

## **MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE** *(May also be used for other ministerial misconduct complaints)*

### **CONTENTS**

#### **Theological Statement**

#### **Ministerial Sexual Misconduct Policy**

#### **Complaint Procedure**

- Section 1.        **Introduction**
- Section 2.        **Definitions**
- Section 3.        **Complaint by an Individual**
- Section 4.        **Jurisdiction**
- Section 5.        **Investigation**
- Section 6.        **Judgment and Sanctions**
- Section 7.        **Appeal**
- Section 8.        **Credential Status of a Sanctioned Minister**

#### **Addendum: FLOW CHART**

#### **Addendum: ANNOUNCEMENT FORMS**

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### **Theological Statement**

As followers of Jesus Christ, we are called to participate in Christ's ministry of good news, healing and hope, peace and justice. We are called to bear witness to Christ's healing love in the face of violence, including sexual abuse.

All Christians are called to ministry to extend the work of Christ, yet Mennonite Church Canada and Mennonite Church USA recognize that God calls particular persons in the church to specific credentialed leadership ministries, such as, but not limited to, that of pastors, chaplains, missionaries, teachers and *area conference ministers*. (See *Shared Understanding*, pages 41-42.) These leaders are accountable to God and to the community of faith as they serve the Church. The character and reputation of these leaders is to be above reproach.

Sin is also part of our world, and when we sin, we turn away from our Creator causing unrighteousness and injustice, which results in pain and brokenness. The Bible describes leaders as shepherds entrusted with the care of the flock, who are to serve and be an example (1 Peter 5:2-4). When leaders care for themselves in unhealthy ways at the expense of God's people, God will hold these leaders accountable for their behavior. The Lord will rescue the flock and shepherd the flock with justice so that the injured and weak are strengthened (Ezekiel 34:7-16). We believe the Lord requires the Church to be a part of this justice.

### **Ministerial Sexual Misconduct Policy**

It is *ministerial sexual misconduct* for a *minister* to engage in *sexualized behavior* with a person with whom the *minister* has a *professional relationship*. The *minister* is always responsible to prevent and to stop such behavior. (See *A Shared Understanding*, pages 68ff for a greater detailed list of what *sexual misconduct* includes.) The *area conference* through its designated *Ministerial Leadership Committee* is responsible for disciplining *ministers* who engage in such *misconduct*. Using this policy to address complaints of *ministerial sexual misconduct* applies to credentialed and non-credentialed *ministers*, whether the person remains in the church assignment or not, is dead or alive, refuses to cooperate with the area conference or relinquishes his/her credential.

When a minister engages in misconduct, they sin against the person(s) abused, their own family, the congregation, and the office of ministry. If such misconduct occurs, the church acts first to protect the abused and prevent further harm. This is the first priority in a longer process of the church seeking justice and healing for the person(s) who were abused. Disciplinary action also seeks the safety, healing and trust of the family of the offender, the congregation and the office of ministry. The process of discipline calls the offender to responsibility, repentance and healing. The *Ministerial Sexual Misconduct Policy and Procedure* statement will help guide the Church through this difficult journey.

## **Complaint Procedure**

### Section 1. **Introduction**

This procedure is a means for the *area conference* that has oversight of a *minister* who has been accused to make factual determinations about *complaints* of *ministerial sexual misconduct* and to discipline when warranted. The focus of this document is disciplinary.

The *area conference* may address several *complaints* against a *minister* in one proceeding, or may conduct a separate proceeding for each *complaint*. The *area conference* may also use this procedure as a guide to address *complaints* of *misconduct* other than *sexual misconduct* (See *Shared Understanding of Church Leadership*, page 68ff).

**Long-ago Ministerial *Misconduct*.** There is no statute of limitations, and therefore a *charge* of *ministerial sexual misconduct* may be brought for acts that allegedly occurred many years before. Reliability of memory and availability of witnesses and *evidence* should be taken into account when deciding whether to *charge*. In some such cases, the *area conference* through its *Ministerial Leadership Committee* may decide in consultation with the National Office that an adapted process of this procedure is appropriate to address the alleged *misconduct*.

**Previously Disciplined Ministerial *Misconduct*.** A *minister* who was previously charged with *misconduct* shall not be charged again for that situation, provided that the *area conference* that had *jurisdiction* for the *charge* confirms at the time of the new *complaint* that the *minister* has followed through with any requirements that arose from that previous *charge*. However, the *investigation* and the *judgment* in an earlier disciplinary proceeding will be considered when relevant to a current *charge* by the *area conference*. Relevancy may include prior *misconduct* of the type described in a current *complaint*. Following a disciplinary process, if *complaints* from additional *complainants* come forward, the *area conference* will engage in another investigation.

**When the *area conference minister* is accused.** When there is a *complaint* against the *area conference minister*, the National Office will facilitate this process and not the *area conference*.

Section 2. **Definitions** of terms used in this *Policy and Procedure*:

Clarity facilitates fact-finding and discipline. All words defined in this section are italicized throughout the document.

*Appeal Panel*: Three persons appointed by the *area conference* governing body to hear a *minister's* appeal following a *judgment* determining that a *minister* engaged in *misconduct*. No member of the *appeal panel* shall be an *investigator*, a member of the *Ministerial Leadership Committee*, a member of the same congregation as the *minister*, nor have any relationship that materially affects impartiality.

*Appellant*: The *minister* or the *complainant* who registers an appeal to the *area conference*.

*Area Conference*: A regional body of Mennonite congregations, covenanted together for purposes of mission, fellowship and credentialing. This term describes conferences of Mennonite Church USA and area churches of Mennonite Church Canada.

*Area Conference Leadership*: The executive *minister* or executive director of an *area conference* who does not carry *area conference minister* responsibilities. In area conferences that have an *area conference minister* who also has executive *minister* responsibilities, the *area conference* moderator or chairperson serves in the *area conference leadership* role for the purpose of this *Policy and Procedure*.

*Area Conference Minister*: An oversight *minister* at the *area conference* level, who serves as pastor to regional *ministers*, and/or pastors, including the oversight of *credentials*.

*Charge*: Verb: Action by the *area conference* to formally accuse a *minister* of *misconduct*, based on a written *complaint*. Noun: A formal accusation of *misconduct*, brought by the *area conference*, based on a written *complaint*.

*Complainant*: One who alleges that a *minister* engaged in *misconduct*.

*Complaint*: A written allegation of *misconduct*, signed by a *complainant*, including the name of the accused and, as much as possible, the date, time, location, circumstances, names of any witnesses and other relevant information.

*Contact Person*: A *contact person* is appointed by the *area conference minister* for the *complainant* to assist the individual in reviewing the *Ministerial Sexual Misconduct Policy and Procedure*, assist the person in putting the *complaint* into writing, assure that the written *complaint* is received by the *area conference*, and remain the *contact person* for the *complainant* if a *charge* is brought. The *minister* will also be offered a *contact person*.

