

REGIONAL POLICY ON MISCONDUCT

Prepared on behalf of the Clergy Care Ministry of
the Christian Church in Kansas (Disciples of Christ)

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Theological Understandings

The ministry of Christ is entrusted to all the people of God. Through baptism they are called to servant ministry lived out in covenant community. Implicit in the confession of faith and the act of baptism is an acceptance of the vocation of the baptized—the special calling shared by all followers of Christ to witness to the sovereign love of God, the grace of Jesus Christ, and the communion of the Holy Spirit in all of life. The gifts (*charisms*) of the Holy Spirit are different and diverse, but in tremendous and simple ways they proclaim the mighty acts of God and mediate God’s loving and reconciling work to and in the world. Every baptized person is called to witness to Christ in whatever situation he or she lives—to express in their daily lives the ministry of Christ.

In Christ, the individual becomes a member of “a royal priesthood, a holy nation, a people of God’s own possession” (1 Peter 2:9). Thus, it has been common to speak of the “priesthood of all believers”—the persons who live as faithful disciples of Jesus Christ in the church and in the world. This language highlights the sacramentality of the work of the laity through whose witness and service the grace of God is made manifest.

The ministry of God’s people (the *laos* – the Greek term used in the New Testament for “people,” which is the source of our English words “laity, laywomen, laymen”), taken as a whole and in its diverse individual expressions, is to manifest and so continue the saving ministry of Jesus Christ. This ministry includes all who join together in witness to God’s justice and reconciliation through worship, daily work, sharing the Gospel, pastoral care, relief of human suffering, engagement in the struggle for peace and justice, and realization of the unity of the Church Universal. It is within this context of a shared ministry of the people of God that Commissioned ministry and Ordained ministry is to be understood.

Within the ministry of the whole people of God there is, and has been since the early church, representative ministry called by God and set apart by the Church for distinctive functions. The Commissioned and the Ordained are both of the *laos*, but in recognizing God’s call to particular individuals, the Church designates persons “to re-present to the Church its own identity and calling in Jesus Christ” (*The Nature of the Church, A Word to the Church on Ministry*). Authority and blessing to perform this ministry are celebrated in Ordination and Commissioning.¹

¹ From the *Preface, Theological Foundations and Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ)*, revised 5/8/2014.

As a representative ministry, those called and authorized enter special relationships of trust with those whom they serve. This trust entails certain responsibilities that must be inviolate through time and circumstances. Due to the nature of the call to Christ's ministry, it is reasonable for those served to expect physical, intellectual, spiritual, emotional, and moral fitness from their ministers.

Confirmation and acceptance of Standing from the Region implies accountability to the Region for conduct both in the practice of ministry and in personal relations which reflect on the quality of a representative ministry.

Unfortunately, violations of trust do occur, and the Church must respond holistically and faithfully to situations in which the fitness of a person authorized for ministry is called into question.

Purpose of this Document

The purpose of this document is to help the Region and congregations assess the realities of a situation and take appropriate actions in support of the healing and integrity of all persons involved.

Allegations of ministerial misconduct, whatever their nature, grow out of situations of great pain and contain the potential for grievous harm to all parties involved, including the congregation and Region. Furthermore, even unsubstantiated allegations of misconduct may be sufficient 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 thoroughly investigated. All parties will be treated with respect and dignity, and persons accused of misconduct will be considered innocent until such time as 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 in terms of the life of the church. Legal recourse is the jurisdiction of the court system.

(The Scope of Responsibility)

This policy applies to all clergy, Commissioned or Ordained, with Standing in the Christian Church (Disciples of Christ) in Kansas. **Congregations with ministers, commissioned, licensed or ordained, who do not have Standing with the Region assume their own responsibility for such ministers as they fall outside the limits of the region's authority.**

The Committee on Standing is tasked with the implementation of this policy on behalf of the Region with fairness, justice, and discretion. In dealing pastorally with such situations, the committee must seek to be guided by the Spirit of God, who alone knows how to apply both judgment and grace.

