

Navigating Ministerial Complaints
Virginia Mennonite Conference's Policies
Governing Ministerial Misconduct

Delegate Discernment
February 2, 2019

Virginia Mennonite Conference

Clyde G. Kratz
Executive Conference Minister
January 15, 2019

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1 **Navigating Ministerial Complaints Executive Summary**

2 **January 15, 2019**

3
4 The Mennonite Church USA and Virginia Mennonite Conference entered time period when
5 organizational policies concerning ministerial misconduct were revisited. Mennonite Church
6 USA reviewed and edited denominational procedures for handling internal records associated
7 with ministerial misconduct, and the broader policy *Ministerial Sexual Misconduct Policy and*
8 *Procedure (November 2016)*. These initiatives by MC USA led Virginia Mennonite Conference
9 to review our procedures and policies associated with ministerial misconduct.

10
11 In Virginia Mennonite Conference, a number of leadership practices occurred around the
12 handling of misconduct matters, but the procedures were held within staff rather than providing
13 greater transparency to our delegates and constituency. During the leadership process of
14 reviewing and editing our documents, there were a number of key considerations that impacted
15 our work. First, one of our goals was greater transparency in order that our leaders and
16 constituency could see how we function on matters of misconduct. This goal was met by
17 providing the specific protocols that are being utilized by leaders handling clergy personnel
18 records. A second goal was to adopt the denominational policy *Ministerial Sexual Misconduct*
19 *Policy and Procedures*. Members of the Faith and Life Commission recommended that the
20 document be edited to reflect the committees and positions within Virginia Mennonite
21 Conference, and that the title be changed to *Ministerial Misconduct and Ministerial Sexual*
22 *Misconduct Policy and Procedures*. Gordon Zook led this process and gained permission from
23 MC USA staff to make edits that reflected our desired clarity as long as the basic framework of
24 the policy and procedures were not altered. Finally, there was a desire to incorporate
25 credentialed leaders and delegates in feedback about the policies that govern personnel matters
26 associated with ministerial misconduct. This goal was met by presenting the policies and
27 procedures about misconduct at the 2018 Summer Delegate Assembly, and inviting Districts to
28 provide feedback.

29
30 The Faith and Life Commission and the Conference Council in separate meetings were given
31 opportunity to review the edits. It should be noted that Conference Council made some
32 additional edits following the Faith and Life Commission review. At the Conference Council
33 meeting on November 16-17, 2018, the following motion was approved.

34
35 *ACTION. On motion Conference Council members will present the Navigating Ministerial*
36 *Misconduct document at Winter Delegate Session 2019, and, with the awareness that*
37 *structural components will need to be revised for alignment with VMC's new structure,*
38 *recommend it for delegate approval. PASSED WITH 1 ABSTENTION*

39
40 Even as the multiple policies and procedures were approved for Delegate action, there is
41 recognition that the leadership work is not complete. Upon reviewing District feedback and
42 leadership discernments, a significant amount of leadership work needs to occur in the following
43 areas once the policy is affirmed. These include:

- 44
45
 - Training oversight leaders in the supervision of credentialed leaders, including filing
46 complaints

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- 58
- Oversight leaders providing guidance to congregational leaders concerning best practices for ministerial accountability within congregational structures
 - Clarifying the definition of the terms abuse of power and other offenses that a minister may commit
 - Clarity around dual relationships, including specific ways to mitigate these types of relationships--for example when an oversight leader needs to file a complaint associated with a pastor that they supervise
 - Develop a policy on procedural adaptations when the accused minister is not serving in a congregation and/or is credentialed with a Special Ministry credential
 - Clarifications concerning restorative approaches to broken relationship following credentialed leader misconducts.

59 These leadership tasks remain important priority work in the next three to four months; the goal
60 is that recommendations come to the 2019 Summer Delegate Assembly in July.

