



D. STAFFORD & ASSOCIATES

Response by Staff of Virginia Mennonite
Conference and Lindale Mennonite Church to
Allegations of Sexual Misconduct

Analysis and Best Practices

January 13, 2017

Final Report

REPORT AND RECOMMENDATIONS

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Background on D. Stafford & Associates

D. Stafford & Associates (DSA) is a professional consulting firm specializing in campus safety, campus security, and law enforcement issues on college and university campuses, including specialization in Clery Act and Title IX compliance issues. Services offered by the company include comprehensive audits of Clery compliance records and the institutional process/methodology in place to appropriately comply with the Clery Act; assessment or development of sexual harassment and sexual misconduct policies and procedures that demonstrate compliance with the Clery Act and Title IX; external investigations of sexual misconduct on behalf of institutions; assessment or development of institutional emergency response policies and procedures, including the facilitation of table top or full scale exercises in compliance with the requirements of the Higher Education Opportunity Act (Clery); search services for the positions of Chief of Police, Director of Public Safety, Clery Compliance Officers, and Title IX Coordinators; and training, both on site at client institutions as well as in courses offered at various locations around the United States, on all facets of safety and security issues facing higher education administrators.

Methodology

D. Stafford & Associates (DSA) was retained by the Mennonite Church USA (hereinafter referred to as “MCUSA”) to conduct numerous inquiries on behalf of MCUSA. The questions to be answered were as follows:

- To what extent, if at all, was the staff or board of Virginia Mennonite Conference or Lindale Mennonite Church responsible for malfeasance in the way that they handled the allegations that were made against Luke Hartman?
- How, if at all, might these two entities improve the way they handle allegations of sexual abuse in the future?
- What recommendations would DSA make for best practices in managing allegations of inappropriate sexual behavior, or misconduct of a sexual nature, that could also be a criminal offense, particularly when that conduct involves high profile individuals who do not carry ministerial credentials?

This scope of work combines the questions of responsibility for Lindale Mennonite Church (hereinafter “Lindale”) and the Virginia Mennonite Conference (hereinafter “VMC”) regarding the information that came to their attention. Prior to an assessment of responsibility, the assessors examined the facts of the case. The Assessment Team has separated the analysis of malfeasance of Lindale and VMC, as we determined their roles were separate and distinct from one another.

A team of three qualified assessors employed by DSA conducted both on-site interviews of witnesses as well as off-site document collection and review of policies, procedures, practices, email correspondence, third party accounts, first person/complainant accounts, as well as conducting off-site interviews, when necessary. The assessors are diverse in their backgrounds and examined the complaints through their respective lenses having conducted collectively hundreds of investigations into sexual assault, domestic violence, dating violence and stalking. Two

assessors have backgrounds in law enforcement, one assessor having retired from the NYPD as a commander overseeing the Special Victims Division. The other is a former Police Chief who is a nationally recognized expert in the investigation of the sexual victimization of college women, who served at three small private post-secondary institutions, two of which were religiously affiliated. The third assessor is an attorney who practiced in family and civil rights law and has spent the majority of her career in Human Resources in higher education and as a Deputy Title IX Coordinator.

Of note, none of the assessors are of the Mennonite faith and have no discernable bias regarding the allegations of sexual misconduct as brought forth by Lauren Shifflett. None of the assessors had any knowledge or experience with this matter prior to being contacted by Eastern Mennonite University or MCUSA. None of the assessors personally knew Hartman, Shifflett, or others associated with the content of this report and the findings. Since Hartman, Shifflett, Shifflett's family members and advocates declined to be directly interviewed in this process, the assessors have never met them.

During the course of the inquiry, DSA interviewed 49 witnesses, received affidavits from two who declined to be interviewed and examined more than 1,000 pages of documents. This report contains the names of several individuals, including the complainant, the complainant's sister and husband, the respondent, and the Pastors of Lindale, as these names have been widely publicized in the media and via social media. The names of all other individuals who were interviewed and/or who submitted written statements/documentary evidence have been redacted to preserve their privacy and maintain their confidentiality.