*Credential:* Verb: To ordain or license a *minister* by the *area conference* and/or to accept responsibility for the continued authorization of an ordained or licensed *minister* to act as a *minister*. Noun: The recognition of ministerial authority that is granted to a *minister* by a credentialing *area conference*.

*Evidence:* Witness testimony, documents, objects or other information that make a claim or defense more likely or less likely to be true.

*Investigation:* Upon receipt of a written *complaint*, *investigators* conduct an *investigation* to gather more information about the *complaint* in order to issue a report to the *Ministerial Leadership Committee*.

*Investigators:* 'Qualified and independent' persons appointed by the *area conference* to participate in a panel investigating a *complaint*. (See Section 5)

*Judgment:* Determination by the *Ministerial Leadership Committee* of whether a *minister* engaged in *misconduct* or did not engage in *misconduct*, based on the *investigation*.

*Jurisdiction:* The appropriate *area conference* to have disciplinary authority over the *minister* for whom a *complaint* has been filed. (See Section 4)

*Minister:* One who has been ordained or licensed to act as a *minister* in the *area conference*, one who serves as a non-credentialed pastor in a congregation or one who is an employee of an organization that the *area conference* acknowledges is *area conference*-related or requires credentialing.

*Ministerial Leadership Committee:* The *area conference* committee that grants *credentials* and administers the discipline process according to this *Ministerial Sexual Misconduct Policy and Procedure*.

*Ministerial Misconduct File:* The *area conference's* personnel file regarding a *minister's* *misconduct* or alleged *misconduct*, maintained by the *area conference*. The national ministerial leadership office will receive a duplicate file from the *area conference*.

*Ministerial Sexual Misconduct:* Sexualized behavior by a *minister*, involving one or more individuals with whom the *minister* has a *professional relationship*.

*Misconduct:* An act or omission by a *minister* that is contrary to the policies or principles of the *area conference* based on *A Shared Understanding of Church Leadership*.

*Non-disciplinary Leave of Absence:* A leave with pay, granted to a *minister* for non-disciplinary reasons, by a congregation or other employer at its discretion.

*Personal Supporter:* A person selected by the *complainant* or a person selected by the accused *minister* to provide pastoral care and practical support. (See Section 3D)

*Policy and Procedure:* This *Ministerial Sexual Misconduct Policy and Procedure*.

*Preponderance of Evidence:* The greater weight of the evidence required for the *Ministerial Leadership Committee* to decide in favor of one side or the other.

*Probable Grounds:* Facts and circumstances that reasonably justify a determination that an alleged event has, more likely than not, occurred.

*Probation of Credentials:* The *credential* status given when the *minister* has been placed under close supervision for a specified period of time in order to determine whether the *credential* will be continued. At the conclusion of the probationary period, it is determined whether the *credential* becomes active, suspended or terminated.

*Professional Relationship:* The relationship between a *minister* and one who relates or has related to the *minister* as congregant, student, counselee, employee or in a comparable role, or a relationship where the religious role gives the *minister* privilege and power. A *professional relationship* does not include:

- A married *minister's* relationship with the *minister's* spouse; or
- An unmarried *minister's* dating relationship with an unmarried person with whom the *minister* has had a *professional relationship*, if the *minister* has clearly communicated to the person that the *minister* will not provide for any one-to-one professional ministry care and there is acknowledgement and accountability with the *area conference minister*.

*Sanction:* Verb: To discipline a *minister*. Noun: A reprimand, the probation, suspension or termination of *credentials*.

*Sexualized Behavior:* Behavior by the *minister* in a *professional relationship* that shows sexual interest or a choice to make the sexual dimension overt in a relationship whether orally, electronically, on paper or any other form of communication. (See *A Shared Understanding of Church Leadership*, page 68 ff.)

*A Shared Understanding of Church Leadership:* The polity manual for Mennonite Church Canada and Mennonite Church USA that provides a common understanding of how we do things in the church, specifically in the area of church leadership.

*Suspension of Credentials:* The status given when the ministry *credential* is laid aside for a specific period of time for disciplinary reasons. Suspended *credentials* are not valid for performing ministerial functions.

*Termination of Credentials:* The status given when the *area conference* has removed the *credential* because of a disciplinary action. The individual will no longer have any *credential*.

### Section 3. **Complaint by an Individual**

- A. Report of *Misconduct*. A person who believes that a *minister* has engaged in *misconduct* or *ministerial sexual misconduct* should contact the *area conference* office (usually the *area conference minister*) with a report of *misconduct*. If the *complaint* is against an *area conference minister* then the report is filed directly with the National Office.
- B. The *area conference minister* will:
1. Report to governmental authorities any child abuse or other violation that requires reporting according to the laws of that state or province.
  2. Give the *complainant* this *Policy and Procedure*. The *area conference minister* should also, depending on the circumstance, encourage the *complainant* to seek medical and/or legal assistance. If there is a concern that the *complainant* is in physical danger or that a crime has been committed the *area conference minister* will immediately contact the police. This *Policy and Procedure* is not the *complainant's* only source of redress.
  3. Assign a *contact person* to assist the person reporting *misconduct* in preparing a written *complaint*, and to walk with the individual through the process. Refer to Paragraph F. below regarding the content of the *complaint*. The *contact person* will not have supervisory responsibilities for the *complainant* or the accused *minister* nor have any other shared responsibilities related to the accused *minister* or the *complainant*.
  4. Contact the National Office for assistance in being accountable to this *Policy and Procedure*.
  5. Contact legal counsel to assure that the *area conference* is following regional laws.
- C. The *contact person* will meet with the *complainant* to:
1. Review the *Ministerial Sexual Misconduct Policy and Procedure*.
  2. Help the person put their *complaint* into writing.
  3. Serve as the connector between *complainant* and the process.
  4. Deliver the written *complaint* directly to the National Office when it is against an *area conference minister*. The National Office will oversee this *Policy and Procedure*.
  5. Encourage the selection of a *personal supporter*.
- D. The *complainant* may select a *personal supporter*. *Personal supporters* shall not have supervisory responsibilities for the *complainant* or *minister* nor have any other responsibilities related to the *complainant* or *minister*.

E. The *personal supporter* will:

1. Provide pastoral care, practical support and assure the *complainant* has structures around them to help them be safe.
2. When requested, accompany *complainant* as an observer to meetings required by this *Policy and Procedure*.
3. Will not advocate to the *area conference*, the *Ministerial Leadership Committee*, the *area conference minister*, the *investigators* or the *appeal panel*.
4. Make timely objection on behalf of the *complainant* to the *investigators* or the chair of the *Ministerial Leadership Committee* if the *personal supporter* believes the *Policy and Procedure* is not being fairly administered.