Definitions

1. **Clergy** means ministers, Commissioned or Ordained, who have Standing in the Christian Church (Disciples of Christ) and who minister within the Region.
2. **Complainant** means the person who brings a written complaint or allegation of ethical misconduct to the attention of the Regional Minister, another member of the Executive Staff, or a member of the Committee on Standing.

3. **Support Person** means a person who provides support and assistance to the Complainant or the accused Clergy during the investigative process. Their role is not to speak for the Complainant or the accused Clergy but to help them understand their rights within the investigative process and to be a supportive presence in any meetings. A support person cannot be a member of the Committee on Standing, the Executive Committee of the Regional Board, the Regional Staff, or the Response Team dealing with that allegation.
4. **Committee** means the Committee on Standing appointed pursuant to the governing documents of the Christian Church in Kansas.
5. **Investigative Team** means a team of 3-5 members appointed by the Chair of the Committee in consultation with the Regional Minister. An Investigative Team shall include females and males, clergy and laity; one member will be appointed by the Chair to serve as leader.
6. **Regional Minister** means the Regional Minister with the Committee in his/her portfolio or his/her designee.
7. **Procedural File** means a separate file that includes the initial allegation, the response of the accused Clergy, a written log of the proceedings, and all documentation that is generated or collected in the course of the investigation or resolution of the complaint, and a list of the actions of the Committee and the agreements with the involved parties.
8. **Permanent File** means a permanent file on each clergy who has or has had Standing with the Christian Church (Disciples of Christ), maintained in the Office of Church Vocations of the Christian Church (Disciples of Christ) in Indianapolis, IN.
9. **Misconduct** includes but is not limited to:
 - a. Sexual contact in which the Clergy takes advantage of the vulnerability of the congregant, client, employee, student, intern, child, or another by causing or allowing that person to engage in sexual contact with the Clergy or another within the professional relationship. Sexual contact is not limited to sexual intercourse. For example: unwanted attention, touching, kissing, hugging.
 - b. Sexual harassment, includes gestures or conversation of a sexual nature, tending to create a hostile environment within which such conduct is condoned or ignored.
 - c. Flagrant, repeated, or serious violations of the *Ministerial Code of Ethics* and/or failure to embody the criteria for maintaining Standing as specified in the *Theological Foundations and Policies and Criteria for the Ordering of Ministry*. Such violations may include but not limited to plagiarism, fraud, embezzlement, and misuse of power within the context of ministry.
 - d. Violation of confidentiality, except as required by law.
 - e. Substance abuse.
 - f. Unauthorized use of church/employer funds or pastoral relationships for personal purposes.
 - g. Providing false or misleading information to the Region, congregation, or employer.
10. **Retaliation** means action against the interests of a complainant based in whole or in part on the filing of complaint.
11. **Exoneration** means clearing of the accused Clergy of all material allegations in a complaint.

Guidelines and Principles

The Regional Minister has important roles in maintaining the integrity of the review process and providing pastoral oversight whenever a misconduct allegation is filed. It is the Regional Minister's responsibility to:

- a. Uphold the highest standards of the office of Christian minister.
- b. Offer to arrange pastoral care for the Complainant and accused Clergy.
- c. Meet, as soon as practicable, with the leadership of the affected congregation and serve as the interpreter of the process.
- d. Maintain the procedural file of each proceeding.
- e. Communicate decisions of the Committee to appropriate parties as identified above.

All allegations will be taken seriously and thoroughly investigated. Although the Church is called to offer forgiveness to all persons, it also is called to be diligent in responding to accusations of misconduct by any person. Justice calls for corrective action.

Ministers accused of unethical conduct will be considered innocent unless a preponderance of evidence substantiates the allegations.

