

## **Appendix 9**

### **American Baptist Churches of the Rocky Mountains (ABCRM)**

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### **Withdrawal by ABCRM of Recognition of Ordination**

Recognition by the American Baptist Churches of the Rocky Mountains of any ordination can be revoked and the minister's name removed upon the recommendation of the Region's Ministerial Leadership Committee. Such recommendation shall be made only upon due cause. "Due cause" shall be the violation of the standards outlined in "The Covenant and Code of Ethics for Ministerial Leaders of American Baptist Churches" (Appendix 4) and following the process outlined in "An Ecclesiastical Process for Review of Ministerial Standing" described in this Manual.

In extreme and unusual situations, circulation of an individual's profile generated by ABPS may be placed on hold by the Executive Minister of ABCRM. This action is to be taken only upon written notification to the individual and the ABPS, and after consultation with the Region's Ministerial Leadership Committee.

To preserve the rights and responsibilities of all persons involved in such actions, the ABCUSA developed the following process, which has been adopted by the ABCRM Region Board on March 9, 2007.

### **An Ecclesiastical Process for Review of Ministerial Standing**

*Adopted by the National Commission on the Ministry, January 18, 1991*

*Revised: January 21, 1993*

*Revised by the Ministerial Leadership Commission, January 20, 1995*

*Edited by ABCRM Ministerial Leadership Committee, January 30, 2007*

*Edited by ABCRM Ministerial Leadership Committee, January 30, 2008*

#### **Preamble**

In the ongoing care for churches and their ministerial leaders, there are occasions in which allegations may be raised about a ministerial leader. Frequently, these allegations are handled within the ongoing service and care of the Region. In those rare instances in which a satisfactory resolution cannot be reached, it may be necessary to have a more formal process for review of the recognition of ordination with ministerial leaders. This review must be seen as part of an ongoing process of care. Its primary goal ought to be a concern for justice, reconciliation, and healing for both the congregation and the individual(s). For this reason all participants must exercise great care to assure that the allegations and the process remain confidential unless some decision is reached which requires notification.

One reason Regions exist is to strengthen the spiritual health and vitality of its constituent churches and their ministerial leaders. Programs, services, and pastoral care are ways in which this central concern is expressed for local churches and their ministerial leadership. Personal, professional, and pastoral care for ministerial leaders is an ongoing process. One aspect of that process is the recognition of ordination by which the whole denominational family gives affirmation and support to clergy.

The Ministerial Leadership Committee (MLC) of the Region has responsibility for the recognition of ordination as well as responsibility for the church's review of the recognition of ordination. This process is guided by the biblical mandate of Matthew 18:15-17. According to this passage, the goals are: first, to deal directly with the person (verse 15); second, to deal with a small, more informal group (verse 16); third, only when the process has failed, to bring resolution to move before the church represented by the Ministerial Leadership Committee (verse 17).

It must be stressed that this is an ecclesiastical process conducted within the confines of the church's structure and polity. It is *not* a legal process. Consequently, parties involved are not bound by the dictates of the judicial system. We are, however, bound by our commitment to justice and fairness for all concerned. Being an ecclesiastical process, there is no official role or place for attorneys in this review process. If any involved parties wish to seek legal counsel, they must do so outside the official review process. Attorneys are not permitted to participate in the preliminary exploration, the review hearing, or the appeal process. This process is recommended to Regions acknowledging the autonomy of the local church and the extremely limited authority of the ABCUSA in matters of ordination and recognition of ordination.

In every sexual misconduct case the Executive Minister and his/her staff will attempt to make pastoral care available to the person making the allegations of misconduct, the family of the person making the allegations, the pastor who allegedly committed the misconduct, the pastor's family, the members of the pastor's congregation, the pastor's colleagues, and others. However, the Executive Minister and his/her staff cannot themselves function as a pastor, counselor, advocate, attorney, or other "fiduciary" of any of these people. The ultimate responsibility of the Executive Minister and his/her staff is to the Region and not to any individual within the Region. If a conflict arises between what is in the Region's best interests and what is in the interest of someone else, the Executive Minister and his/her staff are obliged to act on the Region's behalf.

Every report of clergy sexual misconduct involves unique people and unique circumstances. The Process of Review merely describes the general approach that the Region will follow in responding to reports of clergy sexual misconduct. It will not be appropriate, or even possible, for the Region to follow this approach in every case. The Region reserves the right to depart from this Process for Review to assure a fair and just process for all persons involved. Such departures shall be at the discretion of the Region.

**1. Written Allegations:** When allegations about a particular ministerial leader have not been resolved in the ongoing process of service and care of a Region, formal allegations are to be addressed to the Chair of the Ministerial Leadership Committee with a copy to the Executive Minister of the Region. The allegations must be specific in content, made in writing, and signed. These allegations, which may come from Region staff, other ministerial leaders, or from lay persons, are to be related to the following categories:

- Delinquency of a moral, ethical, or financial nature which brings the church into disrepute.
- Violation of expectations the church has about ethical behavior for its ministerial leaders as articulated in the Covenant and Code of Ethics for Ministerial Leaders of the ABCUSA.