Terminology

The assessors feel it is important to explain certain terms (as some will be utilized in this document.) While other terms listed below will not be used in this document, it is important to note that in assessing the facts of this matter, and in receiving documentary evidence from witnesses, the terms "sexual abuse" and "sexual violence" have been repeatedly used to describe what has been perpetrated against Lauren Shifflett.¹ We are providing clarification of terms here not to minimize what Shifflett reported or her experience, but to provide clarity to the reader regarding our own use of terms in this document.

When we use the term "sexual violence", we would be describing an act or acts of sexual touching or sexual penetration without the consent of the complaining party. Sexual touching refers to the touching of the breasts, buttocks or groin. This would include instances in which the complaining party did not provide consent, including due to the nature and type of the parties' relationship, due to temporary or permanent mental or physical disability or other incapacitation (such as in instances where the complainant was asleep or could not provide consent due to extreme impairment, like due to the intake of alcohol or drugs), or through the use of force (which includes physical force, coercion, and intimidation.) Consent is also absent in circumstances whereby the complainant was a child (a person under the age of 18) and therefore could not have consented to sexual contact.

¹ Lindale Mennonite Church said "abusive relationship" in their letter; Shifflett's sister calls it "sexual abuse" and SNAP refers to it as "sexual violence."

When we use the term “sexualized violence”, we are referring to a broad range of behavior perpetrated against persons because of their sex (i.e., biologically male or female) or because of their gender (i.e., the innate sense of being male or female and their expression of such an identity through their clothing, speech, and mannerisms.)

“Sexual abuse” is defined in Virginia, § 18.2-67.10, as “an act committed with the intent to sexually molest, arouse, or gratify any person” but only applies to children under the age of 15. Criminal Sexual Assault in Virginia includes rape, forcible sodomy, and sexual battery.

“Stalking” is a course of conduct directed at a person that would cause that person to fear for their safety or the safety of others. It often results in substantial emotional distress and encompasses both criminal and noncriminal behaviors. Stalking is usually comprised of acts of harassment, whereby the respondent communicates to or about a person, and also includes acts of surveillance and monitoring activities (which could be done using physical proximity as well as via electronic means, or a combination of both).

Intimate partner violence (IPV), which consists of dating and domestic violence, includes instances of power and control whereby one partner exerts dominance over the other through physical violence, the use of threats about committing physical violence, emotional/ psychological abuse, sexual violence, financial control, isolation and general fear of a harm. IPV occurs between two people who are in a dating relationship (intimate or romantic but non-marital relationship regardless of if the two are engaged in sexual activity), marital (spouses) or family relationship (mother, father, sister, brother or those who have a child in common). IPV often includes acts of stalking, especially if the two parties have separated, one party is pulling away or the two have separated and one is unable to let go of the relationship.

Sexual misconduct, as we use that term, is intended to serve as an umbrella term and includes acts of sexual violence and stalking, but could also mean sexual harassment, dating violence, domestic violence and sexual exploitation. **For purposes of this document and assessment, it is important to note that the assessors are not tasked with determining if Hartman *engaged in acts of sexual misconduct, that is to determine the validity of such accusations, rather the assessors are tasked with determining *what church officials were told and what they subsequently did with the information known to them.****

Lastly, a complainant is the person alleging to have been harmed by some form of sexual misconduct and the respondent is the person who is alleged to have engaged in the harm.

ANALYSIS: Lindale Mennonite Church

To what extent, if at all, was the staff or church leadership of Lindale Mennonite Church responsible for malfeasance in the way that they handled the allegations that were made against Luke Hartman?

On August 29, 2014, Lauren Shifflett (“Shifflett”) and her sister, Marissa Benner Buck met with Dawn Monger and another church member to tell her story. The four women met at 10:00 am and spoke until close to 2:00 pm.² Monger states that Shifflett told her they had permission to share her story but not her name.