Clergy are responsible for knowing the impact of their words and actions in caring for the emotional, mental, and spiritual needs of persons who come to them for help or over whom they have any kind of authority.

Clergy often deal with individuals who are emotionally or psychologically fragile or personally vulnerable, therefore it is imperative:

- a. Ministers be healthy psychologically, emotionally, and spiritually, so that they are less likely to be at risk of misconduct as defined in number 9 above.
- b. Ministers have adequate preparation and education for helping those under their care.
- c. Ministers participate, at least every three years, in training provided by the Region pertaining to establishing and maintaining appropriate boundaries in pastoral relationships.

The Christian care of those involved including the Complainant, the victim if other than the Complainant, the accused Clergy and his/her family, and the congregation or institution will be maintained. Bringing an allegation should not jeopardize the church membership of the Complainant.

These guidelines are not intended as a substitute for civil and/or criminal charges that may be made by the Complainant. If the complaint alleges professional misconduct of a sexual nature involving a minor, appropriate legal agencies will be notified immediately by whomever receives the initial complaint. If civil and/or criminal charges are made, the Committee may choose to proceed with or delay their own investigation. In any case, the Committee and the investigators will coordinate with civil authorities on how to proceed.

While this policy is intended to be specific, not every fact pattern can be anticipated. Persons acting under this policy will make decisions based on available information.

This is an ecclesiastical proceeding; our concern is to determine whether there was a violation of the ministerial relationship. Therefore, the presence of attorneys on behalf of the Complainant or the accused Clergy is inappropriate and prohibited.

Procedures

When non-written allegations regarding ministerial misconduct are made to a member of the Regional Executive Staff or a member of the Committee, a copy of this policy will be shared with the person(s) making the allegations in order to inform them of their options. The matter also will be brought to the attention of the Regional Minister.

The Complainant's first line of recourse should be at the congregational level through the Pastoral Relations Committee, Elders, Cabinet, Board or an entity designated by the congregation's Constitution and/or Bylaws. The church may call upon the Region for support and mediation before any further action is taken.

If the reporting party wishes the region to conduct an inquiry, any complaint or allegation of ministerial misconduct must be brought to the attention of the Regional Minister and/or Chair of the Committee in written form signed by the Complainant.

A. Processing a Written Complaint or Allegation

1. Within 15 days, the Regional Minister will:
 - a. notify the Chair of the Committee by phone,
 - b. recruit in consultation with the Chair of the Committee the 3-5 person investigative team,
 - c. notify Complainant in writing of receipt of the complaint and send a confidential copy of this policy by registered mail, return receipt requested. If the victim is a minor, such notification shall be sent to the parents/guardian.
 - d. notify the accused Clergy of the allegation by registered mail, return receipt requested, marked confidential that a complaint of misconduct has been received, the nature of the accusation, and a copy of this policy.
2. Within 15 days of receipt of the above, the investigation team will conduct interviews and gather all pertinent facts and make a report to the Committee. If additional time is needed for this task it may be granted by Committee or Regional Minister.
3. The name of the Complainant shall be made known to the accused during the investigation, except in special circumstances where retaliation is possible. This is for the protection of both parties. The accused Clergy will be cautioned to have no personal contact with the Complainant, and with the victim if other than the Complainant.
4. As soon as practicable but no later than 60 days after receiving the return receipt of notification of the complaint, the Committee shall meet to review the initial written documents and assess the evidence. The Complainant may be asked to appear before the committee to provide more information regarding the alleged misconduct. If the Complainant decides not to pursue the issue, the Committee may take such further action as it deems appropriate.
5. If the complaint is not withdrawn, the accused will be afforded an opportunity to respond to the allegation, either verbally or in writing, and to meet with the Committee regarding the allegation. Further processing of the complaint by the Committee is not dependent upon a response from the accused.

