

Regional Policy on Handling Allegations of Clergy Misconduct
Prepared by the Regional Commission for Ministry
of the Christian Church (Disciples of Christ) Capital Area (CCCA)
Adopted: June 8, 2019

THEOLOGICAL PROPOSITIONS

“Within the universal Body of Christ, the Christian Church (Disciples of Christ) is identifiable by its testimony, tradition, name, institutions, and relationships. Across national boundaries, this church expresses itself in covenantal relationships in congregations, regions, and general ministries of the Christian Church (Disciples of Christ), bound by God’s covenant of love. Each expression is characterized by its integrity, self-governance, authority, rights, and responsibilities, yet they relate to each other in a covenantal manner, to the end that all expressions will seek God’s will and be faithful to God’s mission. We are committed to mutual accountability. The Christian Church (Disciples of Christ) confesses Jesus Christ as Lord and constantly seeks in all of its actions to be obedient to his authority.”

(from paragraph 2 of The Design of the Christian Church (Disciples of Christ), revised 2005)

As part of the denomination, the Christian Church (Disciples of Christ) Capital Area, seeks to partner and be in covenantal relationship with clergy and leaders that proclaim:

- Faith in Christ Jesus and a commitment to a life of Christian discipleship, service, and nurturing spiritual practices
- A Sense of Call to the ministry affirmed by the church
- Strong moral character, personal integrity, and commitment to spiritual, physical and emotional wellness sufficient for healthy ministry.

These faith values are to be undergirded and informed with qualifications and competencies outlined in the Order of Ministry. The qualifications and competencies can include yet are not limited to:

- Theological education and certifications
- Ethical and Pastoral Boundary trainings
- Pro-Reconciliation/Anti-Racism trainings
- Active engagement with Disciples congregation(s) and regional life

PURPOSE OF DOCUMENT

The Disciples Church must respond holistically and faithfully to situations in which the fitness of a person authorized for ministry is called into question. The purpose of this document is to outline the process and persons involved once a formal complaint has been received by the Commission For Ministry. For the purpose of this document, clergy misconduct is primarily defined as an activity which violates the covenantal character of the ministerial office as expressed in the Ministerial Code of Ethics.

Allegations of ministerial misconduct grow out of situations of great pain and contain the potential for grievous harm to all parties involved, including the congregation, places of ministry and region. Furthermore, even unsubstantiated allegations of misconduct may be enough to do great damage to the life and ministry of the accused. Therefore, all allegations of ministerial misconduct will be taken seriously and will be handled in a timely manner. All parties will be treated with respect and dignity, and persons accused of misconduct will be considered innocent until the allegation has been substantiated by a preponderance of evidence.

This policy is not designed as a legal proceeding, but rather to deal with matters of accountability within the body of Christ. Legal recourse is the jurisdiction of the court system. Investigation and adjudication of violations of the Ministerial Code of Ethics shall be the responsibility of the Region through The Commission For Ministry.

PROCEDURES

This policy applies to all clergy, commissioned or ordained, with Standing in the Christian Church (Disciples of Christ), candidates accepted under care, and inactive retired ministers who seek standing in the Christian Church Capital Area Region. Congregations with ministers, licensed or ordained, who are not endorsed by the Region assume their own responsibility for such ministers as they fall outside the limits of the Region's authority.

The Regional Minister and the Commission For Ministry are charged with the exercise of this policy on behalf of the Region with fairness, justice and discretion. In dealing pastorally with such situations, the Commission must seek to be guided by the Spirit of God, who alone knows how to apply both judgment and grace.

A. Committee For Clergy Misconduct

There will be a Committee For Clergy Misconduct authorized to respond to allegations of clergy misconduct. It will be selected with regard to a balance of clergy and lay members, and of male and female participants.

This Committee shall be chaired by the Director of the Commission for Ministry unless that person has disqualified herself/himself from a particular inquiry. In the event of such a disqualification, the remaining members of the Commission for Ministry shall select the chair of the Committee for that particular inquiry.

The Regional Minister, with voice but no vote, shall ordinarily serve as the secretary of the Committee and be responsible for the maintenance of records and correspondence.

The other four members of the Committee shall consist of two laypersons and two clergy with two alternates, one lay and one clergy. Two will be men and two will be women. The clergy members of this Committee shall be selected by the Ministers Association Executive Committee. The lay members shall be selected by the Commission for Ministry. The selection of members of the Committee shall be done in consultation with the Regional Minister and approved by the Regional Board. The names of the six members and alternates will be published biennially in a Regional publication.

