of truth-telling.

Community truth-telling may include stories from secondary victims and others negatively affected in the community. For example, cases of spiritual leader misconduct may involve institutional betrayal, in which judicatory leaders compound an initial act of misconduct through lack of transparency, cover-up, or complicity. Harmful acts of institutional self-protection may be part of the truth that needs to be told and lamented. Creating a safe space for sharing may also elicit previously untold stories of abuse within the same community. Furthermore, hearing stories of abuse may trigger traumatic memories unconnected to the presenting incident. Faith leaders must be prepared to respond to and support such disclosures and reactions.

Forgiveness and Reconciliation

Forgiveness is only appropriate toward the end of a process of healing, and even then, forgiveness does not mean forgetting or lack of accountability. When a person has egregiously abused the power

of their office, it is in the best interests of everyone, including the offender, not to give them that power again. This kind of accountability is fully consistent with forgiveness and may be the most loving course of action. Victim-survivors should never be pushed to forgive an offender. In all cases, it is important not to rush to forgiveness. Likewise, reconciliation should not be forced or rushed. In many cases of sexual abuse, reconciliation does not mean that a victim-survivor and offender are able to live harmoniously in the same community. Being reconciled with God may be enough. A community can reconcile itself to its past while still holding the offender accountable.

Integrating a Painful Past into the Community Narrative

For healing, a faith community must integrate the traumatic experience into its community narrative. Integrating a painful past into the community story requires long-term work. Outside facilitators, such as members of a misconduct response team, can provide expertise and skills to guide a community through this journey.

There are many creative ways that spiritual communities have learned to integrate and heal from their trauma stories. Creating a shrine or physical space of remembrance can assist with healing. Ritually reclaiming adulterated spaces in the building can provide survivors a sense of psychological and spiritual safety. Removing physical reminders, such as a photograph of the offending pastor, might be part of the reclaiming of space. Intentional rituals of remembrance on significant dates, anniversaries, or events can help the community reclaim the narrative while acknowledging the past. Creating a community timeline is another way of remembering traumatic events while not allowing them to define the community's narrative.

Final Words

Communities can heal after misconduct by a spiritual leader. Chances are good that most spiritual leaders will at some point serve after misconduct, whether they realize it or not. Elmsdale Church is not alone in its struggle. It can yet become a healthy community through intentional, trauma-informed practices, guided by Pastor Kellie or another afterpastor.

Suggested Citation: Stephens, Darryl W. "Community Healing after Spiritual Leader Misconduct." In *Responding to Spiritual Leader Misconduct: A Handbook.* Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 181-186. Seattle, WA: FaithTrust Institute, 2022.

The Buddha Would Have Believed You

BHANTE SUJATO

Bhante Sujato is an Australian Theravada Buddhist monk and cofounder of the website SuttaCentral, which provides free translations of early Buddhist teachings alongside the texts in their original languages. He lives in Sydney at Lokanta Vihara, the Monastery at the End of the World, which he established in 2019 with his student.

This article was republished with permission by *Lion's Roar*.[1]

People come to community because they are suffering. They are looking for comfort and healing; they join in community to lift each other up, to give each other strength, to believe in each other when they can no longer believe in themselves. A spiritual community is nothing if it cannot take care of its most vulnerable.

Unfortunately, communities sometimes fail.

There are too any cases in which spiritual leaders—whether monastics, teachers, or supposedly enlightened gurus—have abused their position, taking advantage of the very people they are meant to protect. Sexual violations within a community are especially damaging, as for some, it is the one place that is seen as pure and safe in a corrupt and dangerous world. If even here is fraught with abuse, what hope to find sanctuary anywhere else?

One of the tragedies of sexual assault is how hard it is for survivors to find justice. They suffer terrible trauma, only to undergo a second trauma at the hands of the justice system. They know there is only a small chance of bringing their abusers to justice, and yet if they say nothing, they live with the knowledge that their abusers are still out there and, in all likelihood, harming others.

It is critical, then, that every Buddhist community, whether the traditional monastic sangha or contemporary lay-centered groups, have an explicit and responsible procedure for dealing with sexual abuse within their walls. Assume that it is not a matter of if but when. And in monastic communities, it is essential to support the order of fully ordained women (bhikkhuni). Without them, the monks have no female peers, no sisters and equals to stand up for women and call monks out on their blind spots.

The principles laid down by the Buddha for addressing sexual misconduct were strikingly progressive, though they sometimes seem to have been honored more in the breach than the observance. It is worth taking some time to understand these procedures, which are relevant both as rules for monastics and as examples for lay communities.

Sexual assault or harassment is frequently discussed in the Vinaya, the Buddhist monastic codes. There are several Vinayas in existence, each of which can trace its origins back to the time of

[1] Bhante Sujato, "The Buddha Would Have Believed You," *Lion's Roar,* October 1, 2021, https://www.lionsroar.com/the-buddha-would-have-believed-you.

the Buddha. They share a core of rules and procedures, but the explanations and stories differ somewhat, as they were settled and organized in the few centuries following the Buddha's life. Each represents a historical school of Buddhism in India, only three of which survive and are practiced today: the Theravada Vinaya in Pali, the Dharmaguptaka Vinaya in Chinese translation, and the Mulasarvastivada Vinaya in Tibetan translation. While variations reflect the fact that these texts were the products of communities in different schools or traditions, the basic rules are common among all the traditions and must stem from the earliest community.