F. The *complaint* should include:

1. The name of the *minister*.
2. The name of the *complainant*.
3. The nature of the alleged *misconduct*.
4. Sufficient information about date, time, place and circumstance to specifically inform each incident of complaint. (Describe multiple incidents of alleged *misconduct* in separately numbered paragraphs.)

#### Section 4. ***Jurisdiction***

Following receipt of the written *complaint*, *jurisdiction* is determined to be lodged in one of the *area conferences*. *Jurisdiction* to address a *minister's* alleged *misconduct* exists in:

- The *area conference* receiving the written *complaint*, for its *credentialed and non-credentialed ministers*, whether the person remains in the church assignment or not, is dead or alive, refuses to cooperate with the *area conference* or has relinquished his/her *credential*.
- The *area conference* receiving the written *complaint* if the *minister* is serving as an agent of an organization which requires credentialing from the *area conference*.
- Any other *area conference* that *credentials* the *minister* (this applies to dual conference congregations).
- The *area conference* of the congregation in which the *minister* is or was previously serving even if there is no current *credential*.

The *area conference minister* of this *area conference* shall inform any other *area conference* that currently holds the *credential* of the accused that a *complaint of misconduct* by the accused is being investigated. The *area conferences* will confer regarding which *area conference* shall exercise *jurisdiction*. Generally, but not



always, *area conferences* will exercise *jurisdiction* in the order of priority shown above. If there is disagreement or lack of clarity about which *area conference* should take priority in exercising *jurisdiction*, the *area conferences* will confer with the National Office, and that office may recommend which *area conference* shall exercise *jurisdiction*.

The disciplinary *jurisdiction* of this *area conference* is not limited because another professional accrediting entity is investigating or has investigated an allegation of *misconduct* by an accused *minister*.

This *area conference* may not revoke accreditations that currently are extended by another entity, but is obligated to inform the accused minister's employer that a *complaint* has been received and will be investigated. However, this *area conference* has full and exclusive responsibility for the *credential*. If this *area conference* finds that a *minister* has engaged in *misconduct* that would warrant *sanctions*, this *area conference* may prohibit the *minister* from acting as a *minister* in this *area conference* or impose conditions that limit how the *minister* may serve in this *area conference* and impose restrictions on transferring a *credential* to another *area conference*.

After this *area conference* determines it has *jurisdiction*, *jurisdiction* shall continue until the *area conference* determines otherwise. *Jurisdiction* may continue after a *minister* has relinquished or lost *credential*. The *area conference* is required and may be legally responsible to follow through in this process even if the congregation in which the accused *minister* serves does not want to participate in the process. If the accused *minister* refuses to cooperate with the *area conference* according to this *Policy and Procedure*, then his/her *credential* will be *terminated* immediately. Such refusal will be noted in the *ministerial misconduct file* that the *area conference* maintains concerning the *minister*, which is shared with the National Office and recorded in MennoData, the national data base for credentialed persons.

The *area conference* will cooperate fully when law enforcement is involved. The *area conference* will immediately suspend the accused *minister's credential*. On completion of that legal process the *area conference* will proceed with this *Policy and Procedure*.

## Section 5. ***Investigation***

- A. Upon receiving a *complaint* that alleges *misconduct* by a *minister* and after *jurisdiction* in this *area conference* is determined, the *area conference minister* as facilitator of this procedure will:
  1. Contact the National Office that a *complaint* has been received, to provide accountability beyond the *area conference* and to determine if there are any possible related records. In the case where the *complaint* is against the *area conference minister*, the complaint is sent by the contact person directly to the

National Office. The National Office will facilitate this *Policy and Procedure* and not the *area conference*.

2. Consult with the National Office to determine whether the *area conference minister* has a conflict of interest with the *complainant* or the accused *minister*. When a conflict of interest exists, the *area conference leadership* will appoint an alternative facilitator of this *Policy and Procedure*.
3. Take steps to prevent any interaction between accused *minister* and the *complainant*.
4. Ensure confidentiality. The identity of the *complainant* is to be protected and is not to be named publicly and in any form of communication either directly or indirectly by the accused *minister* or anyone involved in the *investigation*.
5. Determine if immediate *suspension of credential* is needed and make an appropriate announcement. If the law is involved, the *area conference* will immediately suspend *credentials* and cooperate with the authorities.
6. Notify accused *minister* that a written *complaint* alleging *ministerial misconduct* has been filed and an *investigation* will be conducted. The *minister* may be informed of the identity of the *complainant*, unless there is a concern for safety of the *complainant*, and the *minister shall be directed* not to communicate with the *complainant* about the *complaint* either directly or indirectly.
7. Give the *minister* this *Policy and Procedure*.
8. Offer a *contact person* to assist the *minister* through the process.
9. Notify the leaders of the congregation in which the *minister* is serving (or other employer of the *minister*) and any other *ministers* for the congregation that a *complaint* has been received and give them this *Policy and Procedure*. Following consultation with the *area conference minister* and legal counsel, the leadership of the congregation's governing board will make a congregational announcement such as: "(The named *minister*) has been granted a *leave of absence* from all responsibilities as *minister* while a *complaint* is being investigated. The fact that a *complaint* is being investigated does not mean that *misconduct* has occurred, but *area conference* policy takes complaints of sexual abuse seriously and requires an *investigation*."
10. Recommend that the congregational leaders provide a paid *leave of absence* to the *minister*.
11. Appoint three independent *investigators* (*at least one of whom is male and at least one of whom is female*) who are known to be fair, objective, honest, of mature Christian character and not from the accused *minister's* congregation. They should also be familiar with abuse, mental health, substance abuse, domestic violence and trauma issues. It is strongly recommended that at least one member of the *investigation* team has no connection to the *area conference*. A professional *investigator* who has specialized in sexual abuse should be considered to work with the *investigation* team.

12. Following the announcement of the appointment of the *investigators* to the *complainant* and the *minister*, objections about partiality or other unfairness must be submitted in writing within two days to the *area conference minister*. The resulting decision of the *area conference minister* concerning the objection shall be binding for all purposes concerning the *investigation*, determination and appeal of the *complaint* and any resulting *charge*. Partiality shall not be assumed because a person is a member or a leader in the *area conference*.
13. Notify the *complainant* and the accused *minister* through the *contact persons* that an *investigation* will begin.
14. Locate personnel files including any *ministerial misconduct file* that the *area conference*, former *area conference* and National Office maintain concerning the accused *minister*. These files must be shared with the *investigators*.
15. Notify insurance carrier of *area conference* and follow required procedures while keeping the integrity to the process outlined in this *Policy and Procedure*.

