

## REGIONAL POLICY ON MISCONDUCT

Prepared on behalf of the Clergy Care Ministry of  
the Christian Church (Disciples of Christ) in Kansas  
Approved by the Joint Regional Assembly, November 11-12, 2016

### 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.<sup>1</sup>

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<sup>1</sup> 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 into 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.

### **Purpose of this Document**

Unfortunately, violations of said 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. 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 handled in a timely manner. 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.

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 charged with the exercise 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.** The term Clergy refers to all ministers, Commissioned or Ordained, who have Standing in the Christian Church (Disciples of Christ) and who minister within the Region.
2. **Complainant.** A Complainant is 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. Complainant is understood to include the victim if that is a different person than the one bringing the complaint, all persons sharing in bringing an allegation if more than one person brings the same accusation or multiple allegations which are substantially the same and handled in one proceeding. An adult next-of-kin may bring a complaint on behalf of a minor child.

3. **Support Persons.** Support Persons are people who provide support and assist the Complainant and the accused Clergy through 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. Support Persons cannot be members 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 on Standing.** The Committee on Standing is comprised of the Chairs of the Clergy Care Ministry, the Committee on the Order of Ministry, the Committee on Commissioned Ministry, the Scholarship Committee, the Regional Minister and the Deputy or Associate Regional Minister who is tasked with relating to the Clergy Care Ministry and its committees.
5. **Response Team.** When required, a Response Team of 3-5 members shall be appointed by the Chair of the Committee on Standing in consultation with the Regional Minister. The Team will be comprised of both females and males, clergy and laity; one member will be appointed by the Chair to serve as leader. A therapist trained in issues involving professional misconduct and an attorney may be part of this Team.
6. **Regional Minister.** As Chief Executive Officer of the Region, the Regional Minister or his/her designee 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 practical, with the leadership of the affected congregation and serve as the interpreter of the process;
  - d. Maintain the procedural file of each proceeding; and
  - e. Communicate decisions of the Committee on Standing to appropriate parties as identified above.
7. **Procedural File.** The Procedural File is a separate file that includes the initial allegation, the response of the accused Clergy, a written log of the proceedings, all documentation that is generated or collected in the course of the process, and a list of the actions of the Committee on Standing and the agreements with the involved parties. It is the responsibility of the Regional Minister to maintain the file in a limited access area of the regional office. The Regional Minister will determine who has access to it.
8. **Permanent File.** A Permanent File on each clergy who has or has had Standing with the Christian Church (Disciples of Christ) is maintained in the Office of Church Vocations of the Christian Church (Disciples of Christ) in Indianapolis, IN. It is available to Regional Ministers, who use discretion in deciding what if any materials from this file are made available to search committees and other responsible bodies.

## 9. **Types of Misconduct.**

- a. Professional misconduct involving sexual contact and/or sexual harassment is that in which the Clergy takes advantage of the vulnerability of the congregant, client, employee, student, intern, child, or anyone else by causing or allowing that person to engage in sexual contact or sexual harassment with the Clergy within the professional relationship. Sexual contact is not limited to sexual intercourse.

Generally, sexual harassment is understood as unwanted attention, touching, kissing, hugging or verbal harassment of a sexual nature, or creating a hostile environment where such conduct is condoned or ignored.

- b. 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 are not limited to such things as plagiarism, defrauding, embezzlement, and/or the misuse of power within the context of ministry.
- c. Violation of confidentiality, except as required by law.
- d. Substance abuse.
- e. Unauthorized use of church/employer funds or pastoral relationships for personal purposes.
- f. Failure to be truthful in information provided to the Region, congregation or employer.

10. **Exoneration.** Exoneration is the clearing of the accused Clergy.

### **Guidelines and Principles**

All allegations will be taken seriously and thoroughly investigated. While 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 allegation(s).

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 that:

- a. Ministers be healthy psychologically, emotionally and spiritually, so that they are less likely to be at risk of unethical conduct or professional misconduct of a sexual nature.
- 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.
- d. Ministers understand that it is their professional responsibility to set appropriate boundaries and preserve the sacred trust of their office.

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. If the Complainant is an employee of the church, job security will be encouraged. Bringing an allegation should not jeopardize the church membership of the Complainant.

These guidelines are not intended to avoid 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 those receiving the initial complaint. If civil and/or criminal charges are made, the Committee on Standing may choose to proceed with or delay their own investigation.

