

APPENDIX II

Comments on Complaint Process Received from Member of Advisory Group and Safety Net

A. Member of Advisory Group:

Comments related to UUA Process Page

1) I think the role of the UUA Consultant needs to be clarified. The process page states that this may be either the Director of Ministries and Faith Development or an external consultant. I would be interested in understanding why/when it is one versus the other. Are there times when the Director of Ministries and Faith Development his or herself does the investigation in a case of misconduct?

2) In the case of the external consultant, I am also interested in knowing the background of the person -- their experience in this area and what qualifies them to be doing the investigation. I believe that the person currently being used for this role is a retired UU minister. I have concerns about the person in this role being a UU minister (present or former) due to the small size of the association. In addition to who the consultant might know (the minister, supporters of the minister at the church where the misconduct occurred, etc.), there may be a bias towards protecting a fellow minister -- one that the consultant is not even aware of.

*3) I also have concerns that the preliminary investigation -- the one that determines whether or not the case even makes it to the MFC -- is conducted by **one** person. This person, according to the process page, has the responsibility to define the scope of the case to be presented to the MFC and may remove parts of a complaint that he/she could not find support for in the evidence. Although I understand that the Director of Ministries and Faith Development is heavily involved in all cases under investigation, I have concerns about influence when so much is*

resting on this piece.

4) On the process page, there is a concluding sentence: "All participants in any complaint process will be informed that confidentiality may be breached if the UUA consultant deems necessary to protect against harm." What does this mean? Can an example be provided of a case where this might occur?

5) There are several references on the UUA process page to "liaison." These should be changed to "advocate."

6) There is a reference on the process page to the Executive Vice President at the UUA. I believe that title no longer exists.

MFC Rules

1) The rules state that the intake person conducts an assessment to determine whether a complaint should be referred to the MFC. According to the process page, this step is the responsibility of the UUA Consultant, not the intake person.

2) It appears that the MFC will only speak with the complainant and conduct its own investigation if it is decided at the time of a meeting between the Executive Committee and the minister that this is necessary. Alternatively, the Executive Committee can determine no action is needed or can make a proposal to the full MFC with a mutually agreed upon course of redress, without ever involving the person who filed the complaint. Given that the initial investigation was conducted by one person, I have concerns that the MFC may decide that no further investigation need be done without any contact being made with the individual who filed the complaint.

3) In the event that the case does go to the full MFC and the person who filed a complaint is contacted during an investigation, the rules only stipulate that the information gathered will be

shared with the MFC and the minister. There is no mention of any information being shared with the individual who filed the complaint.

4) The current rules state that the investigative team could be entirely from within the ranks of the MFC (though mention is made of the possibility of external figures). Beyond the concerns that have already been outlined regarding potential biases when ministers are charged with policing themselves, I would be interested in understanding what type of training the MFC has in this area and how, specifically, they go about investigating.

5) Overall, there is relatively little detail in the MFC rules about what happens when the MFC receives a complaint. There is nothing about any communications with the complainant (except if they contact that individual during an investigation by the full MFC). It is not clear that the person who filed a complaint is ever told the outcome. I think having this explicitly spelled out in the MFC rules is very important.

Looking at both pieces together, beyond the items I've highlighted above, the gaps I see are in describing how the person who has filed a complaint will be kept informed. In the past, I recall seeing documents (current during the time of my complaint) stating that complainants are kept informed at all critical junctures. This did not match with my experience. As such, I think it would be helpful for such communications to be more explicitly described either in the process page or the MFC rules or both. I know in the past that the MFC has said their charge is to ministers (not complainants) so perhaps the process page is a better place for the majority of this information.

B. ***Safety Net***

The comments of Safety Net can be found online [here](#).

An Analysis of UUA Policies and Procedures on Clergy Sexual Misconduct

November 18, 2014

By Anna Belle Leiserson, Safety Net Member

This is an appraisal of the UUA's policies and procedures for responding to allegations of clergy sexual misconduct (CSM). It was originally completed on September 24, 2014, in preparation for the October UUA Board meeting. I did it as part of my work on the UUA Board's Congregational Boundaries Advisory Group. My hope in posting it on the Safety Net site is that it will be helpful to others and a springboard for a wider dialog about our association's CSM policies and procedures.

Figure 1: UUA CSM Policies & Procedures Flowchart
(Printable PDF version of flowchart)

My analysis covers the three primary policy and procedure documents that address UU clergy sexual misconduct (CSM).

1. [The MFC Rules of January 2014](http://www.uua.org/documents/mfc/rules.pdf)
(Original URL: <http://www.uua.org/documents/mfc/rules.pdf>)
2. [The MFC Policies updated April 2013](http://www.uua.org/documents/mfc/policies.pdf)
(Original URL: <http://www.uua.org/documents/mfc/policies.pdf>)
3. [The Process for Handling Complaints of Misconduct last updated July 21, 2014](#)
(Note: to my knowledge changes to this page are not subject to Board review, so I did not place as much emphasis on it.)

Based on my work, I believe there are four primary areas of UUA CSM policies and procedures that are in urgent need of attention. I summarize these areas with a few instances below. (This is not a comprehensive list of my concerns.)

1. Convoluted and Confusing

As the Figure 1 demonstrates, the rules, policies, and procedures are quite convoluted and confusing. I did a similar [analysis and flowchart in 2007](#) and as you can see the current ones have become significantly more complicated. Unlike in Jan. 2007, it is now impossible to map a step-by-step process with any degree of certainty. Nor is the relative authority of the three documents clear, which is especially important when they are inconsistent. Moreover, the MFC Rules and Policies cover some, but not all of the Intake

procedures, which appear to be outside the purview of the MFC. In addition the complexity is in stark contrast to the new simplicity of the [UUMA Guideline](#) related to sexualized behavior that was approved in June 2013. (The new rule is just 21 words: “I will not engage in sexual contact, sexualized behavior, or a sexual relationship with any person I serve as a minister.”)