These allegations do not include issues of compatibility between a ministerial leader and congregation.

**2. Pastoral Intervention:** When the normal processes have failed to bring resolution, and formal charges have been developed, there is an ongoing need for pastoral intervention for the persons making the allegations, the

ministerial leader in question, their families, if any, and the congregation being served. These pastoral interventions may be done by members of the Region staff, by members of the MLC, or by members of the Region's Ministers Council who are not directly involved in the process.

**3. Informing the Person about the Allegations:** The Ministerial Leadership Committee shall inform the person in writing of the allegations. It shall provide him or her with information about the process of review and request a meeting with this person for a preliminary exploration of the allegations.

**4. Preliminary Exploration:** The Ministerial Leadership Committee, either as a body or through delegated representatives, shall meet with the person making allegations to clarify the allegations or respond to any questions. In a separate meeting, the Ministerial Leadership Committee, either as a body or through delegated representatives, shall meet with the person in question to explore the allegations and determine what steps to take. (If either person fails to appear, the MLC may proceed.) There are five possible courses of action:

- a. The MLC may discover that there is no warrant for a review hearing and exonerate the person.
- b. The person may acknowledge the truth of the allegations and work with the MLC deciding which of the actions listed under #6c below will be followed.
- c. The MLC may, in the event of an unusually grave or emergency situation, temporarily suspend recognition of ordination for a period of not more than ninety (90) days. During this period the MLC shall convene a review hearing to consider the matter fully. Notice of this decision shall be given to the person in question and to the appropriate denominational bodies.
- d. The person may dispute the allegations in full or in part, and yet work out with the MLC a plan to deal with the situation without utilizing the full process of the review hearing.
- e. The person may dispute the allegations and the MLC may decide to utilize the review hearing process to investigate and make a decision about the allegations.

All persons are allowed to seek whatever counsel is appropriate, including legal counsel, in preparation for the preliminary exploration. However, attorneys are not allowed to act as legal counsel in the preliminary exploration process.

**5. Review Hearing Notice:** When a review hearing is scheduled, all parties involved are to be notified and informed about the process and how to prepare for it. The hearing should be not less than thirty (30) days and not more than ninety (90) days following notification.

The ministerial leader in question is to be supplied with a written copy of the allegations, a description of the review hearing procedure, and a notification of his or her rights. These include the right to be present, the right to present evidence including witnesses on his or her behalf, and the right to have an advocate present. This advocate may be clergy or lay and is intended to provide support and assistance to the person throughout the process.

**6. The Review Hearing:** The hearing is held to thoroughly investigate the allegations.

- a. The hearing shall be fair, impartial, and confidential for the person in question, the persons making the allegations, and the wider church family. The MLC may specify the amount of time allowed for presentation of the allegations, for the defense, and for summary statements. (If a person fails to appear, the MLC may proceed.)

All persons involved in the review hearing process are allowed to seek whatever counsel is appropriate, including legal counsel, in preparation for the hearing. However, attorneys are not allowed to act as legal counsel in the review hearing process. It is not necessary for the person making the allegations to personally confront the person in question. The Review Hearing is an opportunity for the MLC to hear all relevant information in order that it may reach a decision.

- b. The following is a guide for how the hearing may progress:
  - (1) Opening statement.
  - (2) Introduction.
  - (3) Statement about how the hearing will be conducted.
  - (4) Prayer.
  - (5) Reading of the allegations.
  - (6) Presentation of information or testimony supporting the allegations.
  - (7) Presentation of information or testimony refuting the allegations.
  - (8) An opportunity will be given for those making the allegations to respond to the presentation of refutation.
  - (9) An opportunity will be given for the person in question, or by his/her representatives, to respond.
  - (10) Questions by the Ministerial Leadership Committee to any of those offering information, testimony, refutation, or response.
  - (11) Closing statement by those making the allegations or his/her designated representative.
  - (12) Closing statement by the person in question or his/her designated representative.
  - (13) Prayer for continuing guidance and comfort for those involved in this situation and for those who are given the responsibility to come to a decision.
  - (14) Executive session of the Ministerial Leadership Committee.

- c. Following the hearing the MLC deliberates and makes its decision from the following options:

*Make a finding that does not uphold the allegations.*

- (1) Exonerate the person.
- (2) Exonerate the person and take steps to stop continued allegations.

*Make a finding that upholds the allegations.*

- (3) Develop a plan for addressing the issues short of censure, suspension of recognition of ordination or withdrawal of recognition of ordination.
- (4) Allow the person to voluntarily relinquish recognition of ordination.
- (5) Censure the person, but allow the recognition of ordination to stand.

- (6) Suspend the recognition of the person's ordination.
- (7) Withdraw the recognition of the person's ordination.

The decision of the Region shall be based upon a "predominance of evidence" presented at the hearing.