B. Investigators will conduct an investigation, including:

1. Review the written *complaint*.
2. Interview the *complainant* (who may have *personal supporter* present), to review any *evidence*, and request that the *complainant* give a signed written statement if they believe additional information may be needed to substantiate any of the allegations in the *complaint*.
3. Interview the accused *minister*. Inform the *minister* of the nature of the *complaint*.
4. Advise the *minister* that the investigators are willing to receive information and any statements by the *minister*. Inform the accused *minister* that any statement may be used in disciplinary proceedings. The *investigators* may, in their discretion, decline to show the signed written *complaint* if there is concern for safety, or if law enforcement or other civil authorities request that this not occur. If there are no such compelling reasons to not share the written *complaint*, the *minister* should receive a copy along with direction that within five days of the *minister's* receipt of the *complaint*, the *minister* shall deliver to the *investigators* a statement, responding to each numbered allegation in the *complaint* stating:
  - That the *minister* agrees with the allegation, **or**
  - That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged.
5. Review any relevant *evidence* offered by the accused *minister* or the *complainant*.
6. Interview other persons who may have relevant information. These persons will be informed of the need for confidentiality.
7. Keep accurate records of interviews, including the date, parties present and name of the recorder.

8. If necessary, ask the *Ministerial Leadership Committee* to extend the time to conclude the *investigators'* written report.
  9. Prepare a written report to the *Ministerial Leadership Committee*. The report shall be based, as much as feasible, on statements of witnesses with direct knowledge, rather than on secondhand sources or circumstantial *evidence*. The report shall include:
    - a. *Evidence* that the *investigators* believe supports the allegation that the *minister*, more likely than not, engaged in *misconduct* or *ministerial sexual misconduct* and the *evidence* that shows that the *minister* more than likely did not engage in *misconduct* or *ministerial sexual misconduct*.
    - b. Any reasons why the *investigators* believe they cannot present such *evidence*.
    - c. A recommendation to the *Ministerial Leadership Committee*:
      - To drop the *complaint*
      - To *charge* the *minister*
    - d. Signatures and dates of all the members of the *investigation* team.
- C. Upon receipt of the report with recommendation from the *investigators*, the Chair of the *Ministerial Leadership Committee* will convene the committee and either:

1. Decline to Charge.

When the *Ministerial Leadership Committee* receives the report and accepts the recommendation from the *investigators* to drop the *complaint* because there does not seem to be *probable grounds* to support any allegation of *misconduct* or *ministerial sexual misconduct*, the Chair of the *Ministerial Leadership Committee* will:

- a. Inform the *minister* and the *contact person* in writing.
- b. Inform the *complainant* and the *contact person* in writing.
- c. Deliver the complete file to the *area conference minister*, who will maintain it as a *ministerial misconduct file*.
- d. Send complete *ministerial misconduct file* to the National Office. Update the *credential* status in the *minister's* file on MennoData. In the status note section include the *judgement*, the date, the name of the *area conference* and the location of the *ministerial misconduct file*.
- e. Make appropriate reports to those involved and announce as widely as the earlier announcement about the original *complaint*.

## 2. Bring a Charge.

If the *Ministerial Leadership Committee* believes that *investigators* have presented *evidence* that the *minister*, more likely than not, engaged in *misconduct* or *ministerial sexual misconduct*, the Chair will ensure the following steps take place:

- a. Change the *credential* status of the *minister* to either *suspended*, *probation* or *terminated*.
- b. File a *charge* with the *area conference* executive, including:
  - (1) The name of the *minister*.
  - (2) The name of the *complainant*.
  - (3) The official *complaint* of *ministerial sexual misconduct*.
  - (4) Sufficient information about date, time, place and circumstance to specifically provide information about each incident of *complaint*. (Describe multiple incidents of alleged *misconduct* in separately numbered paragraphs.)
- c. Deliver the *charge* to the *minister* and the *contact person*. If personal delivery of the *charge* is not practical, then it should be sent by certified mail to the last known address with return receipt requested. Electronic mail is not appropriate. The *charge* will include direction that within five days of the *minister's* receipt of the *charge*, the *minister* will deliver to the Chair of the *Ministerial Leadership Committee* a signed statement, responding to each numbered allegation in the *complaint*, stating:
  - (1) That the *minister* agrees with the allegation, or
  - (2) That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged in the *charge*.
- d. Inform the *complainant* and the *contact person* in writing that a *charge* has been filed by the *area conference* and a *hearing* may take place.
- e. Upon receiving the *minister's* signed statement responding to the allegations, the Chair of the *Ministerial Leadership Committee* will convene the committee. If the *minister* agrees with the allegations, the committee will determine *judgement* and *sanctions* as outlined in Section 6.
- f. If the *minister* disputes the allegations, the *Ministerial Leadership Committee* will give notice to the *minister* that a *hearing* will be scheduled to begin within seven days.
- g. Direct that the accused *minister* shall not communicate with the *complainant* directly or indirectly for any reason.
- h. If there is no *Ministerial Leadership Committee* member with professional competency in sexual abuse the *committee* will contract with a professional who does have competency in sexual abuse and who has no history with the accused *minister* or the *complainant* for the duration of this proceeding.

#### D. Hearing

1. The chair of the *Ministerial Leadership Committee* will notify the *minister* and the *investigation* team of the date, time and location for the hearing .
2. The *complainant* will be notified of the hearing. The *complainant* does not need to be present at the hearing nor does the *complainant* need to testify.
3. The *Ministerial Leadership Committee* will hear the testimony of the *investigation* team (and their witnesses) and the *minister* (and the *minister's* witnesses).
4. The *Ministerial Leadership Committee* deliberates to make a decision concerning *judgement*.
5. A written record of the hearing will be kept in the *minister's ministerial misconduct file* and will include the *investigator's* report, the testimonies and any additional information that came to light.

### Section 6. **Judgment and Sanctions**

The *Ministerial Leadership Committee* will:

- A. Determine a *judgment* stating whether the minister did or did not engage in *misconduct* or *ministerial sexual misconduct*.
  1. If it is determined that the *minister* more likely than not did not engage in *misconduct* or *ministerial sexual misconduct*, the committee, in its sole discretion, and depending on the circumstances, may:
    - a. Identify concerns regarding fitness for ministry and required steps.
    - b. Notify *minister* of *judgement* and any requirements if needed.
    - c. Affirm, support and recommend how congregational leaders may affirm and support the *minister* and the *minister's* continued ministry.
  2. If it is determined that the *minister* more likely than not did engage in *misconduct* or *ministerial sexual misconduct* the *Ministerial Leadership Committee* will inform the *minister* in writing through certified mail of the *judgement* and resulting *sanctions* imposed by the committee. A *sanction* that results in a *credential* status of *terminated* is a permanent sanction. When the *credential* status related to the *judgement* is *suspended* or *probation*, the letter will identify if this *credential* status will continue for a stated period of time or until further notice and include the details of each *sanction*. The letter will also include steps for determining, with external verification, that the *minister* is in compliance with all *sanctions* imposed by the committee. The *sanctioned minister's* word will not determine compliance.