61
62 The Delegate Action that is proposed:

63
64 ***Effective February 3, 2019, Virginia Mennonite Conference leaders will utilize the***
65 ***policies and procedures represented in Navigating Ministerial Misconduct.***

66
67
68 Clyde G. Kratz
69 Executive Conference Minister

70

71 **Mennonite Church USA Protocols (Not subject to edits by VMC)**

72 **Protocol and Procedure for Ministerial Misconduct Files**

73
74 The Leadership Development office of Mennonite Church USA keeps Ministerial Misconduct
75 Files of formally accused and processed cases of misconduct by credentialed leaders in our
76 denomination. The purpose of the Ministerial Misconduct Files is to help prevent future abuse by
77 credentialed leaders who have been accused and found to have engaged in ministerial misconduct.
78 This protocol and procedure document guides the Leadership Development staff in the use of the
79 Ministerial Misconduct Files, clarifying when the files are accessed, and by whom, as we strive
80 for transparency in our efforts to prevent abuse. This document has been made accessible to all
81 conference ministers for their awareness and compliance.

82
83 The Ministerial Misconduct Files contain copies of the ministerial misconduct proceedings sent
84 from area conferences to the national office at the conclusion of each formal investigation. Area
85 conferences will include documentation from each of the steps outlined in the *Ministerial Sexual*
86 *Misconduct Policy and Procedure*. The misconduct status of a credentialed leader is indicated in
87 the “Status Notes” section of their file on MennoData, Mennonite Church USA’s national
88 database.

89
90 Conference ministers and the national office will consult the misconduct file of any credentialed
91 leader who desires to renew their Ministerial Leadership Information (MLI) form or to be
92 considered for a ministry position in Mennonite Church USA. The purpose of referencing the
93 Ministerial Misconduct Files is to more fully vet credentialed leaders with a record of previous
94 misconduct.

95
96 Conference ministers will alert any interested search committee in writing of any credentialed
97 leader’s misconduct, including the date and nature of the charge, resulting judgment, any sanctions
98 and the compliance of the credentialed leader. Additionally the MLI form itself indicates a
99 candidate’s previous incidents of misconduct.

100
101 Though Ministerial Misconduct Files are maintained with professional confidentiality, their
102 existence is not secretive in nature, and the national office encourages their consultation through
103 the appropriate channels for the purpose of abuse prevention.

104
105 Who has access to the content of the Ministerial Misconduct Files and the list of credentialed
106 leaders with records?

- 107
- 108 • The director of Leadership Development and the denominational minister over the calling
109 system have access to the full list of names and content of records in the Ministerial Misconduct
110 Files, and reserve the right to access the information as they deem appropriate and necessary.
 - 111 • Conference ministers have access to all the names and files of credentialed leaders within their
112 specific conference as indicated in the “Status Notes” in MennoData, Mennonite Church USA’s
113 national database.
 - 114 • Other requests connected to formal investigations will be considered collaboratively by
115 denominational ministers.

116 In what situations would a conference minister reference the Ministerial Misconduct Files?

- 117
- The Leadership Development office provides an orientation for all new area conference

118 ministers which includes reviewing the misconduct cases of any credentialed leader in their
119 conference and the documentation in the Ministerial Misconduct Files.

- 120 • When a credentialed leader with a Ministerial Misconduct File is being considered for a
121 ministry position in any area conference of Mennonite Church USA, the area conference
122 minister will access their file and provide any interested search committee in writing of the
123 credentialed leader's misconduct, including the date and nature of the charge, the resulting
124 judgment, all sanctions and the compliance of the credentialed leader.

125

126 In what situations would the national office reference the Ministerial Misconduct Files?

127 The Leadership Development office will provide access to a Ministerial Misconduct File when:

- 128 • There is a request from a conference minister who is dealing with a complaint of misconduct
129 against a credentialed leader in their conference.
- 130 • A pastor makes a request to fill out a Ministerial Leadership Information (MLI) form and is
131 known to have a previous record of misconduct in the Ministerial Misconduct Files.
- 132 • When and if required to do so by law.