The Buddha took an active part in guiding the monastic communities—but perhaps not how you think. If you are expecting a system of hierarchical control and unquestioning obedience to the teacher, then the Buddha has some surprises in store for you. The Vinaya texts organize the sangha as an anarchist collective: consensus decision making, property held in common, full community participation, and no power of command or hierarchical authority.

Even in a student–teacher relationship, the student is explicitly instructed to disobey the teacher if they ask them to do something that is against the Dhamma. Crucially, there is no assumption of male superiority, nor any allowance for monks to give any commands to nuns at all, in any context. Nuns ran their own lives, and apart from a few points of procedure, were entirely independent of the monks.

When an accusation is made against a male monastic, there is a strong presumption of innocence—in most cases, a monastic can only be found guilty of an offense if they confess. And it is that last point that is especially relevant here. It is the old problem of sexual assault: who do we believe?

The order of nuns was established after that of monks, and in some ways is positioned as an adjunct to the male sangha; for example, the nuns inherit many of the monks' rules. While modern Buddhist apologists for patriarchy use this to undermine women's ordination, it is under-appreciated how much the rules of the Vinaya protect women.

Sometimes it is the simple things—monks are prohibited, for example, from getting nuns to do their laundry, and are restricted in accepting their alms-food. Today, however, in Buddhist communities where full ordination for women is opposed, it is common to find nuns spending much of their day in the laundry or cooking food. When monastic women are stripped of the protections offered by the Vinaya, the patriarchy reasserts itself, prioritizing the needs of men. It takes women out of the meditation hall or Dhamma seat and puts them literally back in the kitchen.

The #MeToo movement has highlighted both the horrifying prevalence of sexual assault and the critical importance of believing women. This is especially important when dealing with an organized patriarchal institution. Under patriarchy, men monopolize real estate and physical assets while arrogating moral superiority and infallibility. When accused, the institution falls behind the man, arguing that its own existence is more important than the lives of women. We have seen this happen countless times: in Hollywood and the music business, in sports and colleges, in families and churches, in the highest courts and parliaments, even in the White House. Buddhist centers are no different. So long as power is concentrated in the hands of men, the same dynamics will recur. It's only a matter of time.

This situation is dealt with in the Vinaya through two special rules called Aniyata, which means "uncertain, undecided." These rules only apply in the case of accusations against monks by women and require that the male sangha take such accusations seriously. The "uncertainty" here refers to the proper way of dealing with an accusation. Unlike other rules, which dictate that a certain transgression demands a certain response, here the sangha must first determine the nature of the transgression.

The two Aniyata rules are similar; the second merely has a narrower scope, and I'll pass over it here. Here's the first:

> Suppose a monk were to sit alone with a woman in a private and concealed place convenient for having sex. And suppose a trustworthy laywoman, seeing him, were to accuse him of one of three offenses, either [sexual intercourse] entailing expulsion, [sexual contact or lewd speech] entailing suspension, or [dubious intentions] entailing confession. The mendicant who admits sitting in this way must be dealt with according to whichever one of these three offences applies, or according to what the trustworthy laywoman has said. This rule is undetermined [aniyata].

Like all Vinaya rules, this was prompted by a specific circumstance and deals with a narrow range of cases. It is not meant to be a complete policy. Nevertheless, it does raise a range of relevant issues.

The responsibility is unquestionably on the monk. There is no hint that the woman who is sexually involved is in any way culpable, nor is the accuser. This, of course, stands in rather stark contrast with contemporary cases, in which the character and morality of the women involved immediately comes under scrutiny and attack. There is no "boys will be boys"; he is an adult and must take responsibility for his actions.

Also, there is no question of protecting the institution by a cover-up or denial. The Buddha understood that an institution is served by truth and accountability.

As this is a case dealing with a vowed celibate, any sexual behavior is out of bounds. In broader context, the problem is nonconsensual or otherwise inappropriate misconduct. While consent does not come up in this rule, in the Vinaya it is a central component of sexual morality, the dividing line that marks an action as assault. In a spiritual community, moreover, the relation between a monastic or teacher and student is not equal, and the very possibility of consent becomes blurred. Much like a relationship between an employer and employee, or therapist and client, things get messy fast. Even if the teacher is not a celibate monastic, such unequal relationships are wide open to manipulation and abuse and should be completely avoided.

Another striking phrase here is the idea of a "trustworthy" laywoman. The Pali is saddheyyavacasa, literally "whose words are believable." The rule thus places believing women at its core. And this gets to the heart of the he-said-she-said problem.

What exactly does "trustworthy" mean here? It is not a technical term, so it should be read as an ordinary-language phrase. In other words, it means just what it seems to mean: someone whose testimony is reliable.

But how are we to know who is trustworthy? In the background story, the monk Udayin visited a family he knew well and found that the daughter had been recently married. He went to see her in her bedroom and sat chatting with her in private. The laywoman Visakha also happened to visit the family, and she called out Udayin on his inappropriate behavior. She was a prominent member of the community, well-known to the Buddha and the sangha, so clearly she was regarded as trustworthy.

But not every woman is so well-known in the community. What then? Where lies the burden of belief when a woman accuses a man of sexual transgression?