B. Report to:

1. The *complainant* about the *judgment*.
2. The *area conference leadership* regarding the *judgment* and *sanctions*, including a complete file to be maintained in a *ministerial misconduct file*.
3. The congregation of the charged *minister* regarding the *judgement* and *sanctions*.
4. *Ministers* within the *area conference* where the *charge* took place, of the *judgment* and *sanctions*.
5. The employer who was notified of a complaint, of the *judgement* and *sanctions* regarding the charged *minister*.
6. Other *area conference ministers* regarding the *judgment* and *sanctions*.
7. The National Office, and submit the complete file.

C. Following reporting of the *judgment* and *sanctions*, the *Ministerial Leadership Committee* will update the *credential* status in the *minister's* file on MennoData. The status note section should include the *judgment*, the date, the name of the *area conference* and the location of the *ministerial misconduct file*.

Reminder: A *credential* with the status of *probation*, *suspended*, *terminated* or *withdrawn* is not transferrable to any other *area conference*.

D. Monitor Compliance with *Sanctions*.

1. The *Ministerial Leadership Committee* will set the times and guidelines for determining compliance with the *sanctions*. External verification such as direct reports from a counselor, accountability group and/or another compliance entity will be used to determine the *minister's* compliance.
2. The *Ministerial Leadership Committee* may require the *minister* to appear before the committee at any time and may require additional *sanctions* if it finds that the *minister* is not in full compliance.
3. If the *minister* remains noncompliant, the *credential* will be *terminated*, recorded in MennoData and the committee will report the termination to all those who were earlier informed of the *judgment*.

E. Provide Follow-up Care

The *Ministerial Leadership Committee* will assure follow-up care for the *complainant*, the complainant's family, the *minister*, the *minister's* family and for the congregation.

## Section 7. **Appeal**

An accused *minister* or the *complainant* may appeal the *judgment* and direct the appeal to the *area conference leadership*. Upon request of an appealing *minister*, the *area conference leadership* shall decide whether to delay the imposition of any *sanction*, pending outcome of the appeal.

- A. **Notice of appeal.** The *appellant* shall give written notice of any appeal to the *area conference leadership* within five days after the *judgment* by the *Ministerial Leadership Committee*. The notice of appeal shall be signed by the *appellant* and state all grounds for appeal of the *judgement*.
- B. **Grounds for appeal.** The *appellant*, in writing, shall state facts and reasons that demonstrate why there are not *probable grounds* to support the *judgment*.
- C. **Appointment of Appeal Panel.** Upon receipt of an appeal, the *area conference leadership* shall appoint an *appeal panel* consisting of three persons, including a chair. No member of the panel shall be an *investigator*, a member of the *Ministerial Leadership Committee*, a member of the same congregation as the *appellant*, nor have any relationship that materially affects impartiality. The *appeal panel* members should also be familiar with abuse, mental health, substance abuse, domestic violence and trauma issues. One *appeal panel* member should have training in sexual abuse.
- D. The *appeal panel* shall:
  1. Inform the *minister*, the *complainant*, and the *Ministerial Leadership Committee* that there will be an appeal hearing on the *judgment*; including the date of hearing.
  2. The *appellant* and the *Ministerial Leadership Committee* will be given the date, time and place for the appeal hearing.
  3. Convene the appeal hearing with the *appellant* and *Ministerial Leadership Committee* and:
    - a. Read or otherwise identify the notice of appeal.
    - b. Allow the *appellant* to explain why the *appellant* believes there are not *probable grounds* to support the *judgment*.
    - c. Have one or more members of the *Ministerial Leadership Committee* review the *judgment* and the *evidence* supporting the *judgment*.
    - d. Deliberate in private and determine *judgment* by consensus (but in the absence of consensus, by majority vote).
    - e. Affirm the *judgment*, if the *appellant* was unable to demonstrate that there were not *probable grounds* to support the *judgment*. Generally, the *appeal panel* shall defer to findings made in the *investigator's* report and the *judgment* of the *Ministerial Leadership Committee* and shall focus on whether the findings support the *judgment*.
    - f. Change the *judgment*, if the *appellant* was able to demonstrate that there were not *probable grounds* to support the *Ministerial Leadership Committee judgment*.



- g. Give written notice of the *appeal panel's judgment* to the *minister*, the *complainant*, and the *area conference leadership*. Give appropriate notice to all others informed of the earlier *judgment*.
- h. Give notice to the *Ministerial Leadership Committee* of the *appeal panel's judgment*. The *Ministerial Leadership Committee* will then follow through with *sanctions* as outlined in Section 6.
- i. Give minutes of the appeal hearing to the *area conference leadership*. The minutes will be added to the *minister's ministerial misconduct file*. A copy of the minutes will also be sent to the National Office.

## Section 8. **Credential Status of a Sanctioned Minister**

- A. When the *minister* receives a *judgment of ministerial sexual misconduct* and the *sanction* is *termination* of the *minister's credential*, this is a permanent action and the *credential* cannot be re-instated.
- B. When the *credential* has been *suspended* due to a *judgment of misconduct* for a specified period of time, the *Ministerial Leadership Committee* will determine whether the *credential* will move to *probation* or *terminated*.
  - 1. The *Ministerial Leadership Committee* will determine the status of the *credential* through external verification such as reports from an accountability group, counselor and other pertinent information. They shall determine whether contents of the reports are adequate to change the *credential*.
  - 2. The *Ministerial Leadership Committee* will notify the minister that the *credential* status has been changed from *suspended* to either *probation* or *terminated*. If they determine that *probation* status is a possibility, *sanctions* and accountability will continue for a specified period of time. The *Ministerial Leadership Committee* will continue to use external verification to assess whether the *minister* has, as a result of the *sanctions*, altered beliefs, attitudes and behavior before a final determination of *credential* status is made.
- C. *Termination of credentials* will occur if the *Ministerial Leadership Committee* determines that the *minister* is not fit for ministry or if the *minister* refuses to comply with the *sanctions*. Noncompliance will be determined through external verification. Noncompliance will also be determined by the *minister's* vocal refusal or by behavioral refusal including moving away from the *area conference* without notification to the *area conference*.

**Disclaimer:** Any error or omissions to the implementation of the process outlined above does not invalidate the process. Corrective action will be taken where possible. In addition, if any aspect of this procedure is found to violate the law in the legal jurisdiction in which the *investigation* is being implemented, that illegal action will not invalidate the rest of the protocol or the determination/outcome of the *investigation*. This *Policy and Procedure* should not be considered the sole source of redress for anyone who believes they are the victim of sexual harassment or abuse. The focus of this *Policy and Procedure* is credentialing and licensing discipline for *ministers* only. This *Policy and Procedure* replaces and supersedes the earlier document copyrighted in 2000.