6. The Complainant and the accused will be provided the opportunity to have supporting witnesses or documentation relevant to the allegation and/or response during the investigation.
7. All meetings of the Committee will be documented with Minutes, and the proceedings will be considered confidential, except as required by law.
8. The Region assumes no responsibility for the costs of the accused, accuser, or their witnesses throughout the review process.
9. The Complainant, the accused, and other relevant parties, i.e. Congregational leadership, shall be notified of the Committee's decision verbally and in writing sent by registered mail, return receipt requested, and marked confidential.

B. Review of Standing

1. If it is determined there is sufficient cause to proceed, a negotiated date and place will be set for a Formal Review of Standing to which the accused shall be invited. This Formal Review will be held as soon as practicable but within 90 days following the Committee's receipt of the formal written complaint.
2. In a Formal Review, the Committee 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, the accused, and the investigation team.
3. Using its best judgment, the Committee 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 and the accused by means of registered mail, return receipt requested, and marked confidential.

C. Actions and Recommendations

1. ***If the allegations are not substantiated***, the inquiry will cease, and the Committee will declare the accused Clergy exonerated. If the accused so wishes, a record of the review and its conclusions will be provided for the minister expressing the Committee's opinion that this was a claim which could not be substantiated and a statement may be included in their Permanent File and/or a public statement of exoneration may be made by the Regional Minister and/or Chair of the Committee.

2. ***If the allegations are substantiated***, the Committee may respond in several ways including, but not limited to, the following:
- a. **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.
 - b. **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.
 - c. **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 Clergy's Permanent File.
 - d. **Censure** is appropriate if the Clergy 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 Clergy's Permanent File but will not result in the removal of Standing **if** cessation of the behavior and rehabilitation and restitution are accomplished.
 - e. **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 Clergy's Permanent File. Notice that Standing has been removed shall also be made to the Office of Church Vocation of the Christian Church (Disciples of Christ) and to all Regional Ministers.
- 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 Committee.

D. Lack of Cooperation by the Accused Clergy

If the accused Clergy resigns his/her ministerial position, refuses to be available to the Committee at any stage of the process, or voluntarily relinquishes his/her Standing, the Committee may still choose to continue the process to resolution. The Committee may, at its discretion, report the result of its actions to the Office of Church Vocation and to the Clergy's congregation or employer.

E. Special Procedures if the Accused is a member of the Regional Staff

1. Upon receipt of a signed, written complaint, the Chair of the Committee shall consult with the Regional Moderator. The Moderator shall name a minister with standing in the Region to serve as Consultant Staff. The Consultant Staff will fulfill the duties and responsibilities outlined above that normally would be carried out by the Regional Minister. A stipend may be granted by the Executive Committee or Regional Board for such service.
2. The Moderator, Chair of the Committee, and Consultant Staff may consult with the General Minister and President, the Chair of the General Commission on Ministry, and other Regional Ministers as necessary and desired. The Moderator will normally serve as spokesperson for public communications regarding this matter.
3. If the complaint is sustained, the Chair of the Committee shall make a report and recommendation to the Executive Committee of the Regional Board concerning this matter. This recommendation shall be in addition to whatever action the committee may take pertaining to Standing.
4. If the complaint is not sustained, the Moderator, the Regional Minister, the Chair of the Committee, and the accused staff member shall determine appropriate responses and statements to make. The accused staff person has the right to have a statement noting that the complaint was not sustained made a part of his/her regional personnel file and Permanent File.

F. Making an Appeal

1. If ***the Complainant*** is dissatisfied with the actions or recommendations of the Committee, he/she has the right of appeal to the Regional Executive Committee and, subsequently, to the Regional Board of the Christian Church in Kansas (Disciples of Christ).
2. If ***the accused Clergy*** is dissatisfied with the actions or recommendations of the Committee, he/she has the right of appeal to the Regional Executive Committee and to the Regional Board of the Christian Church in Kansas (Disciples of Christ). Further appeal may be made to the General Commission on 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.