For the man's part, that's easy: when accused, men will almost always deny it, implying the woman is lying. Thus a man's denial is of little weight.

On the other hand, it is difficult to estimate the reliability of accusations of sexual misconduct by women, and I don't know of any that cover the same situation as envisaged in the Aniyatas. However, there have been several studies of reliability in the case of rape. These typically analyze information provided by the police, and most conclude that the rate of false accusations is around 4 percent, give or take. That's extremely low. And obviously, if two or more women make an accusation against a man, the probability of his innocence becomes vanishingly small.

Women's testimony is reliable when reporting rape. So it is reasonable to assume that it will be no less reliable when it comes to other forms of sexual accusation. This all suggests that rather than restricting trustworthiness to a tiny circle of women who meet certain Dhamma criteria, we should extend it to women in general.

Response to accusations of sexual violation should focus on the woman's protection and well-being, while holding the man accountable. But in the Buddhist world, as in the world at large, we still find that in cases of sexual assault, people believe the men, who often lie, over the women, who almost always tell the truth.

I recall an example in which this is exactly what happened, and the monks, though following the supposedly strict Vinaya practice of the Thai forest tradition, did not follow the rule. In this case, a laywoman was staying in a center. She was a respected meditation teacher in her own right, the very definition of a trustworthy laywoman. Some recently arrived monks were at that time in charge of the place. She witnessed inappropriate sexual behavior by one of the junior monks, who was flirting with a younger woman. In keeping with her responsibilities, she told the senior monk. The monks discussed it, the junior monk denied it, and the senior monk dismissed the accusations. But it was all true. It became clear that the junior monk was spiraling, and he soon disrobed. The senior monk disrobed some time later. There was no justice or accountability, but the laywoman learned an important lesson about the patriarchy. No longer trusted or trusting, she left the center, a place she had contributed to far more than those monks.

Notice how crucial the control over real estate is to the patriarchy. This is the ultimate source of power—to control who stays and who goes. And they get to ascend the high seat from which they can prescribe what is right and what is wrong.

Does this mean that we risk the false conviction of innocent men? Not all patriarchs are abusers, even if they support an institution that enables abuse. And as we have noted, the Vinaya in general holds a very high standard of presumption of innocence. Typically, a monk or nun cannot be held guilty until they have actually confessed.

The Aniyata rules appear to present an exception to this. This creates a tension between the presumption of innocence and the emphasis on believing the woman's testimony. As we have seen, contemporary studies show that a woman's testimony is reliable, thus supporting the exceptional case of the Aniyata rules. It should be noted that the Pali Vibhanga, the old commentary on the rules, undoes this, requiring that the monk confess. However, if we compare Vinaya texts of different schools, we find that most of them—namely, the Mahasanghika, Mulasarvastivada, Sarvastivada, and Dharmaguptaka—allow legal action to be taken solely on the basis of the woman's accusation, although each works out the exact details somewhat differently. In this case, the Pali Vibhanga is clearly the exception, and does not represent the consensus of the ancient Indian sangha.

In addition, in the Pali Vibhanga, the slightest flaw in the woman's testimony is sufficient to dismiss the whole case. For example, if she says, "I saw you sitting down having sex with a woman," and he says, "I wasn't sitting but lying down," then he gets away with it.

The rule laid down by the Buddha emphasizes believing women and holding men accountable. The Vibhangas, written some centuries later—with the notable exception of the Dharmaguptaka—shift the focus to exonerating men and disbelieving women.

The medieval Pali commentary Samantapasadika, by Acariya Buddhaghosa, justifies this by pointing out that sometimes what is seen is not what really happened. He is not suggesting that the woman is lying, merely that she may be mistaken.

However, the Thai commentary Vinayamukha, by Sangharaja Vajirananavarorasa, points out the fallacy in this idea. If in the end only the bhikkhu's word is accepted, then the "trustworthiness" of the laywoman becomes meaningless. To be trustworthy is more than just not lying—it is to be a reliable source of information. Someone who is trustworthy can, by definition, be trusted to know what it is that they saw and describe it properly. This argument is substantially the same as the position of the Dharmaguptaka Vibhanga. Vajirananavarorasa concludes that "trustworthy" indicates that the authorities should believe in her testimony.

He also accepts the implication of this, namely that the testimony of the laywoman can be sufficient even if the bhikkhu denies the charge. He further agrees that by restricting "trustworthy" to only "noble disciples," the Vibhanga is "defining it on an excessively high level." He assigns this definition to the "arranger" of the Vibhanga rather than to the Buddha.

When an accused abuser is exonerated, he doesn't take it as a chance to reflect on his conscience and reform his acts. He is being told by the patriarchy that he is invulnerable. [. . .]

When an accused abuser is exonerated, he doesn't take it as a chance to reflect on his conscience and

reform his acts. He is being told by the patriarchy that he is invulnerable. His sense of narcissism and entitlement only swell, and his actions grow bolder.

We need to get past the idea that it is possible for a "good man" to hold a seat of unassailable spiritual authority; that our patriarch is wise and compassionate and only acts for our good. A good man rejects absolute power and authority because he knows that whatever his intentions may be, any institution that requires obedience and submission inevitably leads to abuse.

Patriarchy conditions men to believe they can do whatever they want and get away with it. And it conditions women to believe that they can only survive by colluding with the patriarchy against other women. Men become besotted with power, worshipped and exulted each time they commit a worse depravity, daring themselves to go further and indulge their darkest desires. And all too often, it turns out, what men desire is to hurt women.

