



1 CONCERNING MINISTERIAL ETHICS PROCEDURES FOR DEALING WITH 2 ALLEGATIONS OF CLERGY MISCONDUCT

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4

THEOLOGICAL PROPOSITIONS

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6 The Christian Church (Disciples of Christ) of Mid-America has adopted the *Theological*
7 *Foundations and Policies and Criteria for the Order of Ministry, Amended 2009* as its policy guideline
8 for conducting the work of the Regional Commission on the Order of Ministry (RCOM). Those
9 guidelines set forth the following propositions and criteria related to the office of minister:

10

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

17

18 "The church recognizes an order of ministry, set apart under God, to equip the whole people to fulfill
19 their corporate ministry" (Paragraph 86, *Design of the Christian Church*).

20

21 *Personal Qualifications for the Order of Ministry*. The church expects to find within the women and
22 men it receives into the order of ministry:

23

- 24 a. Faith in Jesus Christ, commitment to a life of Christian discipleship and nurturing spiritual
25 practices;
- 26 b. A sense of call to the ministry affirmed by the church;
- 27 c. An understanding of pastoral identity;
- 28 d. Capacity to engage in theological reflection;
- 29 e. Strong moral character and personal integrity;
- 30 f. Commitment to spiritual, physical and emotional wellness sufficient for healthy ministry;
- 31 g. Care and compassion for all people with appropriate relational skills;
- 32 h. Responsible personal financial management;
- 33 i. Wise and generous stewardship in the use of God's gifts;
- 34 j. Skills and abilities necessary for the rigorous, pastoral tasks of ministry.

35

*Theological Foundations and Policies and Criteria for the Ordering of
36 Ministry of the Christian Church (Disciples of Christ), 2009, p. 16.*

37

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

42

43 The purpose of ascertaining fitness for ministry, confirmation and acceptance of standing
44 through the Region implies accountability to the Region for conduct both in the practice of ministry and
45 in personal relations that reflect on the quality of a representative ministry.

46

47 **PURPOSE OF THIS DOCUMENT**
48

49 Ethical violations do occur, and the church must respond holistically and faithfully to situations
50 where fitness of a person for authorized ministry is called into question. The purpose of this document is
51 to help the regional church and congregations assess the realities of a situation and take actions that
52 stand in support of the healing and the integrity of all persons involved, as well as the integrity of the
53 pastoral role and the ministry of the whole church.
54

55 The church, in dealing pastorally with offenses and offenders of ethical violations, must not only
56 adhere to standards of justice and due process, it must also be guided by the Spirit of God who alone
57 knows how to apply both judgment and grace as the church discerns fitness for ministry within the
58 clergy.
59

60 Allegations of misconduct by a minister grow out of situations of great pain and contain the
61 potential for grievous harm to all parties involved, including the congregation/agency itself. Because of
62 the power and presumed integrity inherent within the pastoral office, ministers may unfairly enjoy an
63 extraordinary presumption of innocence that predisposes skepticism toward such charges. Furthermore,
64 the church must carefully guard against self-protection that might too easily dismiss such allegations or
65 minimize the harm such behavior may cause. What is more, even unsubstantiated allegations of such
66 behavior may be sufficient to do great damage to the life and ministry of the Respondent. Given the
67 complexities of these situations, the Mid-America Region of the Christian Church (Disciples of Christ)
68 intends to abide by the following procedures in responding to complaints of ministerial ethical
69 misconduct.
70

71 **BURDEN OF PROOF**
72

73 If it is believed that a breach of ministerial ethics has taken place, by a preponderance of evidence, the
74 Commission on the Order of Ministry can exercise sanctions provided in this COM.
75 “Preponderance of the evidence” means it is more likely than not that a breach of ministerial ethics has
76 taken place. This is NOT the “Beyond a reasonable doubt” standard used in state criminal proceedings.
77

78 **DEFINITIONS**
79

80 Committee on Ethics and Discipline: The Chair of the Commission on the Order of Ministry
81 (Commission) shall appoint a standing Committee on Ethics and Discipline (CED). Said Committee
82 shall consist of the Chair of the CED and four members appointed from the Commission on the Order of
83 Ministry. It is recommended, but not required, that said appointees have been a member of the
84 Commission for two or more years.
85

86 Substantiation Team: A Representative from a congregation related to the Regional Office to
87 which the Respondent is related in ministry, the RCOM Coordinator and Legal Counsel for the
88 Commission on the Order of Ministry.
89

90 Representatives to the Substantiation Team: The Moderator of the Region shall appoint four
91 persons to serve on the Substantiation Team, who represent the diversity of the Region. Said
92 Representatives shall have neither rights nor responsibilities to the CED except as set forth in this
93 document. Further, it is contemplated by this document, that those persons serving as Representatives to
94 the Substantiation Team will not be members of the Commission on the Order of Ministry. In the event
95 the allegations against a Respondent occur in a congregation formerly or currently associated with any

96 one of the four appointed Representatives, that Representative will be excused from the Substantiation
97 Team and another Representative shall be appointed in that individual's place.