**7. Notification of Decision:** The Ministerial Leadership Committee shall notify all parties of its decision within fifteen (15) days of the review hearing. In the event a person is exonerated, that individual shall receive a letter acknowledging this action, a copy of which shall be sent to those making the allegations. In the event of suspension or withdrawal of his/her recognition of ordination, the American Baptist Churches Information System, the American Baptist Personnel Services, the Regional Executive Ministers Council, the Ministers and Missionaries Benefit Board, the Ministers Council, the originating church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition shall also be notified.

**8. Appeal:** A person whose recognition of ordination has been suspended or withdrawn may appeal the decision to the Executive Committee of the Region Board. The Executive Committee must respond within sixty (60) days. In considering the appeal, the Executive Committee will determine the appropriateness of the process used by the MLC to reach its final decision. An appeal is not to determine an individual's fitness for ministry; rather, it is to determine if a fair and just process was used by the MLC. The decision of the Executive Committee of the Region Board shall be final.

**9. Pastoral Follow-up:** There is a need for pastoral care throughout the process, but particularly following a review hearing. Once the hearing is complete, decisions made, and actions taken, there needs to be intentional effort made at reconciliation and healing. The Church needs to offer ongoing support and concern to those who made the allegations or who were wronged, and find ways to express forgiveness and grace to those who have been disciplined.

**10. Reinstatement:** A person's ordination may be subsequently recognized again, if there is a desire to be reinstated. The Ministerial Leadership Committee will meet with the person to review the original action, subsequent history, and present qualifications for ministry. In the event that the Ministerial Leadership Committee is not the one which withdrew recognition, appropriate documentation will be secured about the prior action so that full information will be available to the MLC considering reinstatement.

**11. Re-Entering the Ordination Process:** If a person whose ordination recognition has been removed desires to have the recognition reinstated, the process is found in Appendix 1. The process will be the same as those initially entering the Ordination Process.

## Definitions

**Recognition of Ordination:** In our tradition ordination is granted by the local congregation working with the partner churches. The denomination does not ordain; it recognizes (or chooses not to recognize) ordinations of a local church, or in other denominations. A person may voluntarily give up the recognition of his or her ordination. The denomination may choose to withdraw recognition of ordination either for cause or after a period of inactivity.

**The Region:** The process of recognition of ordination in the denomination is decentralized; a Region acts on behalf of the whole denomination in recognizing, failing to recognize, allowing a recognition to lapse, or withdrawing a recognition of ordination. There is reciprocity among ABC bodies with all Regions and National Boards agreeing to accept the process as applied in other partner Regions.

**Ministerial Leadership Committee:** In this document Ministerial Leadership Committee is a generic term for that part of the structure of a particular Region which is charged with the responsibility for recognition (and withdrawal of recognition) of ordination.

**Review Hearing** is the process by which allegations against an individual are reviewed and a decision is rendered either for or against the individual. This is not a criminal or civil process; rather, it is a church process by which the churches are seeking to order their life together under the leading of God's Spirit.

**Censure** is an official written statement of the Ministerial Leadership Committee's disapproval of a behavior as unbecoming one who has been recognized to practice as an ordained minister of the American Baptist Churches USA. It is offered as a warning indicating that further similar conduct is unacceptable and could lead to suspension or withdrawal of his/her recognition of ordination.

**Emergency Suspension of Recognition of Ordination** is intended to interrupt the ministry and pastoral selection process while the investigative and decision-making process proceeds. The recognition of ordination may be suspended for a period not to exceed ninety (90) days in the event of an unusually grave or emergency situation. Written notice of an Emergency Suspension shall be sent to the American Baptist Churches Information System, the American Baptist Personnel Services, the Regional Executive Ministers Council, the church (or church organization) being served, the Ministers and Missionaries Benefit Board, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

**Suspension of Recognition of Ordination** is a withdrawal of recognition of ordination for a specific period of time in order to implement a program prescribed by the Ministerial Leadership Committee. The conditions of the suspension must be clearly stated. Notice of a suspension will be given to the American Baptist Churches Information System, the American Baptist Personnel Services, the Regional Executive Ministers Council, the original ordaining church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, the Ministers and Missionaries Benefit Board, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

**Withdrawal of Recognition of Ordination** means that the American Baptist Churches/USA no longer recognized the validity of an ordination. Notice of the withdrawal of recognition shall be given to the American

Baptist Churches Information System, the American Baptist Personnel Services, the Ministers and Missionaries Benefit Board, the Regional Executive Ministers Council, the original ordaining church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

### **Implications**

There are different kinds of implications of a decision by the Ministerial Leadership Committee to suspend or withdraw the recognition of a person's ordination. It will mean:

- that a person's name will be deleted from the Directory of Ministerial Leaders of the ABCUSA,
- that the American Baptist Personnel Services will seek to deactivate any use of a person's profile,
- that all ABC Regions will be notified of the action.

Depending on the requirements of other bodies, this decision may directly affect an endorsement, approval, or recognition which was predicated on ABC action; in some instances this may mean termination of employment. Depending on the laws of the state, this decision may mean that a person will no longer be authorized to perform pastoral functions such as weddings, funerals, and/or pastoral counseling.