The following addendums include

**Policy and Procedure Flow Chart** includes the timeframe for process as well as page references to the Ministerial Sexual Misconduct Policy and Procedure

**Announcement Forms** for use with this Policy and Procedure. Area Conferences can download these forms from the National Office website to print off on their own letterhead and fill in the information.

# Ministerial Sexual Misconduct Policy and Procedure Flowchart

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**The complainant contacts his/her area church/conference. (Section 3.A, pg.7)**

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**Area conference minister will ... (Section 3.B, pg. 7)**

- report any child abuse/other violation according to law (3.B.1)
- give the complainant copy of Policy and Procedure (3.B.2)
- assign a contact person to complainant (3.B.3)
- contact National Office (3.B.4)
- contact legal counsel (3.B.5)

**Contact person will meet with complainant to (Section 3.C, pg. 7)**

- review the Ministerial Sexual Misconduct Policy and Procedure (3.C.1)
- help person put complaint into writing (3.C.2)
- serve as connector between complainant and process (3.C.3)
- deliver written complaint to area Conference Minister (3.C.4)
- encourage selection of a Personal Supporter (3.D) Role (3.E)

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**Area conference minister determines jurisdiction within 7 days of receiving written complaint.**

**(Section 4, pg. 8-9)**

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**Within 7 days of receiving the written complaint, the area conference minister will (Section 5.A, pg. 9-11)**

- contact National Office (5.A.1)
- determine if area conference minister has a conflict of interest with complainant (5.A.2)
- take steps to prevent any interaction between accused and complainant (5.A.3)
- ensure confidentiality of the identity of complainant (5.A.4)
- determine if immediate suspension of the minister's credential is needed (5.A.5)
- notify accused, assign contact person and give Policy and Procedure (5.A.6-8)
- notify congregational leaders (5.A.9)
- consider non-disciplinary leave (5.A.10)
- appoint three investigators (5.A.11)
- announce appointment of investigators to complainant and minister (5.A.12)
- notify complainant and accused via contact persons that investigation will begin (5.A.13)
- locate all personnel files including any ministerial misconduct files (5.A.14)
- notify insurance carrier of area conference (5.A.15)

**21 days after Area Conference receives written complaint investigators will (Section 5.B, pg. 11-12)**

- review written complaint (5.B.1)
- interview complainant (5.B.2)
- interview minister (5.B.3)
- advise minister and give 5 days for minister's response (5.B.4)
- review relevant evidence (5.B.5)
- interview other persons (5.B.6)
- keep accurate records of interviews (5.B.7)
- if necessary ask for extension to conclude (5.B.8)
- prepare written report (5.B.9)

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**14 days after Investigators Report, Ministerial Leadership Committee chair convenes meeting (Section 5.C pg. 12-13)**

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**Decline to charge (5.C.1, pg.12):**

- inform minister (5.C.1.a)
- inform complainant and contact person (5.C.1.b)
- deliver file to the area conference minister (5.C.1.c)
- send file to National Office (5.C.1.d)
- report to those involved (5.C.1.e)
- work with congregation (6.A.1.c)

**OR**

**Bring a charge (5.C.2, pg. 13):**

- change credential status (5.C.2.a)
- file charge with area conference leadership (5.C.2.b.)
- deliver charge to minister and contact person with request to respond within 5 days (5.C.2.c)
- inform complainant (5.C.2.d)



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**Upon receipt of minister's response, Ministerial Leadership Committee will either (Section 5.C.2.e-h, pg. 13)**

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**If accused agrees with allegation (Section 6.A.2, pg. 14-15)**

- determine judgment and send letter naming judgement (6.A.2)
- report appropriate people (6.B.1-7)
- update credential status (7.C)
- monitor the sanctions (7.D)
- provide Follow-up care (7.E)

**OR**

**If accused disputes allegation will set up a hearing within 7 days of receipt of Minister's written dispute (Section 5.C.2.f-h pg. 13)**



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**Ministerial Leadership Committee conducts a hearing (5.D, pg. 14)**

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- notify the minister, investigative team of the hearing (5.D.1)
- notify the complainant (5.D.2)
- hear testimony of investigative team, minister and all witnesses (5.D.3)
- deliberate to make a decision concerning judgement (5.D.4)
- file written record of hearing (5.D.5)

---

**Following hearing, Ministerial Leadership Committee will (6.D, pg. 14-15)**

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- determine a judgment (6.A)
- if judgment is the minister, more likely than not, did not engage (6.A.1)
- if judgment is the minister, more likely than not, did engage then (6.A.2)
- report to all appropriate people (6.B.1-7)
- update credential status (6.C)
- monitor sanctions (6.D)
- provide follow-up care (6.E)

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**Appeal (Section 7, pg. 16-17)**

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**Minister or complainant may appeal in writing within 5 days of judgement (Section 7 A-B, pg.16)**

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**No later than 14 days after appeal is registered, area conference leadership appoints panel (Section 7.C, pg.16)**

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**The Appeal Panel shall (Section 7.D, pg. 16-17)**

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**Credential Status of a Sanctioned Minister (Section 8, pg. 17)**

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## **MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE**

### **FORMS for Ministerial Sexual Misconduct Policy and Procedure**

**F1 Area Conference Resolution Adopting Ministerial Sexual Misconduct Policy and Procedure 2016**

**F2 Announcement of Ministerial Sexual Misconduct Policy**

**F3 Complaint Form Concerning Ministerial Misconduct**

**F4 Notice to Minister that Complaint was Received**

**F5 Notice to Congregational Leaders that Complaint was Received**

**F6 Announcement of Appointment of Investigation Team**

**F7 Announcement of Investigation**

**F8 Investigators' Report to Ministerial Leadership Committee Regarding Complaint**

**F9 Notice that Conference Declines to Charge**

**F10 Charge of Misconduct (to complainant and Minister)**

**F11 Minister's Response to Charge**

**F12 Notice of Hearing**

**F13 Notice to Accused Minister of Ministerial Leadership Committee's Judgment**

**F14 Notice to the Complainant of Ministerial Leadership Committee's Judgment and time of appeal**

**F15 Minister's Appeal of Judgment of Guilt**

**F16 Complainant's Appeal of Judgement**

**F17 Notice of Appointment of Appeal Panel**

**F18 Notice the Appeal Hearing**

**F19 Notice of Appeal Panel's Judgement**

## AREA CONFERENCE RESOLUTION ADOPTING Ministerial Sexual Misconduct POLICY AND PROCEDURE 2016

Whereas,

- We thank God for the faithful service of *ministers* who serve in the \_\_\_\_\_ *Area Conference*;
- We regret, however, that some *ministers* engage in *misconduct*; and
- We desire to adopt a *policy and procedure* regarding *ministerial sexual misconduct*;

Therefore, it is resolved that

1. This *area conference* adopts the *Ministerial Sexual Misconduct Policy and Procedure 2016* presented at this meeting, and it is the policy of the *area conference* that

*A minister shall not enter into sexualized behavior with a person with whom the minister has a professional relationship. A minister is always responsible to prevent and stop such behavior. The area conference sanctions ministers who engage in such misconduct.*

Besides sexual misconduct, this Policy and Procedure can also be used for other ethical issues as outlined in *A Shared Understanding of Church Leadership* (section 4).