When sharing her story with Monger, Shifflett told Monger it had two distinct parts. In the first part, Shifflett describes a consensual relationship. The second part of her story begins when she ended the relationship with Luke Hartman and “things got really bizarre.” Shifflett went on to describe events that made her frightened for her safety and described those events in detail to her Pastor.

Shifflett made two requests of Monger: first that Lindale get Hartman to “leave her alone” and second that her name remain confidential. Monger talked to Shifflett about the possibility of legal action including the involvement of law enforcement and in applying for/obtaining a protective order. At that time, Shifflett declined.

Monger asked Shifflett if they should call the head pastor, Duane Yoder, to discuss it with him. Monger stated that Shifflett told Monger she did not want to talk to Yoder and didn’t trust him. The group agreed to wait before telling Yoder but Monger stated that it is protocol for her to report information to the supervising pastor who makes the decision as to who else “needs to know” within the Virginia Mennonite Conference.

On August 31, 2014, Shifflett agreed to allow Monger to share her story with Yoder. Monger told Shifflett she would remain actively involved and if at any point Shifflett did not feel safe they would “take further action.” Monger wrote up what she would read to Yoder.

On September 1, 2014, Dawn Monger, along with her husband and the other church member, met Duane Yoder at the church. Monger read a statement of what she had been told by Shifflett. Monger’s husband attended the meeting as Dawn Monger felt Duane Yoder might need a support person to process the information being reported.

According to Yoder, he first learned of Hartman’s relationship with Shifflett when Dawn Monger shared it with him on September 1, 2014. After Monger’s report, Yoder called Hartman and asked him to come over for a meeting and reported what Monger had heard from Shifflett. Yoder states that at the time the relationship was reported to him, neither Hartman nor Shifflett was actively involved at the church. Hartman was involved enough, however, to give the sermon in church with Yoder two days after Shifflett reported the incident to Dawn Monger.³

² Dawn Monger Written Statement to DSA, dated July 25, 2016

³ Interviews, Lindale Church Members

Yoder told the assessors, “he admitted to everything.” Hartman was initially upset at the report and said to Yoder, “My life is over.” Yoder agreed to “help” Hartman but only if Hartman agreed to certain “terms” to show that he wanted pastoral care.^{4 5}

Immediately after receiving the report, Yoder required Hartman to confess his actions to his wife. Yoder joined Hartman for that conversation on September 1, 2014.⁶

Yoder summarized the steps, which were also confirmed by the accountability group members and Dawn Monger as agreed upon “church discipline.”

1. No contact with Shifflett
2. No ministry or speeches for one year
3. Immediate counseling
4. Accountability group
5. Tell EMU why you can’t speak
6. Yoder and Hartman to meet with Shifflett’s parents, Dawn Monger; other church member and her husband⁷

Monger stated that she received a call from Yoder later that night. Yoder told her he had met with Hartman and Hartman “admitted to everything.”⁸ Yoder told her that he made Hartman contact his wife and confess his actions to her. Yoder told Monger that he would be going with Hartman to tell his supervisor at EMU the following day.⁹

Monger states that to her knowledge Hartman has not had any contact with Shifflett since August 27, 2014.

Destruction/Retention of Emails

One of the requests from Shifflett was that private emails between Shifflett and Hartman be deleted. The church timeline states that the emails were deleted by September 5, 2014. A church witness states in October 2014, she saw one email that had been forwarded from Hartman to Yoder on Yoder’s computer. She reports that the email contained content of a sexual nature and was an exchange between Shifflett and Hartman. Consequently, based on the witness statements, the assessors do not believe that the emails were deleted as Shifflett had been promised and that at least two additional people within the church had viewed these communications without the consent of Lauren Shifflett.

⁴ Interview, Duane Yoder

⁵ Of note, there were several instances identified by the assessors where Yoder claimed that he would hold Hartman accountable for various actions that went beyond his ability to do so and in some cases, he failed to hold him accountable when he said he would.