2. Inadequate Accountability

Accountability of those with the power to make decisions is not adequately built in. Accountability can be of at least two types. One level is provided by stating a standard for a decision or action to be taken, such as authority to drop a case that is determined to be frivolous. Another level of accountability is provided when a decision is subject to a reporting requirement or an appeal process. Neither of these appears to exist at many steps, particularly in the first stages before the case reaches the MFC. Thus the Intake Person and the UUA Consultant appear to have unlimited power. This is particularly concerning since abuse of power is central to CSM.

3. Skewed Against Victim/Survivor

As was true in 1993 when I filed a complaint, there is still not parity between the accused and the accuser. While the accused is treated with respect, the accuser remains an object (evidence at best), not a person. This was pointed out in the Safe Congregation Panel report of 2000. Speaking for myself, in 1993, while it was a terrible ordeal to be treated as evidence by the MFC (at the same time I was being shunned in my congregation), I understood that it was the early days of addressing CSM and the MFC was learning as they went along —

doing the best they could. Twenty-one years later, when this issue has been pointed out repeatedly, I believe there is no good explanation for policies and procedures that dehumanize anyone — particularly a victim of a UU minister.

In a similar vein, even though a victim/survivor is pressured by MFC Policy 19A to come forward, the UUA policies still do not guarantee that s/he will be informed in writing of the outcome of the case. In Policies 19E and 20C it is written in, but there are a number of other ways a case can terminate where it is not spelled out. If our policies are going to reflect our first principle, I believe this guarantee must be absolute and unequivocal.

4. Need for Compassion and Ministry

Most important in my opinion, a victim/survivor's overriding need for compassion and ministry is largely ignored in the policies and procedures. Based on my interactions with current UUA staff, I believe if a victim/survivor spoke up today, s/he would be treated with great compassion during the intake phase. However, since it's not in the policies, it's dependent on personalities and UUA staff can change at any time. Tragically, just a few years ago, there was no compassion extended to the victim/survivors I know who tried to speak up.

We are not talking about sexual misconduct by politicians, doctors, or other professionals. This is about ministers misconducting themselves. And the majority of those representing the UUA in these proceedings are ministers. This must be a standard at least the ministers representing the UUA are held to. But history has shown that it cannot be assumed that they will act compassionately.

Therefore, this must be clearly written into formal policies and procedures.

The Core Issues

I ask myself, what has happened to create this mess? This is the point where most of us (including me in the past) head down the path of blame. The question in a blame model is, “Whose fault is it?” This blame model is a destructive way to go, and that’s the kind of thing we on Safety Net have had to learn from the inside out in order to continue to do this work. So back to the original question....

What has happened? My best guess, based on experience building policies and procedures at First Unitarian Universalist Church of Nashville, is that there are two fundamental problems with the current UUA policies and procedures.

First, the focus is not on safeguarding the ministry, but rather on safeguarding ministers. Superficially the distinction appears subtle. It is not only an easy trap for the authors to fall into, it’s also difficult for outsiders to discern. In reality, the difference is enormous, and confusing the two results in untold heartache. The situations become unnecessarily personal for both the accuser and the accused — when what’s needed is more of a clinical analysis of whether or not a minister has upheld his or her professional responsibilities, and, if he or she hasn’t, the extent of the damage and long-term risk to the UUA of allowing him or her to remain credentialed as a minister.

Second, the process used to formulate these policies is exclusive. Most of the authors are UU ministers — and not just any ministers, but arguably those with by far the most power in the UUA, i.e.

members of the MFC. Since CSM is at its heart an abuse of power, this is particularly concerning. Double checks to this kind of power have got to be put in place for everyone's sake. In particular, no past complainants have ever been brought in to help with any revisions. And it's not because we haven't asked. I've been asking for 18 years, and the Safe Congregation Panel recommended it in 2000. I believe in recent months people like me have been heard and my expectation is this will be changing in the very near future.

Conclusion

I have been very impressed and encouraged by the UUA leaders (Board, MFC, and staff) I have met this year involved in this work. Moreover, my sense is that they are not alone in their attitudes and approaches. I have not the slightest doubt that they are doing their best to be there for victim/survivors. Thus I believe the state of the current policies and procedures is a disservice to them as well. They need documents that are easier to follow and that give clear guidance on justice and compassion. While these documents can never be as simple and clear as the new UUMA rule, nonetheless they can be revamped to be a good match — to work well in concert with it in achieving the ends it suggests.

To this end, I believe the time has come to start over, doing three things:

1. Create a new inclusive process — including in particular significant representation of survivors who have filed a complaint.
2. Reimagine what is most needed by everyone, clearly delineating

primary goals. Then and only then....

3. Write new policies and procedures from the ground up.

Feedback

I welcome all comments. [Please see our guidelines for help in posting comments.](#)

Update of Nov. 18, 2014

This article was originally posted on Oct. 25, 2014. I recently received some helpful feedback from the Rev. Jason Shelton and so have slightly expanded it — particularly the section about the UUMA guidelines. Also, to address one concern of his: he thought that the two “MFD” references near the end of the flowchart might be typos. I thought the same thing when I first read this initialism in the MFC Rules. In fact it’s the MFC’s initialism for “Ministries and Faith Development Staff Group” (which is why this section of the flowchart has a gray background).