*Adopted on February 27, 2007 by the Ministerial Leadership Committee  
of the American Baptist Churches of the Rocky Mountains.*

*Adopted on March 9, 2007 by the Region Board  
of the American Baptist Churches of the Rocky Mountains.*

## **Customizing the Process for Our Region**

It is understood that this document needs to be "custom fit" to each Region. There are at least three levels at which this customizing might occur. The first and most obvious is at the point of terminology. The generic terms used in the model will need to be made specific to fit your Region.

The second level relates to the geographic size or number of churches in your Region. The "model document" allows for this customizing. Some Regions will want to make certain points more specific (such as specifying the size of a preliminary exploration or review hearing panel). It is the intent that all Regions will have a process which follows this basic structure while recognizing the need to make adjustments for specific needs of Regions.

The third level is to bring the document into line with applicable state law. At that point, it is very important to make clear what question is being asked of an attorney within your Region. For instance, if you ask most attorneys "How should we do this process?" or "Is this process the way you think we should do it?" most attorneys will begin to reconstruct the process around the civil or criminal proceedings with which they are most familiar. While this is a natural response, it is not what we are recommending as the most helpful. On the other hand, show the document to an attorney and say, "This is the process we would like to follow because we think it is fair and more in keeping with our church's values. Is there anything in this that would not be allowed by the laws of this state"? This gets at the real issue—which is whether or not what we seek to do will be allowed by the state law. (We have been told that states will not intrude into "interchurch" matters unless (1) that process is clearly unfair, or (2) that process is made a public issue by the church body such as defaming a person.)

## **Implementing Guidelines for Those Making Allegations For the Review Process**

*(Note: The steps below are the steps of "A Process for Review of Ministerial Standing" found on pages 30-34.)*

**Step One of the Process—Written Allegations:** The Ministerial Leadership Committee in a Region has been given the task of governance over the (ordination process and) process of recognition of ordination and any review of such recognition.

- a. Any person making an allegation about the conduct of a ministerial leader which may call for a review hearing shall address those concerns to the Chair of the Ministerial Leadership Committee (c/o the Region office) with a copy to the Executive Minister of the Region.
- b. The process of exploration of allegations and, potentially, a review hearing shall be guided by two principles:
  - Concerns for the spiritual health and vitality of the church are at the heart of the process. This means that the pastoral concern for both the minister in question and the church body may call for times in which such care may be given for either or both the individual and the group.
  - The hearing shall be fair, impartial, and confidential for the person in question, the persons making the allegations, and the wider church family. While this is a church process and not a civil or criminal proceeding, it is to be fair, impartial, and confidential. This means that the nature of the allegations must be clearly understood, that the minister in question is given adequate opportunity for response, that all persons are aware of the process that will be followed, and that all people involved will maintain confidentiality.
- c. In order to be fair, any allegations about a ministerial leader must be made in writing (whether they are made by staff, other ministerial leaders, or lay persons). The allegations must be written in a clear and concise manner, signed, and fall in one or both of the following categories so that the nature of the allegations are clearly understood by all:
  - Delinquency of a moral, ethical, or financial nature which brings the church into disrepute.
  - Violation of expectations the church has about ethical behavior for its ministerial leaders as articulated in the Covenant and Code of Ethics for Ministerial Leaders of the ABCUSA.
- d. While these allegations need to be concise, they must also contain sufficient data for the Ministerial Leadership Committee in the process of preliminary exploration. In this stage the person in question will be given an opportunity to respond to the written allegations. Those making the allegations will not be invited to make a presentation at this time, so the written allegations should contain enough detail for the MLC to rule whether or not there is sufficient reason for calling a review hearing as well as to work for reconciliation.

- e. At the time a person makes allegations about a particular ministerial leader, that person should receive a copy of these Implementing Guidelines and a copy of the Region's Process of Review for Ministerial Standing.

**Step Six of the Process—The Review Hearing:** The individuals bringing the allegations have several responsibilities at the time of the Review Hearing. With all the persons involved in the review process, they must keep in mind that the spiritual health and vitality of the church and all of its people is the central concern. One of the hopes and goals of this process is reconciliation and healing. For this reason the hearing is to be conducted:

- in a spirit of prayer, seeking God's guidance,
- in a fair and impartial manner, consistent with the Golden Rule, and
- with high regard for confidentiality (that all persons involved agree to hold in confidence all that is said and done).

Those making allegations about the minister in question shall have three opportunities during the review hearing to address the issues. The first will include the presentation of evidence and calling of witnesses to support the allegations (#6). The second will be in the rebuttal time following the presentation of the person in question (#8). The third will be the closing summary statement on behalf of those bringing the allegations (#11). Because there are limitations of time, these presentations will need to be limited to the allegations made and the relevant evidence. Those who offer evidence or testimony may be asked questions by the Ministerial Leadership Committee (#10).

Before the hearing, the Ministerial Leadership Committee will notify all participants as to the particular time limits for each part of the hearing and any other ground rules that may be needed. The time limits are intended to be fair and yet move the process forward.

**Step Seven of the Process—Notification of Decision:** Those making the allegations, or their representative, shall be notified of the decision by the Ministerial Leadership Committee within fifteen (15) days of the review hearing.