B. Initial Complaint or Allegation

When informal, non-written allegations regarding ministerial misconduct are made to the Regional minister or Director of the Commission For Ministry, a copy of this policy will be shared with the person(s) making the allegation in order to inform them of their options.

In the event that the disclosure involves an allegation of misconduct towards a child or a person incapable of speaking for him/herself, the Regional Minister and/or Director of the Commission For Ministry will immediately report to law enforcement; the Region should cooperate with the criminal investigation and the timing of the initiation of the Region's formal investigation process should give deference to the process of the governmental agency.

In the event that the disclosure involves a criminal act of an adult the Regional Minister will encourage the complainant to notify legal authorities as quickly as possible. Again, the Region should cooperate with the criminal investigation and the timing of the initiation of the Region's formal investigation process should give deference to the process of the governmental agency.

The Commission For Ministry itself can also initiate an investigation when the Commission has identified a cause for question and/or concern that needs further exploration. While the Commission For Ministry may not be in a position to accuse someone of a particular behavior, it is possible for the Commission to name a concern, in writing, and then the Committee could investigate it thoroughly to determine its veracity.

The complainant's first line of recourse can occur at either the congregational level, directly with the minister and an objective third party if possible or through the Pastoral Relations Committee, Elders, Cabinet, Board or an entity designated by the congregation's Constitution or by-laws; or at the Regional level by contacting the Regional Minister, Director of the Commission For Ministry, and/or a designated person from the Commission For Ministry. If the allegation is involving a member on the Commission For Ministry, the Region may call upon the General Commission For Ministry. Lastly, the church may also call upon the Region for support and mediation before any further action is taken.

If the reporting party wishes the Region to conduct an official inquiry, any complaint or allegation of ministerial misconduct must be brought to the attention of the Regional Minister and/or Chair of the Commission For Ministry in written form that is signed by the complainant.

NOTE: Allegation against the Regional Minister: A misconduct complaint against the Regional Minister may be made to the Director of the Commission on Ministry. In that event, the chairperson of the Commission For Ministry will contact the chairperson of the General Commission on Ministry. Because the Regional Minister has joint standing with both the Region and the General Commission on Ministry, the process of the General Commission For Ministry will take precedence.

C. Responsibilities of the Regional Minister:

Throughout the process of responding to an accusation of misconduct, the role of the Regional Minister is one of administrator of the process and finally implementer of any disciplinary action; within this process and for the persons involved the Regional Minister role of "pastor to pastors" is set aside. Upon receiving information about an accusation or complaint of clergy misconduct, pastoral and procedural

work needs to be assigned and begun immediately. The Regional Minister shall follow these steps in responding to the complaint:

1. If the complaint was not received in writing, the Regional Minister shall request a written statement from the complainant.
2. Shall notify the Director of the Commission For Ministry that an initial complaint or allegation was made.
3. Shall offer both the complainant and accused the option of having a “companion” to provide support throughout the process. (See description listed under section J. below)
4. The Regional Minister shall notify legal counsel and the Region’s insurance company that a complaint has been received.
5. The Regional Minister and the Director of the Commission For Ministry will initiate the investigation process.
6. Per the process below, once the written complaint is received, the Regional Minister shall notify the accused and provide a copy of the complaint and name of complainant.
7. Per the process below, only after a formal review has been initiated and only if applicable, the Regional Minister shall notify the appropriate Racial/Ethnic General Ministry Pastor.

D. Handling a Complaint or Allegation

The Regional Minister will notify the accused of the allegation within 10 business days of the receipt of the written allegation. A letter describing the alleged misconduct and a copy of this policy will be sent to the accused by registered mail, return receipt requested, and marked confidential.

Except in special and unique circumstances, the name(s) of the complainant(s) shall be made known to the accused. This is for the protection of both parties. Special and unique circumstances refer to cases in which retaliation is possible if the complainant is identified.

As soon as practical but no later than 45 days after receiving a written complaint, the Committee on Clergy Misconduct shall meet to review the initial written documents and assess any preliminary evidence. The complainant(s) may be asked to appear before the Committee on Clergy Misconduct to provide more information regarding the alleged misconduct and to determine whether it was part of a single incident or a continuing pattern of behavior. If the complainant(s) decide not to pursue the issue, the Committee on Clergy Misconduct still may take further action if it has discovered enough information to suggest clergy misconduct has occurred.

The accused will be afforded an opportunity to respond to the allegation, either verbally or in writing, and to meet with the Committee on Clergy Misconduct regarding the allegation. The process of the Committee, however, is not dependent upon a response from the accused. At the beginning of every meeting throughout the entire process all parties will be reminded that the proceedings are confidential and privileged.