Men don't start out that way. They begin life as innocent boys, loving and laughing and full of joy. They do not become abusers by chance, but by choice—choices that are shaped and encouraged by patriarchal culture. When they should be stopped, they are excused. The method of patriarchy is to strip women of voice and agency; the purpose is to allow men to act with impunity; the seat of power is real estate; and the endgame is rape.

There's only one way to turn this back: believe women and hold men accountable. The Aniyata rules provide not only an early example of how this can be applied in a monastic context, but also a model for how it can be applied in any community. It is far from a complete and final solution, but it gives us a place to start. When we encounter Buddhist men who deny women's voices or strip their agency, we know that no matter how revered they may be as teachers or practitioners, they do not speak as the Buddha did; they do not represent the Buddha's heritage.

When men behave badly in a spiritual community, center, or monastery, women often feel beleaguered and alone, that they have no power and everything is stacked against them. They feel that no one believes them—that the sangha, their last refuge from a world of danger, has become the danger.

But you should know: the Buddha would have believed you. And for what it's worth, I believe you too.

Suggested Citation: Sujato, Bhante. "The Buddha Would Have Believed You." In *Responding to Spiritual Leader Misconduct: A Handbook*. Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 187-192. Seattle, WA: FaithTrust Institute, 2022.

The Factor of Race/Ethnicity in Clergy Sexual Abuse of Children

TRACI C. WEST

Dr. Traci C. West is Professor of Christian Ethics and African American Studies at Drew University Theological School (Madison, NJ). She is the author of numerous books, articles, and book chapters on sexual, gender, and racial justice, gender-based intimate violence, and clergy ethics.

This article was republished with permission by *Concilium*.[1]

When clergy sexual abuse occurs there is a violation of the psyche. Victim-survivors of the abuse have their spiritual and emotional identity raided by the perpetrator. The clergy perpetrator may use intimidation, shame, isolation, terror, trust, or scripture, among many other means. These emotional and spiritual dynamics of clergy sexual abuse are not only interpersonal (between the two people involved); they also include social dimensions that help to perpetuate the destructive impact of the abuse in fundamental ways.

Dynamics related to gender, race/ethnicity, sexuality, and class infuse the interpersonal interactions involved as well as the long-term effects of clergy sexual abuse for the victim-survivor. These interrelated social dynamics are part of the manipulations of the clergy perpetrator and the responses of the victim-survivor, but exactly how and to what degree each plays a role varies according to the specific situation of the abuse. In addition, the social meanings attached to gender, race/ethnicity, sexuality, and class centrally inform the religious institutional context of the sexual abuse and how its significance is interpreted. In the aftermath of clergy sexual abuse the trauma for the victim-survivor is often reinforced by the community's response to it (e.g. by their own family members, church leaders, criminal justice system). Therefore, his or her experience of intimidation, shame, isolation, terror, trust or the use of scripture in clergy sexual abuse is always shaped by a combination of emotional, spiritual, as well as social dynamics.

Highlighting understandings of gender and race/ethnicity in US society, I want to focus on this intertwined psychosocial impact. My inquiries concerning race/ethnicity and racism refer mainly to African American examples, and my discussion of gender concentrates on the traumatic experience of abuse perpetrated by males. How do these psychosocial dynamics in clergy sexual abuse of children and women constitute moral harm? When the interests and needs of victim-survivors are our primary concern, what factors must be included to address the perpetuation of this moral harm in our society?

[1] Traci C. West, "The Factor of Race/Ethnicity in Clergy Sexual Abuse of Children," *Concilium* 2004/3: (June 2004): 40-50.

I. Recognizing Psychosocial Dynamics

Unfortunately there is a general tendency to separate the psychological impact of intimate abuse from the social. In his study of sexual misconduct by Catholic priests, psychiatrist Len Sperry asserts that sexual misconduct can be conceptualized as: "a psychiatric disorder, a crime, or an immoral act."[2] For Sperry, treating clergy sexual abuse as a psychiatric disorder maintains a personal focus while treating it as a crime and an immoral act indicate a communal focus. He rightly believes that personal and communal impacts should both be attended to. However, to usefully conceptualize and address clergy sexual misconduct I believe it is necessary to go beyond this step. An approach that assumes a basic distinction between the personal and communal impact is insufficient and misleading. Our conceptualization of moral wrong has to be altered fully to include the destructive consequences of abuse labeled as personal (the psychological and spiritual dimensions). And those "personal" consequences must be understood as completely intertwined with communal dynamics. Our most basic conceptualization of the problem of clergy sexual abuse also has to be shifted so that we move beyond a solely individualistic focus on the psychiatric disorder, crime, or immoral act of the clergy abuser to recognize institutional and societal collusion with the abuser, which indicates a broader, systemic problem of moral harm.