## **Guidelines for the Minister in Question For the Review Process**

*(Note: The steps below are the steps of "A Process for Review of Ministerial Standing" found on pages 30-34.)*

The intention of the review process is to build up the whole church. The process is guided by two principles:

- *Concerns for the spiritual health and vitality of the church are at the heart of the process. This means that the pastoral concern for both the minister in question and the church body may call for times in which such care may be given for either or both, the individual and the group.*
- *The hearing shall be fair, impartial, and confidential for the person in question, the persons making the allegations, and the wider church family. While this is a church process and not a civil or criminal proceeding, it is to be fair, impartial, and confidential. This means that the nature of allegations must be clearly understood, that the minister in question is given adequate opportunity for response, that all persons are aware of the process that will be followed, and that all people involved will maintain confidentiality.*

One of the intentions of "A Process for Review of Ministerial Standing" is to assure that the ministerial leader is not subject to unfair allegations or a process which may be unfair to him or her. While a structured process may seem at first to be threatening, some parts are specifically intended to provide fairness for the ministerial leader in question.

The insistence that allegations be written may seem to draw the lines between the involved parties very sharply. The intent of writing allegations is that some extraneous issues are eliminated and the real issues are (hopefully) brought into focus.

At all points, the process is intended to be fair to the person about whom allegations are made. It is also hoped that this process is surrounded by pastoral care for all persons.

**Step Four of the Process—Preliminary Exploration:** The preliminary exploration is intended to be an informal process in which the Ministerial Leadership Committee and the minister in question can explore the allegations made. In light of the guidelines above, the goal of the exploration is to seek a resolution to the issues raised. This is helpful to both the ministerial leader as well as to the church community. It is important to note that the Ministerial Leadership Committee has five possible courses of action:

- a. The MLC may discover that there is no warrant for a review hearing and exonerate the person.
- b. The person may acknowledge the truth of the allegations and work with the MLC in deciding which of the actions (listed under #6c in the Review Process) will be followed.
- c. The MLC may, in the event of an unusually grave or emergency situation, temporarily suspend recognition of ordination for a period of not more than ninety (90) days. During this period the MLC shall convene a review hearing to consider the matter fully. Notice of this decision shall be given to the person in question and the appropriate denominational bodies.

- d. The person may dispute the allegations in full or in part and yet work out with the MLC a plan to deal with the situation without utilizing the full process of the review hearing.
- e. The person may dispute the allegations and the MLC may decide to utilize the review hearing process to investigate and make a decision about the allegations.

It is important to note that the process has intentionally deferred the direct consideration of any action on the recognition of ordination for a more formal hearing. Having called for the preliminary exploration, the MLC cannot go beyond these five options. It is hoped that this will help to create a climate in which resolution and reconciliation are possible. To this end, the MLC will not be meeting with those making the allegations, but only with the minister in question. The MLC will have the same written allegations which are to be sent to the minister in question. By the time the process has come to this point, the minister in question should have received:

- (1) "A Process for Review of Ministerial Standing"
- (2) A written statement of allegations.

Once the individual receives notice of the allegations, it is their responsibility to inform the Ministerial Leadership Committee as to their response to the allegations and whether or not they will be at the preliminary exploration. The response to the allegations may be in writing or by meeting in person with the Ministerial Leadership Committee (or both). It should be noted that the Ministerial Leadership Committee may proceed whether or not the individual chooses to appear or respond.

**Step Six of the Process—Review Hearing:** If the Ministerial Leadership Committee decides to proceed with a review hearing, there are several things which should be noted. The review hearing is not a court setting. The suggested process for a review hearing outlines a process which seeks to be fair, but is not adversarial. Those making the allegations will have an opportunity to present their side, without the interruption associated with American courtrooms. They will have a time limit to present the allegations. Then the minister in question will have the same opportunity, within time limits allowed, to present whatever evidence he/she may have regarding the allegations. In this format, with presentations by both sides, they may raise questions during your time. They will be in the form of a presentation to the Ministerial Leadership Committee, rather than addressed directly to one of the persons making the allegations.

The minister in question will have three times during the hearing to present materials to the Ministerial Leadership Committee. He/she may bring a person to be an advocate, friend, and/or support. This person may be clergy or lay. If you do not have someone to fill this role, you may request the Executive Minister or the Ministers Council to appoint one for you. As you may have noticed in the paper, "A Process for Review of Ministerial Standing," this is a church matter and not a civil or criminal procedure.

**Step Seven of the Process—Notification of Decision:** The minister in question shall be notified of the decision by the Ministerial Leadership Committee within fifteen (15) days of the review hearing.

**Step Eight of the Process—Appeal:** A person whose recognition of ordination has been suspended or withdrawn may appeal the decision to the Executive Committee of the Region Board. The Executive Committee must respond within sixty (60) days. In considering the appeal, the Executive Committee will determine the appropriateness of the process used by the MLC to reach its final decision. An appeal is not to determine an individual's fitness for ministry; rather, it is to determine if a fair and just process was used by the MLC. The decision of the Executive Committee of the Region Board shall be final.