When appropriate, the complainant(s) and the accused may provide supporting witnesses or documentation to substantiate their allegation and/or response. The Committee may limit the number of witnesses and length of their appearance in order to be fair, just and equitable in dealing with the situation in a timely manner. The witnesses may be present for only their time of testimony.

Although all meetings should be documented with Minutes, the proceedings should be confidential and shall remain as such and are considered legally privileged from disclosure. Such confidentiality is binding on all parties involved. If additional information must be shared with the full Commission For Ministry, redacted notes of complaint and decision can be shared.

The Region assumes no responsibility for the costs of the accused, accuser or their witnesses throughout the review process.

The complainant(s) and the accused shall be notified of the Committee on Clergy Misconduct's decision whether to proceed or not. This notification will be sent by registered mail, return receipt requested, and marked confidential.

E. Meeting with the Local Church and/or Ministry Setting

Most situations are ones in which the Region has a prior relationship with the local church and/or minister. This may also be a Field Education/Student Ministry placement or a non-congregational ministry setting. Upon finding of probable cause, it is important that the Regional Minister and the Director of the Commission For Ministry arrange to meet with the leadership of the congregation which may include the Moderator/Chairperson of the Congregation/Board, Chairperson of Elders, Chairperson of the pastoral Relations Committee or pastoral care group, or local church pastor of the local church if this is a field education setting, or board leadership of the non-church setting, to:

- describe the complaint which has been filed;
- clarify that allegations are not to be judged as true or false until found to be so in due process of a review and discuss the advisable course for continuation of pastoral responsibilities while the charges are being investigated;
- express pastoral concern for the local church and determine what additional pastoral needs may be within the local church. Within the Christian Church (Disciples of Christ) it is clearly the responsibility of the congregation to call and dismiss its pastoral leadership.

Immediately following the visit, the Committee will prepare a written summary of the meeting. This summary becomes part of the records of the Committee on Clergy Misconduct. In the case of clergy with standing serving in settings other than the local church, careful consideration needs to be given to how to relate to the institution or seminary.

F. Review of Standing

If it is determined there is enough cause to proceed, a negotiated date and place will be set for a Formal Review of Standing by the Committee on Clergy Misconduct to which the accused shall be invited. This Formal Review will be held as soon as practical but within 45 days following the Committee's initial meeting regarding the matter. In alignment with the Policies and Criteria, written notice will be given to the minister that standing is to be reviewed with the possibility of suspension or termination. Note: Consultation with the appropriate Racial/Ethnic General Ministry Pastor is encouraged regarding the Formal Review of Standing of persons of color in keeping with our the Pro-Reconciliation/Anti-Racism Commitment of the Christian Church (Disciples Of Christ).

In a Formal Review, the Committee on Clergy Misconduct shall adhere to its guiding policies in carefully reviewing the details of the matter including, but not limited to, the original written complaint, additional information and documentation from the complainant(s) and the accused, and other credible sources as may be appropriate.

Using its best judgment, the Committee on Clergy Misconduct shall render its opinion on the merits of the allegation and make appropriate recommendations regarding the disposition of the matter. This decision shall be made known in writing to both the complainant(s) and the accused by means of registered mail, return receipt requested, and marked confidential.

G. Choosing Appropriate Actions and Recommendations

If the allegations are not substantiated, the inquiry will cease, and every effort will be made to exonerate the accused clergy. If the accused so wishes, a record of the review and its conclusions will be provided for the minister expressing our opinion that this was a claim without merit and may be included in his/her permanent file and/or a public statement of exoneration may be made by the Regional Minister and/or Director of the Commission For Ministry.

If the allegations are substantiated, the Committee on Clergy Misconduct may respond in several ways including, but not limited to, the following:

- An **Educative Advisory** may be issued if the situation is not necessarily misconduct but shows poor professional judgment. Clear guidance will be given to accomplish the necessary corrections and his/her review of standing may be continued for a specified length of time (not to exceed two years).
- An **Educative Warning** may be issued if the situation is unquestionably inappropriate and unwise but is not clearly misconduct. This clear warning calls for an immediate cessation of the behavior in question. In such circumstances, his/her review of standing may be continued for a specified length of time (not to exceed two years).
- A **Written Reprimand** may be issued if the situation involves misconduct which resulted in relatively minor consequences. Clear guidance will be given to accomplish the necessary corrections. This action shall be recorded and placed in the minister's permanent file.
- **Censure** is appropriate if the minister has clearly participated in misconduct which has been persistent in nature and/or has resulted (or could have resulted) in serious consequences. This action shall be recorded and placed in the minister's permanent file but will not result in the removal of standing IF cessation of the behavior and rehabilitation and restitution are accomplished.
- **Suspension** may be deemed appropriate in extreme situations of alleged misconduct, whereby standing is temporarily suspended by the Region during the period of investigation and adjudication

- **Removal of Standing** shall be the appropriate response if the accused has exhibited misconduct which has resulted in harm to others and to the ministry. The protection of others and of the integrity of the ministry from further harm must be of paramount importance. This action shall be recorded and placed in the minister's permanent file.