Recognizing how the victim-survivor's anguish involves a personal dimension that cannot be separated off from social (and institutional) concerns provides a starting point. Acceding to a false dichotomy dividing the personal from the social (and institutional) masks crucial dynamics of the abuse. When, for instance, we pay attention to issues of gender, we refuse to ignore that maleness is one of the most consistent characteristics of clergy perpetrators across groups of Catholic and Protestant perpetrators and common in the experiences of both male and female victim-survivors. Thus we might ask what kind of institutional power does maleness have in the church that may intensify or reinforce the intimidation, for example, of the person being abused? What social meanings of maleness connected to the particular clergy abuser contribute to the anguish of the person victimized by the abuse? The kind of power assigned to maleness in the church (vested in God and male clergy) affects: how the abuser gains spiritual and emotional access to the victim-survivor; how the victim-survivor feels able/entitled to respond to the abuser; and the impact of the abuse in terms of how it is interpreted by the person abused, the church, and the wider community context.

Exploring the significance of gender within the impact of clergy sexual abuse is key, in part, because of the centrality of gender in the church's system of authority and understanding of power. This is obvious in the Roman Catholic and Orthodox insistence on the theological necessity for an exclusively male clergy. It is apparent in the emphasis on acknowledging God as Father, which is primary in Christianity's trinitarian understanding of God and maintained across all traditions of the church. For example, to curb the slight but growing use of inclusive language for God used in liturgical settings, my own nine million-member denomination, United Methodists, reinforced rules during the 1990s about language in official liturgies in the church. They wanted to ensure that the trinitarian language used in baptism and ordination services referred to God exclusively as "Father." To ask about the meanings of maleness that may be part of the anguish of victim-survivors of clergy sexual abuse is to explore institutional (and social) culpability. It means inquiring about how the church's deeply entrenched understanding of moral authority is implicated in the abuse.

[2] Len Sperry, *Sex, Priestly Ministry, and the Church* (Collegeville, MN: Liturgical Press 2003), 106.

In addition, issues of race/ethnicity must not be ignored. In particular, they are vital to any discussion of clergy sexual abuse by Catholic priests in the United States. As psychologist Nanette de Fuentes writes:

> The more than 61 million members of the Catholic Church in the United States create a rich mosaic of diverse racial, ethnic, and socio-economic backgrounds. . . . For example, the Los Angeles Archdiocese, one of the largest in the nation reports serving Mass in some thirty-seven languages. . . . It is not uncommon for a parish that is primarily Latino or African-American to have priests in residence that are Irish, Filipino, or Vietnamese. However the issue and importance of diversity, ethnicity, and race in the literature on victim-survivors of clergy sexual misconduct has almost entirely been overlooked. . . ."[3]

A much more thorough investigation of the implications of this racial/ethnic diversity is needed than I will attempt here. But when consideration of the role of issues of race and ethnicity is neglected, our understanding and ability to address the problem of clergy sexual abuse is diminished.

Furthermore, in US society racial dynamics saturate issues of power, especially institutional power. More investigation is needed of how, for example, the white maleness of a perpetrator is part of the intimidation he wields against the victim-survivor. Or, how might the response of his church members to complaints made against him be informed by the Latino maleness of a perpetrator and the intimidating, inescapable presence of societal assumption about white superiority? The complex ways in which maleness is raced helps to provide important information about the impact of abuse on those directly affected by it as well as how its significance may be interpreted.

In news reports about sexual abuse of children by Catholic clergy there have already been some discussions of gender related to issues such as: why more men than women have come forward with complaints of abuse that occurred when they were children and youth; whether boys are more available targets of abuse for priests than girls; or if boys are more often chosen by serial perpetrators than girls because more clergy perpetrators may be male homosexuals.[4] This coverage consists mainly of a search for gender patterns and trends. Focusing on the role of gender in intensifying the victim-survivor's anguish instead forces us to investigate more precisely what is morally wrong about clergy abuse. It leads us to confront the question of how gender should function institutionally (and socially) so that it is not a supporting ingredient in the perpetuation of abuse.

When revealed by the authors of clergy sexual abuse accounts, how can racial/ethnic dynamics that are also present help to fuel the abuse? In US mass media news, racial/ethnic identity is usually not mentioned if those involved are white.[5] However, even the absence of a racial identification for white victim-survivors, perpetrators, or church communities in accounts of clergy sexual abuse has significance. It reflects the privilege of whiteness in US society, the privilege of not having to think about racial implications. But for primary (abused person) and secondary (pastoral charge/

[3] Nanette de Fuentes, "Hear Our Cries: Victim Survivors of Clergy Sexual Misconduct," In *Bless Me Father For I Have Sinned: Perspectives on Sexual Abuse Committed by Roman Catholic Priests*, ed. Thomas G. Plante (Westport: Praeger 1999), 146.

[4] For example, see: Sacha Pfeiffer, "Women face stigma of clergy abuse, many are reluctant to come forward," *Boston Globe*, December 27, 2002, A1; Marilyn Elias, "Is Homosexuality to Blame for the Child Sexual Abuse Crisis Now Plaguing the Catholic Church?; Assumptions persist but study says gays are no more likely than heterosexuals to molest kids," *USA Today* final edition, July 16, 2002, D06.

[5] Most news reporters believe that they should racially identify the subjects of their stories only when relevant. But most reporters view whiteness as a 'normal' identity that is intrinsically less relevant (less newsworthy) than identifying racial 'others' who appear in stories. Therefore the privileging of whiteness as norm tends to be maintained.

church community of abuser) victim-survivors who are white, could expectations of privilege and entitlement that are so normalized that they are rarely if ever acknowledged or questioned, perhaps intensify feelings of devastation, confusion, shame, or demoralization at being victimized by trusted white clergy members? As mentioned above, a clergy perpetrator's white maleness could be essential in fostering trust in his authority and thus function as part of his arsenal of socio-religious power that intimidates and provokes feelings of powerlessness for those he victimizes. These interconnected emotional, spiritual, and social dynamics of clergy sexual abuse deserve much more in-depth study.