133

134 What information in the files can be given to persons who request it?

135 Requested information will be given to:

- 136 • The conference minister and credentialing ministry committee of the conference holding the
137 leader's credential or considering a credentialed leader for a possible position.
- 138 • Authorities conducting a formal or legal investigation will be given copies of the complete
139 file.
- 140 • Either the complainant or the accused credentialed leader may request copies of documents
141 which they earlier authored.
- 142 • Either the complainant or the accused credentialed leader may also request copies of any
143 letters that were specifically addressed to them.

144

145 *Terry Shue and Nancy Kauffmann, denominational*

146 *ministers April 18, 2017*

147

148 **Virginia Mennonite Conference Protocols**

149

150 **Personnel File Procedures. (Executive Conference Minister Office – locked file.)**

151

152 1. **Credentialed Leader File.** MC USA Leadership Office assigns a number to each
153 credentialed leader. The credentialed leader’s assigned number is utilized by MennoData,
154 the database of credentialed leaders within MC USA. Executive conference ministers have
155 access to MennoData, but the access is limited to the credentialed leaders within the
156 Conference’s *jurisdiction*.

157

158 Virginia Mennonite Conference personnel files utilizes the MennoData number as its primary
159 filing system.

160

161 2. **Content of Credentialed Leader File.** In Virginia Mennonite Conference, a credentialed
162 leader’s file contains information Virginia Mennonite Conference received during the
163 credentialing process and/or materials the Conference received when the individual
164 transferred into Virginia Mennonite Conference. Evaluations and oversight leader reports
165 associated with the credentialed leader are forwarded to the Executive Conference Minister
166 and placed in the Credentialed Leader’s file.

167

168 3. **Color Codes of Credentialed Leaders Files.** A credentialed leader’s file is color coded to
169 assist in knowing a credentialed leader’s status: a purple file for credentials leaders in good
170 standing; yellow file for credentialed leaders that successfully completed a disciplinary
171 process, or a red file for credentialed leaders in a disciplinary process.

172

173 4. **Executive Conference Minister Access.** The Executive Conference Minister has access to
174 credentialed leaders personnel records held in the Conference Office when providing a
175 reference to a congregation, conference, and/or denomination.

176

177 **Personnel File (in Executive Conference Minister’s office) Retention Policy**

178 *(as used by Mennonite Church USA, via email from Nancy Kauffman, Leadership Development Office, 7/11/14;*
179 *approved by VMC FLC on 11/21/14)*

- 180
- 181 1. **Retirees (including MLI):** Make sure that all pertinent information is listed in
182 MennoData—birth, death, ministry history, credential information (date and location where
183 credential service took place, etc.)
184 **Keep file** until they move out of your conference or die.
- 185
- 186 2. **Pastors with credentials of Active without Charge or Inactive:** Make sure that all
187 pertinent information is listed in MennoData—birth, death, ministry history, credential
188 information (date and location where credential service took place, etc.)
189 **Keep file** until they move out of your conference or die.
- 190
- 191 3. **Pastors whose licenses have expired and were not renewed:** Make sure that all pertinent
192 information is listed in MennoData—birth, death, ministry history, credential information
193 (date and location where credential service took place, etc.) Their pastor status should read
194 “License Expired”.
195 **Keep file** until they move out of your conference or die.
- 196
- 197 4. **Persons who were considered but never made a member of VMC** (MLI only on file):
198 **Don’t keep file--**The MLIs can be shredded as soon as they are no longer considered for
199 a position. If you need the person’s MLI, you can always request another copy from our
200 office.
- 201
- 202 5. **Pastors who have undergone a disciplinary policy and credentials have been restored**
203 **(MLI, character statements, and routine correspondence of little substance but**
204 **documented elsewhere in the file or mere housekeeping type matters):** Make sure that all
205 pertinent information is listed in MennoData—birth, death, ministry history, credential
206 information (date and location where credential service took place), disciplinary actions
207 taken and when restored, etc.
208 **Keep file** until they move out of your conference or die.
- 209
- 210 6. **Pastors under a disciplinary policy whose credentials were then terminated (not**
211 **withdrawn—see below, policy change per email on 9/12/14):** (MLI, character statements,
212 and routine correspondence); Make sure at all pertinent information is listed in MennoData—
213 birth, death, ministry history, credential information (date and location where credential
214 service took place) disciplinary actions taken and when credentials were withdrawn.
215 **Keep file** in a sealed folder/envelope for 25 years or until the person has died
- 216
- 217 7. **Withdrawn pastors (not terminated—see above, policy change per email on 9/12/14:**
218 **Make sure that all pertinent information is listed in MennoData—birth, death, ministry**
219 **history, credential information (date and location where credential service took place)**
220 **disciplinary actions taken and when credentials were terminated.**
221 **Keep file** for 10 years NOTE: Official records such as copies of ordination or license
222 certificate, etc. are sent to EMU Archives.
- 223