**Step Nine of the Process—Pastoral Follow-up:** Once the hearing is complete, decisions made, and actions taken, the Region staff will make an effort towards reconciliation and healing. Staff will also encourage the Church to offer ongoing support and concern to those who made the allegations or who were wronged, and find ways to express forgiveness and grace to those who have been disciplined.

**Step Ten of the Process—Reinstatement:** A person's ordination may be subsequently recognized again, if there is a desire to be reinstated. The Ministerial Leadership Committee will meet with the person to review the original action, subsequent history, and present qualifications for ministry. In the event that the Ministerial Leadership Committee is not the one which withdrew recognition, appropriate documentation will be secured about the prior action so that full information will be available to the MLC considering reinstatement.

**Step Eleven of the Process—Re-Entering the Ordination Process:** If a person whose ordination recognition has been removed desires to have the recognition reinstated, the process is found in Appendix 1. The process will be the same as those initially entering the Ordination Process.

If you have any questions, please contact the Executive Minister or the Chair of the Ministerial Leadership Committee.

## **Implementing guidelines for the Region Staff For the Review Process**

*(Note: The steps below are the steps of "A Process for Review of Ministerial Standing" found on pages 30-34.)*

The role of Region staff in the review process is complicated by the various roles which may need to be played. Region staff are appropriately charged with the responsibility to facilitate the process, working with the Ministerial Leadership Committee to insure that the process is followed, with proper notice being given and records being kept. Region staff are appropriately concerned about the spiritual health and vitality of the person in question and the pastoral care of that person (and his or her spouse and family, if any), as well as concerned about insuring that the process is fair to the person. Region staff are also appropriately concerned about the spiritual health and vitality of the church in which the person has been serving, as well as about the wider church family. At some point these roles may be in conflict and great care must be taken to insure that each of these needs is being met. This may necessitate the delegation of some specific tasks or roles. Sometimes this may mean that Region staff may have to excuse themselves from the decision-making process of the MLC.

**Step One of the Process—Written Allegations:** Making sure that the written allegations are precise, clear, and related to the given categories is vital to the whole process. When allegations are vague or imprecise it is unfair to the person in question, and is far more difficult for the Ministerial Leadership Committee to come to appropriate decisions. Therefore, Region staff will need to work with the Chair of the MLC in this process. (It should be remembered that the allegations need to be specific enough for action as well as informative enough for the MLC to act at the time of the preliminary exploration. At the preliminary exploration, the allegations themselves will have to stand alone as the persons making the allegations will not be present.)

This step of the process may necessitate working with Region staff, other professional church leaders, or people from the church. Sometimes a member of the Ministerial Leadership Committee or a member of the Region staff will need to be among those making the allegations. When this occurs, there must be a clear delineation of responsibility so that it is clear who is working with the MLC, who is working with those making allegations, and who is seeking to provide pastoral care to the person in question. When it is necessary for a Region staff person or a member of the Ministerial Leadership Committee to be among those making the allegation(s) he or she should not be a part of the deliberating or decision-making process of the Ministerial Leadership Committee.

The Region Staff may need to assure that the persons making the allegations and the person about whom allegations are made receive copies of the region's process for review of ministerial standing and the appropriate "guidelines."

**Step Two of the Process—Pastoral Intervention:** Although it is hoped that other parts of the church may take this concern seriously, Region staff are to be sure that someone other than themselves are providing pastoral care.

**Step Three of the Process—Informing the Person of the Allegations:** Working with the MLC Chair, Region staff must insure that proper notice is given to the person in question. This shall include a copy of "A Process for Review of Ministerial Standing," a copy of the written allegations, a copy of the "Guidelines for the Minister

in Question," and an invitation to meet with the Ministerial Leadership Committee for the preliminary exploration.

There should be both a formal and a personal element to this notice which contains an official and a pastoral dimension. The formal notice should be sent by certified mail (and the receipts preserved for the record).

Because of the litigious nature of our society, careful records must be kept of the process. This includes official minutes of all meetings, copies of all correspondence, receipts for mailings, etc. Care must be taken to assure that these records are confidentially maintained and preserved. Because of the provisions for documentation being provided in the event of a request for reinstatement, the records need to be preserved for an extended period of time (as long as that request is possible).

**Step Four of the Process—Preliminary Exploration:** As staff to the MLC, the Region staff may be in the best position to insure that the various elements of the preliminary exploration are present. As staff to the MLC, it may be helpful to remind them that this is an informal process in which they are not being asked to "decide about recognition of ordination." As pastoral support for the person in question, it is important to insure that the person receives fair treatment. If this preliminary exploration becomes adversarial, the potential for some of the possible courses of actions is reduced.

**Step Five of the Process—Review Hearing Notice:** It is important that the Region staff assure that proper and full notice of the hearing is given and that adequate records are kept.

**Step Six of the Process—the Review Hearing:** The review hearing is a church matter and not a criminal or civil proceeding. The goal is to seek reconciliation and healing, as well as justice. This may be a difficult concept for all persons to grasp.