2. The *area conference* shall periodically publish announcements of this policy and of the *complaint* procedure.
3. Copies of the current *Ministerial Sexual Misconduct Policy and Procedure* and of an Announcement of *Ministerial Sexual Misconduct Policy* shall be given to all who now or in the future are *serving in a formal ministry position of congregational leadership whether they are credentialed or not in this area conference*.

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

## ANNOUNCEMENT OF MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE

We thank God for the faithful service of *ministers* who serve in \_\_\_\_\_  
*Area Conference*. We regret, however, that some *ministers* engage in *misconduct*. The *area conference* has adopted this 2016 policy regarding *ministerial sexual misconduct*:

### Policy

*A minister* shall not enter into *sexualized behavior* with a person with whom the *minister* has a *professional relationship*. A *minister* is always responsible to prevent and to stop such behavior. The *area conference sanctions ministers* who engage in such misconduct.

Besides sexual misconduct, this Policy and Procedure can also be used for other ethical issues as outlined in *A Shared Understanding of Church Leadership* (section 4).

### Complaint Procedure

A person who believes that a *minister* has engaged in *ministerial sexual misconduct* shall inform

- The *area conference minister*.
- The National Office when the *complaint* is against the *area conference minister*.

The *area conference minister* (or *National Office*) will provide a copy of the *Ministerial Sexual Misconduct Policy and Procedure* and a *complaint* form.

Ministerial Leadership Committee of \_\_\_\_\_ Area Conference

## COMPLAINT FORM CONCERNING MINISTERIAL MISCONDUCT

A person who believes that a *minister* has engaged in *ministerial sexual misconduct or other unethical behavior* may inform an *area conference minister* or the National Office when the *complaint* is against the *area conference minister*.

If you report *misconduct*, the *area conference* will offer a contact person, acceptable to you, to assist you in preparing this *complaint* and, if you so desire, in selecting an individual to provide personal support to you.

This form is to be used to submit a *complaint*. Attach additional sheets, as needed.

1. Your name (*complainant*): \_\_\_\_\_
2. Your address: \_\_\_\_\_
3. Your phone numbers: \_\_\_\_\_
4. Name of the accused *minister*: \_\_\_\_\_
5. Describe each incident of *misconduct* (please include information about date, time, place and circumstances on attached additional pages as needed)
6. Where possible identify any witnesses or persons who may be able to corroborate any of the incidents.
7. Identify any written material or other physical *evidence of misconduct*.
8. Provide any additional information that you believe is relevant.

Signature of *complainant*:

Date: \_\_\_\_\_



## NOTICE TO MINISTER THAT COMPLAINT WAS RECEIVED

Minister: \_\_\_\_\_

Address: \_\_\_\_\_

By this notice we inform you that a *complaint* alleging *ministerial* \_\_\_\_\_  
(*Sexual/or other*)

misconduct by you has been filed with the \_\_\_\_\_ *area conference* by \_\_\_\_\_, the *complainant*. This *complaint* will be addressed according to the *area conference's Ministerial Sexual Misconduct Policy and Procedure*, a copy of which is enclosed.

**Do not communicate with the *complainant* through any form of communication, either directly or indirectly.**

The *area conference* will appoint an investigation team to investigate the *complaint* and recommend whether a charge of misconduct should be brought by the *area conference*.

We recognize that this will be a difficult time for you. We urge you to call \_\_\_\_\_, a *contact person* (Phone : \_\_\_\_\_) who will assist you through this process and help you select a *personal supporter* during this time. We have informed the *contact person* that we have received a *complaint of ministerial misconduct*, but we have not otherwise informed the *contact person* about the *complaint*.

Sincerely,

\_\_\_\_\_  
*Area Conference Minister*

**NOTICE TO CONGREGATIONAL LEADERS THAT COMPLAINT WAS RECEIVED**

TO: \_\_\_\_\_, Chair of the Governing Board of  
\_\_\_\_\_  
(name of congregation)  
\_\_\_\_\_, Minister(s) [other than the accused]

By this letter I inform you that the *area conference* has received a *complaint* alleging *ministerial*  
\_\_\_\_\_ *misconduct* by \_\_\_\_\_  
(Sexual/other)

(If there is a concern for safety, the complainant will not be named.)  
I enclose the *Ministerial Sexual Misconduct Policy and Procedure* for you to read through  
carefully about the investigation and making an announcement to your congregation. Following  
this document, the *area conference* has appointed an investigation team of

\_\_\_\_\_ and \_\_\_\_\_.

I will contact you in the near future to discuss whether you have relevant information about the  
*complaint*. If I do not reach you within the next two days, please call me.

Sincerely,

\_\_\_\_\_  
*Area Conference Minister*

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

**F5**

**ANNOUNCEMENT OF APPOINTMENT OF INVESTIGATORS TO COMPLAINANT AND ACCUSED MINISTER**

\_\_\_\_\_ area conference has named the following individuals to investigate the *complaint of ministerial* \_\_\_\_\_ (Sexual/other)

*misconduct:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If you have any objection about partiality or other unfairness regarding these names you must submit your concerns in writing within two days of receiving this announcement to the *area conference minister*.**

\_\_\_\_\_  
*Area Conference Minister*

*Date* \_\_\_\_\_

## ANNOUNCEMENT THAT THE INVESTIGATION WILL BEGIN

The investigators have been appointed and this is to notify you that the investigation will begin. We will contact you to arrange for an interview. You may choose to have your *personal supporter* present.

---

Chair of the Investigators

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Date

**INVESTIGATORS' REPORT TO MINISTERIAL LEADERSHIP COMMITTEE  
REGARDING COMPLAINT**

We have been appointed to investigate allegations of *ministerial* \_\_\_\_\_  
(Sexual/other)  
*misconduct* by \_\_\_\_\_.

After investigation, we believe that the *area conference*

- \_\_\_\_\_ Cannot present *evidence* that the accused *minister*, more likely than not, engaged in *ministerial sexual misconduct*.
- \_\_\_\_\_ Can present *evidence* that the accused *minister*, more likely than not, engaged in *ministerial sexual misconduct*.