98 It is further contemplated by this document that the Regional Minister Team member from the
99 office in which the Respondent is related in ministry will offer pastoral care for the Petitioner, the
100 Respondent, and the congregation the minister serves, as well as other victims of the alleged clergy
101 misconduct. Therefore, Representatives may not be members of the Regional Minister Team.
102

103 Investigative Team: Upon a substantiated allegation of clergy misconduct, an Investigative Team
104 of two persons shall be appointed by the Chair of the CED.
105

106 Victim: In addition to the person against whom the alleged misconduct is directed, the church or
107 entity in which the misconduct is alleged to have taken place, as well as the church or entity in which the
108 alleged clergy serves, may be considered a victim or victims of the alleged allegation.
109

110 Petitioner: The person or persons who have brought allegations of clergy ethical misconduct. It
111 is contemplated by this document that the Petitioner and the victim(s) may or may not be the same
112 person(s) or entity (entities).
113

114 Respondent: The clergy person against whom allegations of clergy misconduct are directed.
115
116

117 **PROCEDURES**

118
119 When verbal or written allegations of clergy misconduct (e.g., willful breach of confidentiality,
120 embezzlement, sexual misconduct, willful division of the church, etc.) are received by a Regional
121 Minister Team member, an investigation and determination of fitness for ministry will be made as
122 follows:
123

124 Upon receipt by a Regional Minister Team member of an allegation of clergy misconduct, the
125 Chair of the CED shall be notified as soon as practicably possible. The RCOM Coordinator shall notify
126 the Respondent of the allegation and the Board Chair (or its equivalent) of the congregation or the entity
127 the Respondent serves. The Chair of the CED shall, within ten days of notification, convene the
128 Substantiation Team. Should the RCOM Coordinator be the Respondent, another member of the
129 Regional Minister Team shall fill the Respondent's vacancy. Should the Respondent be the Legal
130 Counsel for the Commission on the Order of Ministry, the Chair of the Commission on the Order of
131 Ministry shall serve in the Respondent's stead.
132

133 An allegation of clergy misconduct shall be substantiated or dismissed by the Substantiation
134 Team. The Substantiation Team may interview the Petitioner, the Respondent, any victim(s) or
135 potential victim(s) or any other party deemed necessary to the investigation by the Substantiation Team
136 to substantiate whether or not unethical behavior may have occurred and merits further investigation. If,
137 by a majority vote of the Substantiation Team, it is deemed that unethical behavior may have possibly
138 occurred, the substantiated allegations of clergy misconduct shall be immediately forwarded to the
139 RCOM Coordinator, or in the event the allegation is made against the RCOM Coordinator, the
140 Chairperson of the CED and one other Regional Minister Team member. The RCOM Coordinator shall
141 immediately notify the Respondent in writing via first-class mail, postage prepaid, at the Respondent's
142 last known address of record with the Region. The RCOM Coordinator shall suspend any and all Search
143 and Call procedures on behalf of the Respondent minister, upon notice of substantiation of allegations of
144 clergy misconduct. The RCOM Coordinator shall then appoint an Investigative Team. The Investigative

145 Team, in its own discretion, may recruit additional team members for the support it deems necessary for
146 a proper investigation of the allegations.

147
148 The Investigative Team, in consultation with legal counsel and the CED Chair, shall conduct an
149 investigation of the allegations to the extent it deems necessary and shall report to the CED as soon as
150 possible but no later than nine months from the date the RCOM Coordinator or, if the Respondent is the
151 RCOM Coordinator, the appointed Regional Minister Team member shall notify the Respondent.
152 Reports to the CED by the Investigative Team shall be in writing and include a summary report of its
153 findings and a recommendation for either: i) closing the case or ii) proceeding to a hearing before the
154 CED.

155
156 Should the CED determine, upon review of the Investigative Team's findings and
157 recommendation, that the matter be closed, it shall have two weeks in which to report its determination
158 of the facts and its decision concerning the alleged unethical behavior to the RCOM Coordinator, the
159 Commission on the Order of Ministry, the Respondent, the Petitioner and the victim(s). The report of
160 the CED shall be adopted by the Commission unless the Petitioner and/or the victim(s) request(s) an
161 appeal to the Commission within thirty (30) days of the CED's determination and recommendation.

162
163 Should the CED determine, upon review of the Investigative Team's findings and
164 recommendation, that a hearing shall be convened, it shall have two weeks in which to report its
165 determination of the facts and its decision concerning the alleged unethical behavior to the RCOM
166 Coordinator, the Commission, the Respondent, the Petitioner and the victim(s). Furthermore, the CED
167 shall provide copies of any written affidavits or documentary evidence acquired during the investigative
168 process to date. Said hearing shall be convened within sixty (60) days of the CED's report of
169 determination. Said hearing will consist of the personal testimony or written affidavit of the Petitioner
170 or any relevant witnesses, as well as all relevant documentary evidence. The Respondent shall similarly
171 provide personal testimony or written affidavit as well as that of any relevant witness, and all relevant
172 documentary evidence.