The underlying principle of the civil and criminal court system is that truth is best found in the adversarial arena. This means that both sides work very hard to defeat the other side on the assumption that truth is stronger. Within the church, we seek to uphold the "spiritual health and vitality of the church" (the whole church, the person in question, his or her accusers, and the wider church.) Thus, the beginning assumption is not "truth-through-adversarial-combat;" rather, we begin with the assumption of a process which is fair to all sides and seeks reconciliation. Beginning with assumptions about relationships (rather than abstract "truth"), the church process outlined resembles more closely a debate process than a courtroom setting.

One of the important tasks of Regions staff is to make sure that the nature of the review hearing is understood by all. This may mean that the Region staff will make sure that the person in question has a friend or advocate at the hearing. The role of the advocate is to insure that the process is fair, and that the possibility of reconciliation and healing is kept alive. If the person in question does not have an advocate, Region staff may work to assure that such is available. (The Ministers Council might be an appropriate body to appoint an advocate.)

In working with the MLC as it deliberates on its decision, it may be helpful to take note of the suggested statements listed in the Implementing Guidelines for the Ministerial Leadership Committee ("No, the charge is unfounded, etc."). These are intended to suggest some possible ways of wording an eventual decision that is in

accord with this process. There are some careful distinctions which need to be studied to be understood. You may need to help the people serving on the MLC to understand those distinctions.

**Step Seven of the Process—Notification of Decision:** The Region staff will ensure that the Ministerial Leadership Committee notifies those making the allegation and the minister in question of the decision by the within fifteen (15) days of the review hearing.

**Step Eight of the Process—Appeal:** In the event of an appeal to the Executive Committee of the Region Board, the Region staff shall assure that the appellate body has all the appropriate documentation. It is important to note that the process allows for one appeal which shall be final.

**Step Nine of the Process—Pastoral Follow-up:** The Region staff needs to assure that the person against whom allegations were made and the local congregation receive pastoral care.

**Step Ten of the Process—Reinstatement:** In the event of a person seeking to have the recognition of his or her ordination reinstated, the Region staff shall supply the Ministerial Leadership Committee, in that Region or any other, with all of the appropriate documentation. This means that appropriate records must be kept for an extended period of time (as long as that request is possible).

## **Implementing Guidelines for the Ministerial Leadership Committee For the Review Process**

*(Note: The steps below are the steps of "A Process for Review of Ministerial Standing" found on pages 30-34.)*

**Step One of the Process—Written Allegations:** The Ministerial Leadership Committee, through the Chairperson, shall insure that the person making allegations about a particular professional church leader receives a copy of the "Implementing Guidelines for those Making Allegations" and a copy of the "Region's Process for Review of Ministerial Standing." In the event that written allegations are made, the Ministerial Leadership Committee, through the Chairperson, shall insure that the written allegations are:

- clearly stated, specific, and signed,
- clearly related to one or both of the grounds for action.

When allegations are made about a particular professional church leader, the Ministerial Leadership Committee through the Chairperson, shall insure that the person is informed and that he or she receives a copy of the "Guidelines for the Minister in Question," as well as a copy of the "Region's Process for Review of Ministerial Standing."

At every step of this process, the Ministerial Leadership Committee shall seek to work in close cooperation with the Executive Minister of the Region or another staff person who may be designated to work with the Ministerial Leadership Committee.

There are two principles which ought to guide the process:

- *Concerns for the spiritual health and vitality of the church are at the heart of the process. This means that the pastoral concern for both the minister in question and the church body may call for times in which such care may be given for either or both, the individual and the group.*
- *The hearing shall be fair, impartial, and confidential for the person in question, the persons making the allegations, and the wider church family. While this is a church process and not a civil or criminal proceeding, it is to be fair, impartial, and confidential. This means that the nature of allegations must be clearly understood, that the minister in question is given adequate opportunity for response, that all persons are aware of the process that will be followed, and that all people involved will maintain confidentiality.*

When these kinds of allegations are made, the Ministerial Leadership Committee, through the Chairperson, shall inform those making the allegations about the process which shall be followed, calling particular attention to the meaning of the Preamble and the second step, which calls for pastoral intervention. The nature of the Preliminary Exploration needs to be clarified, since those making the allegations will not be present.

The Preliminary Exploration allows for several possibilities. There is a pastoral role which may be played with the person in question. There is the danger that this full process may be used inappropriately to accuse professional church leaders, when the issues may have more to do with style of ministry and

theological position than is apparent in the allegations. If the goal is to work for reconciliation and healing (for both the professional church leader and the church), the Preliminary Exploration may provide a more informal process for finding a way to accomplish this.

It is important, even at this early stage, to uphold the value of confidentiality. There are several reasons for this. From the perspective of the church, the possibility of healing and reconciliation may be damaged if the allegations become the subject of gossip. From the perspective of legal problems, there are those who believe that the church is most vulnerable to law suits if the issue is made public and not kept within the church. Therefore, at all stages, the Region staff should help all participants in the process to understand the need for confidentiality in this matter.