While this policy is intended to be specific, not every contingency can be anticipated. Persons acting under this policy will have to 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 informal, non-written allegations regarding ministerial misconduct are made to a member of the Regional Executive Staff or a member of the Committee on Standing, 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, who may wish to pursue or appoint a designated person to pursue the matter informally.

The Complainant's first line of recourse should be at the congregational level, directly with the minister and an objective third party if at all possible or 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 official inquiry, any complaint or allegation of ministerial misconduct must be brought to the attention of the Regional Minister and/or Chair of the Committee on Standing in written form that is signed by the Complainant.

#### **A. Handling a Complaint or Allegation**

1. Within 15 days, the Regional Minister will notify the Complainant in writing that the complainant has been received and will notify the accused Clergy of the allegation. A letter describing the alleged misconduct and a copy of this policy will be sent to both by registered mail, return receipt requested, and marked confidential. If the victim is a minor, such notification shall also be sent to the parents.
2. Except in special and unique circumstances, the name of the Complainant shall be made known to the accused. This is for the protection of both parties. Special and unique circumstances refer to cases in which retaliation is possible if the Complainant is identified. In all cases, the accused Clergy will be cautioned to have no personal contact with the Complainant, and with the victim if other than the Complainant, during this process.
3. As soon as practicable but no later than 60 days after receiving a written complaint, the Committee on Standing shall meet to review the initial written documents and assess any

preliminary evidence. The Complainant may be asked to appear before the committee to provide more information regarding the alleged misconduct and to determine whether it was part of a single incident or a continuing pattern of behavior. If the Complainant decides not to pursue the issue, the Committee on Standing still may take further action if it has discovered sufficient information to suggest clergy misconduct has occurred.

4. The accused will be afforded an opportunity to respond to the allegation, either verbally or in writing, and to meet with the Committee on Standing in regard to the allegation. The process of the committee, however, is not dependent upon a response from the accused.
5. When appropriate, the Complainant and the accused may provide supporting witnesses or documentation to substantiate their allegation and/or response. The committee may limit the number of witnesses and length of their appearance in order to be fair, just and equitable in dealing with the situation in a timely manner.
6. Although all meetings should be documented with Minutes, the proceedings should be confidential and shall remain such. Such confidentiality is binding on all parties involved.
7. The Region assumes no responsibility for the costs of the accused, accuser or their witnesses throughout the review process.
8. The Complainant and the accused shall be notified of the committee's decision whether to proceed or not. This notification will be 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 60 days following the committee's initial meeting regarding the matter.
2. In a Formal Review, the Committee on Standing 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 and the accused, and other credible sources as may be appropriate.
3. Using its best judgment, the Committee on Standing 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. Choosing Appropriate Actions and Recommendations**

1. ***If the allegations are not substantiated***, the inquiry will cease and every effort will be made to exonerate the accused Clergy. If the accused so wishes, a record of the review and its conclusions will be provided for the minister expressing the Committee on Standing's opinion that this was a claim without merit and may be included in his/her Permanent File and/or a public statement of exoneration may be made by the Regional Minister and/or Chair of the Committee on Standing.

2. ***If the allegations are substantiated***, the Committee on Standing may respond in a number of 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 minister's Permanent File.
  - d. **Censure** is appropriate if the minister has clearly participated in misconduct which has been persistent in nature and/or has resulted or could have resulted in serious consequences. This action shall be recorded and placed in the minister's Permanent File, but will not result in the removal of Standing **if** cessation of the behavior and rehabilitation and restitution are accomplished.
  - 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 minister'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 on Standing.

#### **D. Lack of Cooperation by the Accused Clergy**

If the accused Clergy resigns his/her ministerial position, refuses to be available to the Committee on Standing at any stage of the process, or voluntarily relinquishes his/her Standing, the Committee on Standing may still choose to continue the process to resolution. The Committee on Standing 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 on Standing 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 on Standing, 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 on Standing 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 on Standing, 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 on Standing, he/she has the right of appeal to the Regional Executive Committee and, subsequently, to the Regional Board of the Christian Church (Disciples of Christ) in Kansas.
2. If ***the accused Clergy*** is dissatisfied with the actions or recommendations of the Committee on Standing, he/she has the right of appeal to the Regional Executive Committee and to the Regional Board of the Christian Church (Disciples of Christ) in Kansas. 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.