Reporting formal actions and decisions to remove standing for misconduct to the Office of Search and Call, Disciples Home Missions, is the responsibility of the Region. Once reported to the Office of Search and Call and the Disciples Home Missions, these actions will be communicated to all Regions.

H. Making an Appeal

If the complainant(s) is dissatisfied with the actions or recommendations of the Regional Minister, Director for the Commission For Ministry and Committee on Clergy Misconduct, he/she has the right of appeal to the Regional Administrative Committee and, subsequently, to the Regional Board of the Christian Church (Disciples of Christ) Capital Area.

If the accused is dissatisfied with the actions or recommendations of the Commission For Ministry, he/she has the right of appeal to the Regional Board of the Christian Church (Disciples of Christ) Capital Area.

Further appeal may be made by either party to the General Commission For Ministry and, ultimately, to the Administrative Committee of the General Board of the Christian Church (Disciples of Christ) in the United States and Canada, although an appeal at this level is only to determine whether the Region followed its policies adequately. Note: Neither the Regional Board or the General Commission For Ministry will consider any appeal if legal proceedings are pending or in process.

I. Restoration of Standing

Restoration of Standing shall not be made until or unless there is clear evidence that the minister in question has changed his/her conduct and lifestyle to again meet the requirements and standards of the Order of Ministry. Such determination shall be made by the terminating or suspending body, whether that is a Region or the General Commission on Ministry.

The procedures for reinstatement of ministerial standing are outlined in Policies, Criteria and Procedures for the Order of Ministry in the Christian Church (Disciples of Christ) Capital Area. There are a variety of factors, however, which should receive careful attention before moving toward reinstatement. Authorization to the reinstated should follow a process of confession, repentance and forgiveness, and not until treatment and rehabilitation result in an informed judgment that the person again meets the church's requirement for fitness for ministry. While the Church is certainly called to practice forgiveness, it is not required to authorize persons for ministry who have demonstrated difficulty in upholding the integrity the pastoral role requires. The church's first responsibility is for the safety of its members and it should take whatever action necessary to insure that its leaders adhere to this policy.

J. Pastoral Issues

Situations involving an alleged abuse of the pastoral role are difficult, painful and stress producing experiences for all involved. Great care should be taken to embody pastoral concern for all parties. Pastoral care is essential from the moment there is awareness of an accusation to a considerable period of time following the conclusion of the review process. Experience shows it is extremely difficult, if not impossible, for the same person to carry this role effectively with more than one of the parties. Furthermore, persons carrying the pastoral supportive roles should not be responsible for organizing and overseeing the disciplinary procedures. It is understood that persons providing pastoral care to either the complainant or the accused will agree to maintain confidentiality.

Therefore, the Regional Minister will offer separate clergy persons to serve as a companion to extend pastoral care to the complainant and to the accused, if they do not already have pastoral support persons in place. The Regional Minister or his/her designee will offer pastoral support to the congregation. The companion will not be allowed to attend any of the investigative interviews.

In the event that the pastor leaves the congregation, it is recommended that the congregation receive an Intentional Interim for the purpose of caring and leading the congregation back to a period of health and wholeness. If the pastor does not leave the congregation, it is the recommendation that the congregation's Pastoral Relations Committee or the Elders, in conjunction with the pastor, procure an outside consultant to lead the congregation in dealing with the ramifications of the painful experience.

~ Adopted June 6, 2019 by the Capital Area Region Commission For Ministry, Ratified June 9, 2019 by the Capital Area Regional Board

Policy References & History:

The Christian Church (Disciples of Christ) in the Capital Area has adopted the Theological Foundations and Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ) Policy and Criteria for the Order of Ministry (05/08/2014), The Policies & Procedures of the Christian Church (Disciples of Christ) Capital Area Region Concerning the Order of Ministry (10/7/2017, amended 1/10/2019), The Ethical Affirmations for My Ministry: A Ministerial Code of Ethics (4/30/2015). This document supersedes the Regional Policy on Clergy Sexual Conduct (12/20/12 and 11/19/1994) as its policy guidelines for conducting the work of the Region's Commission For Ministry and its variant committees.