⁶ Church Talking Points

⁷ Church Timeline

⁸ Dawn Monger Written Statement to DSA, dated July 25, 2016

⁹ Dawn Monger Written Statement to DSA, dated July 25, 2016

Report of Relationship to EMU (September 2, 2014)

On September 2, 2014, Yoder joined Luke Hartman for Hartman's regular meeting with his supervisor, the President (per the discipline outlined by Lindale for Hartman to tell EMU why he could not engage in speaking engagements.) Following that meeting, Yoder joined Hartman for two additional meetings at EMU, one with Hartman and his direct reports and the other with senior administrators.

Witnesses at all three meetings state Yoder did most of the talking¹⁰. Yoder states that he did not release the name of the woman as Dawn Monger had said Shifflett did not want people to know her name¹¹. Interviewed EMU employees were told of a consensual six-month affair with a then 19 or 20-year-old woman from the Lindale congregation years before he worked at EMU. The purpose of the report to EMU was to give some context for why Hartman needed to withdraw from his upcoming speaking engagements.

Interviews with EMU employees showed that Yoder did not provide the full details of what was reported to him to EMU, as they were unaware of behaviors that would be categorized as harassment or stalking that they have now learned from the blogs from April 2016.¹²

When Associate Pastor Dawn Monger asked Yoder about the meeting with EMU, he told her that Luke confessed to the affair and admitted to stalking Lauren and leaving the note on her car. Interviews demonstrate that Hartman was not the confessor—Yoder spoke on his behalf and again, only shared a portion of the story. EMU was unaware of her identify and that Shifflett had previously been a student at EMU until after the release of her blog post.

The assessors note that the report to EMU by the church was not a required step as Lindale had no mandatory reporting obligations as it relates to EMU. Rather, it was reported to EMU as part of church "discipline" required of Hartman and only as an explanation of a year ban on speaking engagements within the church.

When EMU failed to terminate Hartman from the Vice President position, Monger followed up with Yoder to confirm that Shifflett's full story had been shared, including the stalking behavior. Yoder assured her that he had told them "everything." Yoder later told Monger he tried to put the best face on it that he could at EMU and that "I am being a pastor to Luke."¹³

Monger shared Shifflett's story with Duane Yoder as he is her supervising pastor. Monger wrote down her memories of the conversation with Shifflett and read the two and a half page memo out loud. She told the assessment team that the protocol in the Virginia Mennonite Conference is the associate pastor reports to the lead pastor who makes the decision on where and to whom to report. She asked him at several points if he had reported it to conference leaders and he told her it "wasn't necessary."

¹⁰ Interviews, EMU

¹¹ Interview, Duane Yoder

¹² Interviews, EMU

¹³ Dawn Monger Written Statement to DSA, dated July 25, 2016

Finding

The assessment team finds the initial actions of Lindale in ministering to Shifflett were appropriate.

As this case did not involve allegations of sexual misconduct by credentialed ministers, the Mennonite Church USA policy “Ministerial Sexual Misconduct Policy and Procedure” did not apply. While in hindsight, contacting the Virginia Conference may have been advisable, Pastor Duane Yoder was not obligated to do so. Hartman was a well-known figure in the Mennonite church nationally, but he was not credentialed, nor was he even in a lay-leadership position at Lindale at the time of the report. Even if Monger felt that aspects of the relationship, and specifically the continued pursuit by Hartman as reported by Shifflett should have been reported to the Virginia Conference, protocol dictated that the decision to report be made by the senior pastor.

Shifflett’s primary request was that Hartman stay away from her—she reported the relationship to the church in the hopes they could make that happen. Every indication shows they met this request as Hartman has had no reported contact with Shifflett since August, 2014. In addition to the requests made by Shifflett, the church provided additional pastoral care. Pastor Dawn Monger walked with Shifflett until March of 2016. She researched counselors for Shifflett and the church paid for the therapy sessions. Monger paid for a spa day and visited Shifflett in Florida. After Shifflett moved to Florida, Monger offered to help her find a therapist in that location as well and the church continued to offer to pay for the counseling sessions.