II. Exploring the Experience of Psychosocial Anguish

Specific examples will help to clarify how destructive psychosocial effects can be manifested in the experience of clergy sexual abuse and why their combined impact must be addressed as morally harmful.

Intimidation may be part of the physical brutality of the abuse. For example, as a thirteen-year-old altar boy, Hank Bachmann was repeatedly summoned by his priest James Gummersbach to the basement of a St. Louis, Missouri, church where Gummersbach blindfolded him, "tied his hands to a pipe, stripped him" and then raped him.[6] How did the maleness of his abuser contribute? That is, how did the physical strength of this man tying him up, the pain and brutality inflicted in the rapes, the fact that the abuser was a male authority figure in the community, and representative of God the Father, contribute to the intimidation of this boy by his abuser who kept calling him back for repeated assaults? Suing the church about the abuse that occurred when he was a child involved a grueling court battle for Bachmann, with multiple phases.

Finding the final result disappointing, Bachmann commented: "I feel all of this anger that he was allowed to get away with it, that the church was allowed to get away with it . . . I can't forgive and I can't forget. The thing is, I still feel like I'm responsible for what happened."[7] The combined psychosocial consequences are clearly evident in this statement. The emotional reaction is inseparable from the institutional betrayal. Furthermore, I wonder how gender issues might help to reinforce this victim-survivor's struggle with self-blame. They might be a factor in that part of the cultural meaning of manhood often communicated to males includes messages about not "letting" someone brutalize you and that you are responsible for it if you do "let" someone do that to you. Social messages such as this about maleness, and the lack of institutional accountability (of church and courts), reinscribe the abuser's disdainful torment of the boy.

Intimidation in the experience of clergy sexual abuse can be more disguised than in Bachmann's experience. It can take the form of the coercive element in the perpetrator's manipulation of friendship and trust. A male victim-survivor of Rev. Ronald Paquin, from the Boston Archdiocese, had a long-term series of encounters with Paquin over several years. The abuse started when he was an altar boy at age eleven or twelve. This victim-survivor of abuse said that he viewed Paquin as a father figure because of how gently the emotional relationship was cultivated (alongside the sexual contact). In what was the boy's first sexual experience, he describes how the priest was "physically bringing me to ejaculation. He was very gentle about it . . . He'd say, 'are you okay? This

[6] Sandra G. Boodman, "How Deep the Scars of Abuse? Some Victims Crippled; Others Stay Resilient," *Washington Post*, July 29, 2002, A01ff.

[7] Ibid.

is completely normal.' He said it was just a good feeling. And that's how he pitched it: it's good to have an ejaculation, it's good to be comfortable with him."[8]

Gender issues (linked to sexuality) are evident here in the way that this encounter with an older male authority figure teaches the boy about male sexual functioning (orgasms) and in how this abuser "guides" him through a kind of "rite of passage" into male sexual maturity, his first sexual experience of ejaculation through stimulation by another person. Maleness is at issue in how this victim-survivor also pointed out his sense of being fathered by the priest whom he felt had taught him about right and wrong through repeated, long conversations, and treated him like a son. Intimidation in this instance takes place through continual coercive pressure applied with seeming kindness and gentleness. Moral manipulation is a tool of the abuser that further compounds the moral harm inflicted. This priest, friend, mentor, father figure pressures him to understand this abuse as a good, normal encounter.

Parallel gender issues surface in the situation of a woman who was sexually abused over a period of fifteen years by a priest she identifies as her "spiritual father." The pastoral relationship started when she was a senior in high school. Feeling hurt and isolated by the sexual abuse by her biological father, the death of her mother, and the lack of support from her own church community, she sought a church to which she "had no family or cultural ties."[9] She explains that she was the only black child in her hometown to get polio and describes the inappropriate touching of her leg by the priest early in their pastoral relationship as she "told him about being bewildered by my father's touch during my hospitalization with polio."[10] (Her father's sexual abuse intensified after she came home, especially after her mother's death when she was fourteen.) As she describes the painful memory of her father molesting her while she was in the hospital, the clergy perpetrator exploits her vulnerability, using it as an opportunity for his own abusive behavior.

She went to this priest, Patrick, for counseling as a college student, uncertain and anxious about experiencing feelings of attraction to a classmate in her "delayed puberty." She describes how, "sitting close to me, he told me I needed to express the sexual feelings in a safe place, with him. He began to kiss me, laughing at my inexperience when I didn't know what to do with his tongue in my mouth. He quieted my opposition with the assertion that he knew what was best for me. During later appointments he showed me things to avoid with boys if I wanted to be a good Christian girl."[11] The perpetrator intimidates her, coercing her in a belittling manner. Gender issues related to sexuality and her particular biography help to accomplish this intimidation. The boundary confusion and emotional neediness she brought because of the abuse by her father influenced her to seek out a "spiritual father" who would be trustworthy on matters of sexuality. Also, gendered social and religious messages that teach women to be submissive, especially to male authority, may also aid the abuser's ability to intimidate her.