173
174 Upon conclusion of the hearing, the CED shall have two weeks in which to report its
175 determination of the facts, its decision concerning the alleged unethical behavior, and its decision of
176 remediation to the RCOM Coordinator, the Commission, the Respondent, the Petitioner and the
177 victim(s).

178
179 If, by a majority vote, the CED determines unethical behavior is likely to have occurred and
180 deems it appropriate, it may recommend the Commission suspend or remove clergy Standing.

181
182 If by a majority vote, the CED determines unethical behavior is likely to have occurred and
183 removal of standing is not deemed appropriate, the CED may require the minister receive appropriate
184 and substantial professional counseling or meet other remedial or corrective requirements. It is
185 important that the minister be held accountable for making progress in addressing and remedying the
186 unethical behavior.

187
188 When possible, the CED needs to provide that restitution be made by the minister to any
189 victim(s), including but not limited to professional counseling and medical treatment for damages
190 associated with the alleged behavior.

191

192 Failure to comply in a timely manner with any remedial or corrective actions required by the
193 CED will be considered an ethical violation that may result in termination of Standing as a violation of
194 this policy.

195
196 The report of the CED shall be adopted by the Commission unless the Respondent, the Petitioner
197 and/or the victim(s) request(s) an appeal to the Commission within thirty days of the CED's
198 determination and recommendation.

199
200 Such an appeal shall be heard at the next regularly scheduled Commission meeting. Said appeal
201 shall be based upon the written report of the CED. There will be no oral or personal testimony before
202 the Commission. A majority vote in the Commission meeting to accept the determination and
203 recommendation of the CED terminates the process. A decision by majority vote to reverse or amend the
204 decision of the CED shall be in writing and the CED will implement any such decision by the
205 Commission.

206
207 If, at the conclusion of all proceedings in this matter, it is determined that unethical behavior is
208 not likely to have occurred on the part of the Respondent, the RCOM Coordinator shall be given notice
209 thereof and reinstate all Search and Call procedures on behalf of the Respondent.

210
211 Nothing in this policy shall be construed as to supersede the contractual relationship of the
212 minister and the congregation/entity the minister serves.

213 214 **Definition of Sexual Misconduct**

215
216 Sexual misconduct is impossible to define with legal precision. Behavior that in one setting may seem
217 casually affectionate may in another setting be experienced as inappropriate. A hug or a playful remark
218 that would be acceptable between two friends may make others feel uncomfortable. Norms of behavior
219 change from setting to setting and from year to year.

220
221 For these reasons, the Commission on the Order of Ministry has been reluctant to propose specific
222 definitions of sexual misconduct. However, as specific situations have arisen, the Commission has
223 recognized the need for some general description of behavior, which may be defined as sexual
224 misconduct. Therefore, the Commission has developed the following definitions, realizing that they are
225 and must be open to interpretation in each particular situation.

226
227 The Commission also recognizes that ministers are especially vulnerable to accusations of sexual
228 misconduct. The normal routine of pastoral care often brings ministers into close and personal contact
229 with individuals in emotionally charged moments. Gestures of affection or consolation may be
230 misinterpreted. Ministers must, therefore, be especially cautious.

231
232 Those who bring accusations of sexual misconduct must be aware of the potential impact of their
233 actions. Accusations may do irreparable damage to a minister's ability to serve the church. Just as clergy
234 must be accountable for their behavior, those who bring accusations must also be accountable for their
235 actions.

236
237 Clergy sexual misconduct is the comprehensive term used in this policy. It includes sexual harassment,
238 child sexual abuse, and sexual exploitation.

239

240 **Clergy sexual misconduct** occurs when a member of the Order of Ministry takes advantage of another
241 person in a vulnerable relationship. It includes, but is not limited to, overt or covert sexual advances or
242 contact. It includes, but is not limited to, a course of conduct that results in mental or emotional abuse
243 (i.e., risqué jokes, innuendoes, unacceptable visual contact, personal insults, ingratiating and over
244 solicitous behavior, seductions) and physical abuse (i.e., fondling, unwelcome hugs and kisses, genital
245 contact, and frottage).

246
247 **Sexual harassment** includes any attempt by a member of the Order of Ministry to coerce an unwilling
248 person into a sexual relationship, or to subject a person to unwanted sexual attention, or to punish a
249 person who refuses to comply. Harassment may involve a wide range of behaviors from verbal innuendo
250 and subtle suggestions to overt demands and physical abuse. Sexual harassment is an exploitation of a
251 power relationship.

252
253 **Child sexual abuse** includes, but is not limited to, any contact or interaction between a child and an
254 adult when the child is being used for the sexual stimulation of the adult person or of a third person. The
255 behavior may or may not involve touching. Sexual behavior between a child and an adult is always
256 considered forced whether or not sexual behavior is consented to by the child.

257
258 **Sexual exploitation** is any abusive sexual conduct between a member of the Order of Ministry and a
259 church member, counselee or staff colleague even if there is the appearance of consent.