The church also provided pastoral care for Shifflett’s parents. At their request, Hartman’s sermon was removed from the Lindale website. Hartman met and apologized to them, accompanied by Yoder. Both Yoder and Monger provided pastoral services to the parents.

The church outlined several disciplinary steps for Hartman. The most important was to stop all contact with Shifflett and all parties feel this requirement was met. Hartman was forced to withdraw for a year from speaking engagements.

The assessors did find issues of concern with regard to Yoder’s conduct. Yoder misrepresented to Monger what had been shared with EMU. While the pastors were not obligated to report, they did take on the reporting obligation when they told Shifflett they would report the situation to Hartman’s employer, EMU. The reason for the report, according to Lindale, was to explain why Hartman was stepping down from his speaking engagements. While some witnesses stated he was “asking for forgiveness,” it is not clear to the assessors that the purpose of the information provided to EMU was to consist of a full confession, but rather an explanation for his withdrawal from public speaking.

That said, the perception was that once the church made the decision to report the misconduct, they had a moral obligation to provide an accurate and full account of what had been reported by Shifflett. It was Monger’s initial belief, that was in turn shared with Shifflett and her family, that a report was made to EMU that included all of the known OR pertinent details. However, interviews with witnesses at EMU demonstrate that was not the case. It is the assessor’s opinion

that Yoder could not objectively serve the congregation and Hartman simultaneously given the reported close relationship between the two. While there were no protocols at the church or the conference to manage these kinds of allegations, the assessors believe Yoder should have made an effort to find alternative pastoral services to see Hartman through these issues.

ANALYSIS: Virginia Mennonite Conference

To what extent, if at all, was the staff or board of Virginia Mennonite Conference responsible for malfeasance in the way that they handled the allegations that were made against Luke Hartman?

Insofar as the assessors can determine, the Northern District Ministers were not notified of the allegations against Hartman or the work of the accountability group¹⁴ until April 2016 when they met with Yoder and Monger (around the time of Shifflett's blog). The church elders were told by Yoder of a "confidential" complaint involving a woman who was "not being left alone" by Hartman.¹⁵ The elders were not told of the intimate relationship Shifflett alleged had occurred between she and Hartman but the senior leadership team would likely have been told and they would have known more details, especially since two members of that team also sat on the accountability group.

It is the opinion of the assessors that VMC had no notice of the allegations of sexual misconduct alleged in 2014 until spring 2016. In the opinion of the assessors, once the decision was made by Yoder to report the misconduct reported to him to EMU, he should have recognized the seriousness of the allegations and the fact that the subsequent discipline imposed by Lindale against Hartman would likely have broad implications within the Mennonite community.

¹⁴ So naturally, if the Northern District Ministers were not notified, then neither was the Executive Conference Minister.

¹⁵ As reported by one of the church elders at Lindale.

RECOMMENDATIONS

How, if at all, might Lindale Mennonite Church and/or Virginia Mennonite Conference improve the way they handle allegations of sexual abuse in the future?

The recommendations of the assessment team include actions upon receiving a report of sexual misconduct as well as steps that can be taken to prevent sexual abuse. As one denomination writes on their safety pages, “the fact that Jesus sent the disciples two by two is an ancient acknowledgement of the risk of ministry.”¹⁶ While this report is focused on sexual misconduct, many of the recommendations would apply to other church crises including financial misconduct, ministerial issues or other misconduct, particularly those rooted in an abuse of power.