Later as she works on her recovery, issues of race arise in her therapeutic acknowledgment of her anger about the abuse. She says: "I seethe as I struggle to understand what trait of mine signaled that I would not challenge his authority. Did my race give him the assurance that my revelation

[8] The Investigative Staff of the Boston Globe, *Betrayal: The Crisis in the Catholic Church* (Boston: Little, Brown and Company, 2002), 63.

[9] "Et Al" (Pseudonym), "Repairing the Damage of a Shepard," in Nancy Werking Poling, *Victim to Survivor: Women Recovering from Clergy Sexual Abuse* (Cleveland Ohio: United Church Press 1999), 23.

[10] Ibid., 25.

[11] Ibid., 26.

of abuse would be ignored or disbelieved?"[12] The necessity to analyze racial dynamics in her experience of sexual abuse is a socially imposed burden of a racist society that adds to her anguish. It led to an inquiry about if and how something about her own identity gave permission for the abusive treatment she received. Her moral worth—her right to be treated with respect and to receive trustworthy pastoral care—is diminished by her (lack of) racial/gender status.

Issues of race can also be a source of trust the perpetrator can manipulate. A man accused Rev. Maurice Blackwell of sexually abusing him in Baltimore, Maryland, starting at the age of fourteen or fifteen and lasting until he was about twenty-six years old. The man recalled his initial admiration for the priest: "I was always in awe of him, a real black priest just being himself."[13] He met Blackwell during the late 1960s, a period of widely publicized support for black nationalism and black power, especially in eastern, urban black communities like Baltimore. With his Afro, dashiki and self-assured attitude, Blackwell was apparently a charismatic role-model, exhibiting black maleness the boy admired. This perpetrator would rescue him from beatings by physically abusive parents and take him to spend the night at his seminary and subsequently in the rectories he was assigned to serve where he sexually abused him with kissing, fondling and oral sex.[14] Psychosocial longings for respect and dignity fed by a racist society as well as abusive parents add to the vulnerability and trauma in this man's experience of clergy sexual abuse.

III. Psychosocial Factors in Institutional Responses

Destructive psychosocial dynamics that are part of incident(s) of clergy sexual abuse and the anguish the abused person suffers are reproduced in community responses.

As in other forms of sexual assault and abuse, in clergy sexual abuse the victimization of females has triggered discussion about degrees of victimization. Are certain instances of clergy sexual abuse morally worse than others because certain victim-survivors of it are more innocent than others? Some church officials see clergy abuse of females as a lesser moral depravity. Chicago's Cardinal Francis George commented that: "There's a difference between a moral monster like Geoghan who preys upon little children and does so in a serial fashion and someone who, perhaps under the influence of alcohol, engages in an action with a 17- or 16-year-old young woman who returns his affection."[15] [Geoghan was a predator protected by the church while he abused many boys in the Boston Archdiocese.] Similarly, before his resignation Bishop Bernard Law commented during a deposition in a lawsuit against the Boston Archdiocese that "there was a 'qualitative difference' between clergy sexual abuse toward a minor and toward a female. Law's lawyers cut off the questioning before Law could explain the difference. . . ."[16]

Assertions such as these by church leaders depicting a moral hierarchy for evaluation of clergy sexual abuse, where only boys under twelve are labeled as truly innocent, institutionally reproduces

[12] Ibid., 35.

[13] Robert E. Pierre, "Haunted by Wounds of the Church; Man Describes Abuse by Maryland Priest, Anguish Afterward," *Washington Post*, June 3, 2002, A01. Blackwell was shot and wounded by Dontee Stokes in 2002 who was then tried and acquitted for it mainly because of evidence about the abuse. Stokes had previously complained to the Archdiocese of Baltimore about being sexually abused in 1993 but his complaints were not believed and Blackwell was returned to the parish after a three-month suspension. Annie Gowen, "Priest shooting may not result in Jain time," December 18, 2002, B02.

[14] Pierre, "Haunted by Wounds of the Church," n. 12.

[15] Alan Cooperman, "'One Strike' Plan for Ousting Priests Has Catholics Divided," *Washington Post*, May 19, 2002, A01ff. Also see: Kathy Shaw, Thomas Farragher, and Matt Carroll, "Church Board Dismissed Accusations by Females," *Boston Globe*, February 7, 2003; Robin Washington, "Critics of Vatican say girls forgotten: Ban on gay priests called off the mark," November 7, 2002.

[16] Stephen Kurkjian and Sacha Pfeiffer, "Woman's Alleged Abuse By Priest 'Personal,' Wrote Law: Alleged Assault 'Personal,'" *Boston Globe*, August 15, 2002, A1.

the traumatizing behavior of abusers. It uses gender as a way of morally devaluing the worth of certain victim-survivors, preying upon their vulnerability (their victimization by clergy), exploiting their lack of power, sadistically maintaining control and authority that serves the interests of the institutionally powerful.

Even when females complain about sexual abuse that occurred when they were minors they have not necessarily been taken seriously. For example, when Anguella, now sixty, complained to Oakland California Diocese officials in the early 1990s that she had been raped by a priest as an eight-year-old she was subjected to extensive psychological testing. "Me!" she says, her voice still resonating with disbelief. "They thought I was the crazy one. . . . Maybe I am crazy, but if I am, there's a good reason for it. It's what they put me through." Nothing, she says, was done to comfort her or to punish the priest.[17] Anguella's situation demonstrates how psychological issues, or more precisely, emotional woundedness is used against the abused person by institutional representatives responding to her complaint.