We recommend

- \_\_\_\_\_ That the *area conference* decline to bring a *charge*.
- \_\_\_\_\_ That the *area conference* bring a *charge*.

We have summarized and attached the allegations of *misconduct* (*each identified by a separate number*). For each allegation we have identified the *probable grounds* of *misconduct* that we believe the *area conference* can present, or we have stated why we believe the *area conference* cannot present *probable grounds*.

Signed by the Investigators:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

## NOTICE THAT AREA CONFERENCE DECLINES TO CHARGE

A *complaint* alleging *ministerial* \_\_\_\_\_  
(Sexual/other)

*misconduct* was filed against \_\_\_\_\_ by \_\_\_\_\_. The *area conference* appointed an investigative team to investigate the allegations.

Based on that investigation, the *Ministerial Leadership Committee* has not found that the *area conference* can present *probable grounds* to support the allegations of *misconduct*. Accordingly, the *area conference* declines to bring a *charge*.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chair of *Ministerial Leadership Committee*

## NOTICE THAT AREA CONFERENCE BRINGS CHARGE OF MISCONDUCT

\_\_\_\_\_ *Area Conference* brings this *charge* of *ministerial*

\_\_\_\_\_ *misconduct*.

(Sexual/other)

1. The accused *minister* is \_\_\_\_\_.
2. The *complainant* is (If there is a concern for safety, the complainant will not be named) \_\_\_\_\_.
3. The nature of the alleged *misconduct* is \_\_\_\_\_.
4. In the attached addendum, each allegation is identified by numbered paragraph and described with date, time, place and circumstances.
5. Within five days of receipt of this *charge*, the accused *minister* is directed to complete, sign and deliver to the Chair of the *Ministerial Leadership Committee* the enclosed “*Minister’s Response to Charge*” form, responding to each numbered allegation, stating (a) that the *minister* agrees with the allegation, or (b) that the *minister* disputes the allegation and setting forth (1) all the reasons the *minister* disagrees, (2) the *minister’s* full account of each disputed incident, (3) the names of any persons whom the *minister* believes have relevant information and should attend a hearing regarding the *charge* and (4) why the testimony of each such person is needed.

Dated \_\_\_\_\_

\_\_\_\_\_  
Chair of *Ministerial Leadership Committee*

**MINISTER'S RESPONSE TO CHARGE**

I have reviewed the *charge of misconduct* dated \_\_\_\_\_, which has been filed with \_\_\_\_\_ *area conference*, against me.

\_\_\_\_\_ I agree with all matters as set forth in the *charge*.

\_\_\_\_\_ I dispute the following allegations and have set forth the full account of each alleged incident that I dispute. (*Specifically refer to each numbered allegation that you dispute. Attach additional sheets as needed.*)

Names and contact information for individuals who have relevant information and why the testimony of each is needed:

\_\_\_\_\_ Dated

\_\_\_\_\_ Minister



**NOTICE TO THE INVESTIGATION TEAM, THE ACCUSED  
AND THE COMPLAINANT OF A HEARING**

The *Ministerial Leadership Committee* of the \_\_\_\_\_ *Area*  
*Conference* will hold a hearing of the charge brought against \_\_\_\_\_, the  
accused *minister*, on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_.  
                  (date)                  (time)                  (location)

This hearing will be within seven days of the formal charge, which was issued on  
\_\_\_\_\_.

The investigation team and \_\_\_\_\_ (accused minister) are to be  
present for this hearing.

Date \_\_\_\_\_

\_\_\_\_\_  
*Chair of Ministerial Leadership Committee*

**NOTICE TO ACCUSED MINISTER OF JUDGEMENT FOLLOWING THE HEARING**

The *Ministerial Leadership Committee* finds you \_\_\_\_\_  
(accused minister)

\_\_\_\_\_ *Acquitted of the charge made*

\_\_\_\_\_ *Guilty of the charge made*

*As a result of the finding of guilt, we impose the following sanctions:*

**If you choose to appeal the *judgment*, you must file your written appeal with \_\_\_\_\_, the *area conference leadership*, within five days of your receipt of this notice.**

Signed by the Ministerial Leadership Committee

Date \_\_\_\_\_

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

## NOTICE TO THE COMPLAINANT OF THE JUDGMENT

The *Ministerial Leadership Committee* finds \_\_\_\_\_  
(accused minister)

\_\_\_\_\_ *Acquitted of the charge made*

\_\_\_\_\_ *Guilty of the charge made*

*As a result of the finding of guilt, we impose the following sanctions:*

**If you choose to appeal the *judgment* you must file your written appeal with**

\_\_\_\_\_, the *area conference leadership*, **within five days of your receipt of this notice.**

Signed by the Ministerial Leadership Committee

Date \_\_\_\_\_

**MINISTER'S APPEAL OF JUDGMENT OF GUILT**

I appeal the *Ministerial Leadership Committee's judgment* of guilt concerning the *charge of misconduct* that was filed against me. I set forth below all the facts and reasons for each allegation that I believe demonstrate why there are not *probable grounds* to support the judgment.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(This document must be submitted to the Ministerial Leadership Committee within 5 days of receiving the notice of judgment following the hearing.)

## COMPLAINANT'S APPEAL OF JUDGMENT OF ACQUITTAL

I appeal the *Ministerial Leadership Committee's judgment* of acquittal concerning the *charge of misconduct* that was filed against \_\_\_\_\_. I set forth below all the facts and reasons for each allegation that I believe demonstrate why there are/were *probable grounds* to support a judgment of guilt.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(This document must be submitted to the Area Conference Leadership within 5 days of receiving the Notice to the Complainant of the Judgement)

**ANNOUNCEMENT OF APPOINTMENT OF APPEAL PANEL TO  
COMPLAINANT AND ACCUSED MINISTER**

\_\_\_\_\_ area conference leadership, has named the following individuals to conduct an appeal hearing:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If you have any objection about partiality or other unfairness regarding these names you must submit your concerns in writing within two days of receiving this announcement to the *area conference* leadership.**

\_\_\_\_\_  
*Area Conference Leadership*

\_\_\_\_\_  
**Date**

**NOTICE THAT THE APPEAL HEARING WILL BEGIN**

The Appeal Panel will convene a hearing on \_\_\_\_\_ at  
\_\_\_\_\_. Those present at this hearing will be you and the Ministerial  
Leadership Committee.

\_\_\_\_\_  
Chair of the Appeal Panel

\_\_\_\_\_  
Date

## NOTICE OF APPEAL PANEL'S JUDGMENT

The appeal panel has made a judgment to:

\_\_\_\_ Affirm the *judgment* of the *Ministerial Leadership Committee*.

Judgment of the MLC:

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\_\_\_\_ Change the *judgment*

Judgment of the appeal panel:

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Signatures of the Appeal Panel:

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\_\_\_\_\_  
Date