The follow recommendations are aimed at addressing these issues:

1. Virginia Conference should develop a rubric by which they provide requirements for Pastors to thoughtfully discern information they have received for purposes of sharing said information with Conference leadership. Pastors would not necessarily have to provide identifying information about the complaints, but based on what is shared and who it involves, the church can get guidance on appropriate steps.
2. Provide a process by which other church employees (besides Senior Pastors) can report abuse or concerns to Church leadership. This may be through a confidential reporting tool or a published protocol that permits any credentialed pastor to contact the Virginia Conference with a report.
3. Require a training program¹⁷ for clergy and lay leaders on trauma, victimology and predation. This training would assist the church leaders, credentialed and lay, in providing pastoral support and avoiding language that can be victim blaming.¹⁸
4. Require background checks and annual misconduct prevention training for all staff including custodial staff and volunteers that work with children or in a pastoral care setting.
5. Develop a Mennonite Sexual Abuse support line for victims of sexual abuse and regional Virginia locations staffed by licensed or credentialed pastors and/or mental health professionals with oversight. This would be a Mennonite Church USA-led program that can partner with other agencies and non-profits but would still operate independently.
6. Every church should adopt a sexual misconduct policy based on a model policy disseminated by the Conference and rooted in theological foundations. The church policies should include definitions of misconduct and a clear complaint process with options for reporting.

¹⁶ <http://dionc.org/Forms%20&%20Resources/diocesan-policy-on-misconduct-prevention-training->

¹⁷ DSA is available to assist MCUSA in developing a training program. DSA has expertise in developing similar training content and has access to an online training platform that could be utilized to provide training for MCUSA and member churches throughout North America.

¹⁸ The assessors note that much of the language in internal documents of the church include language that could be perceived as victim-blaming. While this may be unintentional, the impact on victims can be long-lasting. As Shifflett remained anonymous, the majority of the church members that knew of the situation heard only Hartman’s version (from either Hartman and/or Yoder) and this may have clouded their perception of the complainant and may have contributed to a culture in the church in which those who come forward to report sexual misconduct will not be supported.

7. Review the Ministerial Sexual Misconduct Policy and include all possible sanctions and examples of when particular sanctions would be appropriate.¹⁹

What recommendations would DSA make for best practices in managing allegations of inappropriate sexual behavior, or misconduct of a sexual nature, that could also be a criminal offense, particularly when that conduct involves high profile individuals who do not carry ministerial credentials?²⁰

The recommendations listed above should apply to all situations of sexual misconduct. Additionally, for situations involving non-credentialed congregants involved in sexual misconduct:

1. Create a “Pastoral Response Team” (PRT) through the Virginia Conference to include lay and credentialed men and women to provide insight, resources and plans for congregations dealing with sensitive pastoral situations involving inappropriate relationship and/or sexual behavior.²¹
 - a. In any of the situations involving allegations of an inappropriate relationship, sexual behavior and/or criminal offenses including intimate partner violence, stalking, or sexual assault, reporting to the PRT should be mandatory.
 - b. The team can send out member of the PRT to provide for the pastoral needs of those in crisis, in addition to the staff of the church. This practice would provide for an individual who is not intimately familiar with the congregant to provide insight and guidance regarding “next steps” and would reduce the ability of a pastor or other church official to inappropriately manage the situation because of personal relationships. This should be standard protocol for any instance involving church staff or members in leadership positions.
 - c. An impartial third-party facilitator or mediator may also be utilized in situations where church members fear a bias in the process.
 - d. With early Conference intervention, churches will be more limited in instituting church “discipline” to that which the church can control.
2. Adapting a revised version of the Ministerial Sexual Misconduct Policy or developing an alternate policy to apply to official and unofficial leaders in the church such as Sunday school teachers and individuals who speak to and on behalf of the church.

¹⁹ The current draft of the policy from 1/28/2016 defines “Sanction” as “a reprimand, the *probation, suspension, or termination* of credentials.”

²⁰ “Inappropriate sexual behavior” encompasses a variety of incidents including consensual relationships outside of marriage. We would mandate actions for behaviors that could be criminal, as defined earlier in this report.

²¹ See <http://www.episdionc.org/Diocese/pastoral-response.html> for an example of the program of the Episcopal Church, NC Diocese.