At the same time, psychological diagnoses have been used to protect and reinstate clergy perpetrators, willingly putting those under their pastoral authority at risk. Father John Calicott who served a five hundred member church in Chicago, was removed in 1994 from his parish after he admitted to committing the "sexual misconduct" which two men complained had occurred when they were boys under his pastoral care. He was sent for psychiatric treatment and then reinstated in 1995 to his parish duties including teaching at "the largest African American Catholic grammar school" in the US. In explaining his decision to return Calicott to his pastoral assignment, Archbishop Bernadin reportedly indicated "doctors had concluded that his behavior was not 'an expression of a fundamental psychological disorder.'" Moreover, Bernadin pointed out that his congregation favored his return.[18] In a 2002 interview Calicott, an African American, explains: "I think sometimes that in the black community, because we've been an oppressed community, there is a greater understanding that we are all sinners, that people fail, situations are extremely complex."

His reference to black oppression functions as an insidious appeal to racial group loyalty to justify acceptance of his behavior (at the expense of those victimized by his abuse?). According to Calicott's assertion, if I were a black person he had abused (or any black person) and I disagreed with him, I would be breaking with common understandings of "our community." I would be refuting our community's experience of oppression that just happens to justify protecting him from being held accountable with serious consequences for his violation of trust, abuse of power, and damage to children as a perpetrator of clergy sexual misconduct. (The black community could be forgiving towards him if he served a prison term.) Moreover, oppression may have distorted black people's expectations so that they are accepting and forgiving of mistreatment in self-destructive ways that must be resisted.

Calicott's self-justifying assertion also gives emphasis to the theological notion of forgiveness of sins. He uses his clerical authority as teacher and pastor to align acceptance of his behavior without further consequences, with the expression of Christian faith. Issues of racism and the very idea of psychological disorder are manipulated by institutional leaders to produce a systemic denial

[17] Jennifer Carnig, "Restoring Faith; Bay Area Clergy sexual abuse survivors work toward mutual healing," *Oakland Tribune*, April 28, 2002, Bay Area Living Section, 4.

[18] Alan Cooperman, "'One Strike' Plan for Ousting Priests Has Catholics Divided," n. 14.

that any significant harm has been done to those abused. As psychiatrist Richard Sipes writes, "Psychiatry and psychology can be enlisted to defend and clerical system. The church will not flourish by enlisting professions to help it avoid basic issues that tolerate and perpetuate abuse."[19]

There are emancipatory possibilities for victim-survivors of clergy sexual abuse when psychological factors that abet and nurture the abuse are revealed. Victim-survivors may be able to glimpse some of the ways that they are "set up" for anguish by such factors during and after the sexual abuse. Analysis of that process implicates all of us in the broader society in the sexual abuse. Our hegemonic understandings of gender and race/ethnicity, among other social categories that are institutionally supported and routinized, in practice help to perpetuate clergy sexual abuse, intensifying the trauma of victim-survivors. If that trauma is to be alleviated and further trauma prevented, solely blaming individual "sick" clergy perpetrators, homophobic scapegoating, appeals to Christian forgiveness and black racial unity, ignoring women/blaming women victim-survivors, any attachment of moral authority to maleness—all represent examples of systemic corruption that will have to be jettisoned in Christian institutional responses to clergy sexual abuse. A socially and institutionally sustained problem like clergy sexual abuse can be socially and institutionally defused.

Suggested Citation: West, Traci C. "The Factor of Race/Ethnicity in Clergy Sexual Abuse of Children," In *Responding to Spiritual Leader Misconduct: A Handbook*. Edited by Lauren D. Sawyer, Emily Cohen, and Annie Mesaros, 193-200. Seattle, WA: FaithTrust Institute, 2022.

[19] A. Richard Sipes, "The Problem of Prevention in Clergy Sexual Abuse," in *Bless Me Father For I Have Sinned*, ed. Thomas G. Plante, n. 2.

RESPONDING TO SPIRITUAL LEADER MISCONDUCT

When prevention fails and a spiritual leader violates the boundaries of a pastoral or teaching relationship, a judicatory or organization must be prepared to respond. A complaint of misconduct requires response and action. Spiritual and religious institutions have a moral responsibility to respond justly and fairly to the complainant, the spiritual leader, and the community in order to repair the brokenness and betrayal caused by misconduct. The complaint needs to be investigated and adjudicated; the community also needs support to deal with the confusion, grief, and anger in order to move towards healing and restoration.

Responding to Spiritual Leader Misconduct lays out the basic principles of analysis of misconduct in a spiritual or religious community: who, what, when, and where. It offers the principles for trauma-informed responses to complaints and the conceptual framework to navigate the process of response. The handbook is non-denominational and multifaith and not intended to represent the teachings of any particular spiritual tradition in matters of doctrine or morals.

An invaluable resource for judicatory leaders, committees, and commissions who are addressing complaints of spiritual leader misconduct. Includes extensive, comprehensive, and essential resource with reference materials, case studies, best practices, and articles by experts in the field of religious ethics.

FaithTrust INSTITUTE
Working together to end sexual & domestic violence