**Step Three of the Process—Informing the Person of the Allegations:** The Ministerial Leadership Committee, through the Chairperson, shall insure that proper written notice is given to the person in question. This shall include a copy of “A Process for Review of Ministerial Standing,” a copy of the written allegations, a copy of the “guidelines for the minister in question,” and an invitation to meet with the Ministerial Leadership Committee for the Preliminary Exploration. There should be both a formal and a personal element to this notice. The formal notice should be sent by certified mail (and the receipts preserved for the record).

**Step Four of the Process—Preliminary Exploration:** The Preliminary Exploration, as noted above, is a more informal process that seeks to find reconciliation and healing in the process of exploring whether or not there is sufficient cause to proceed with a full review hearing. That is a difficult balance to achieve. The MLC should remember that they are not being asked to “decide about recognition of ordination” at this stage, but only whether or not there is a need for a full hearing.

Two things should be noted. First, the MLC will be dealing with the written materials of those who are making the allegations, while having either written or personal presentations from the person in question. Second, the MLC may choose to delegate the responsibility to a smaller, representative group in order to facilitate the process.

When a member of the MLC, or a member of the Region staff is involved in making the allegations (as will be appropriate, at times), the role of that person needs to be clarified. (That person may need to be a part of those making the allegations, and therefore not participate with the MLC in its questioning of persons or its deliberation.) If the church of the person in question has not been involved in the process up to this point, and there is to be a review hearing, appropriate church officers should be informed of the review hearing.

**Step Five of the Process—Review Hearing Notice:** The Ministerial Leadership Committee, through the Chairperson, shall insure that proper notice is given (as described above) to all parties.

**Step Six of the Process—the Review Hearing:** The Ministerial Leadership Committee will need to prepare for the review hearing by going over the process and assigning responsibilities for the various parts. The nature of this hearing and its importance in the lives of both the church and the individuals calls for sensitive preparation.

The underlying principle of the civil and criminal court system is that truth is best found in an adversarial arena. This means that both sides work very hard to defeat the other side on the assumption that truth is stronger.

Within the church, we seek to hold to the "spiritual health and vitality of the church" (the whole church, the person in question, his or her accusers, and the wider church).

Thus, the beginning assumption is not "truth-through-adversarial-combat;" rather, we begin with the assumption of a process which is fair to all sides and seeks reconciliation and healing. Beginning with assumptions about relationships (rather than abstract "truth"), the church process outlined resembles more closely a debate process than a courtroom setting.

A critical part of the planning for the hearing involves the assigning of time limits to the various parts. This will undoubtedly require a balancing of the needs to give the participants adequate time to make their presentations with the time constraints with which the Ministerial Leadership Committee must deal. However much time is allowed, it must be seen as essentially fair for both sides. When the time limits have been determined, they should be communicated to all the participants with sufficient lead time so they may prepare for the hearing. As the MLC prepares for its deliberation, the following options may help illustrate the range of decisions which are possible:

- *"No, the charge is unfounded."* The outcome could be that the allegations brought about the person are found to be unwarranted and that no disciplinary action is called for. When this is the outcome, recognizing the harm that the accusation may have caused, public notice shall be given, as well as pastoral support provided to the person accused. In some instances there may be some necessity of taking steps to stop the person(s) from making continued allegations.
- *"No, the charge about the person's fitness for ministry has not been proven, but some action is prescribed."* The outcome could be that the allegations brought about the person result in a plan for the growth and development of the person in his or her ministry. The person may or may not continue in his or her present position while undertaking the prescribed developmental work.
- *"The Ministerial Leadership Committee makes no finding about the allegations and allows the person to voluntarily relinquish the recognition of his or her ordination."* In this case, the person is allowed to request that recognition be withdrawn.
- *"Yes, the charge is sustained and the person is censured."* Censure may be an official statement by the MLC of the church's disapproval of a behavior as unbecoming a professional church leader. Censure may be offered as a warning, indicating that further similar conduct is unacceptable and could lead to suspension or withdrawal of recognition of ordination.
- *"Yes, the charge is sustained and the person is suspended."* Suspension for a period of time in order to implement a program prescribed by the MLC or to underscore the seriousness of the offense. For example, a person could be suspended while undergoing a program of psychological testing and counseling. The suspension should clearly state the period of time and conditions of the suspension.
- *"Yes, the charge is sustained and the recognition of the person's ordination is withdrawn."* In this case the MLC votes to withdraw recognition of the person's ordination. (Note: there may be times in which the MLC will choose this last option, even though the person is asking the Ministerial Leadership Committee to allow him or her to voluntarily relinquish the recognition of ordination.)

**Step Seven of the Process—Notification of Decision:** The Ministerial Leadership Committee, through the Chairperson, shall insure that proper notice of the decision shall be given to all parties, or their representatives, within fifteen (15) days of the hearing. When the decision involves the status of recognition, the MLC, through the Chairperson, shall insure that proper notice is given to all appropriate bodies.

**Step Eleven of the Process—Re-Entering the Ordination Process:** If a person whose ordination recognition has been removed desires to have the recognition reinstated, the process is found in Appendix 1. The process will be the same as those initially entering the Ordination Process.