- 224 8. **Transfers out:** (MLI, character statements, and routine correspondence of no substance or of
225 little substance but documented elsewhere in the file) Make sure that all pertinent
226 information is listed in MennoData before you transfer the person out—birth, death, ministry
227 history, credential information (date and location where credential service took place), any
228 discipline actions and restoration actions taken (Note you can only transfer out pastors with
229 ordination credentials in good standing.
230 **Keep file** for 10 years unless there was a disciplinary and restoration action taken, then
231 keep file sealed for 25 years or until they die
232
233 NOTE: Official records such as copies of ordination or license certificate, etc. are sent to
234 EMU Archives.
235
- 236 9. **Deceased Pastors:** Make sure that all pertinent information is listed in MennoData—birth,
237 death, ministry history, credential information (date and location where credential service
238 took place, etc.).
239 **File can be shredded.** (Make sure to pull any historical pieces that EMU archives might
240 want, but MLIs other routine pieces may be shredded.)
241

242 **Filing A Complaint Concerning a Credentialed Leader.**

243

244 **COMPLAINT FORM CONCERNING MINISTERIAL MISCONDUCT**

245

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

250

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

254

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

256

257 1. Your name (*complainant*): _____

258

259 2. Your address:

260

261 3. Your phone numbers: _

262

264 4. Name of the accused *minister*: _____

265

266 5. Describe each incident of *misconduct* (please include information
267 about date, time, place and circumstances on attached additional pages
268 as needed)

269

270 6. Where possible identify any witnesses or persons who may be able to
271 corroborate any of the incidents.

272

273 7. Identify any written material or other physical *evidence* of *misconduct*.

274

275

276 8. Provide any additional information that you believe is relevant.

277

278

279 Signature of *complainant*:

280

281 Date: _____

282

283

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

287

288 Virginia Mennonite Conference Ministerial Misconduct Policy.

289 MANUAL:

290 MINISTERIAL MISCONDUCT AND

291 MINISTERIAL SEXUAL MISCONDUCT

292 POLICY AND PROCEDURE

293 For Virginia Mennonite Conference

294 Offered for Adoption by

295 Winter Delegate Assembly

296 [date]

297
298
299
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306
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Based on Policy and Procedure Manual
Published by Mennonite Church USA
and Mennonite Church Canada,
November 2016

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340

341

342 Based on November 2016 Publication by the following:

343

Mennonite Church USA Leadership Development 3145 Benham Ave Suite 1 Elkhart IN 46517 1-866-866-2872, ext. 23054	Mennonite Church Canada Pastoral Leadership Office 600 Shaftesbury Blvd. Winnipeg, MB R3P 0M4 1-866-888-6785
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344

345

346 **Preface**

347

348 As a denomination, Mennonite Church USA has provided a series of documents to help
349 conferences and congregations deal appropriately with situations when unethical behavior and/or
350 sexual misconduct of clergy persons are reported.

351

- 352 • On May 19, 2001 the VMC chair of the Conference Council and the chair of the Faith and
353 Life Commission co-signed the *Ministerial Sexual Misconduct Policy and Procedure*
354 document, providing guidelines for determining guilt or acquittal.
- 355 • In 2003 a companion piece became available, *Justice Making: The Church Responds to*
356 *Clergy Misconduct*, that outlined procedures for implementation of the Misconduct Policy.
- 357 • In 2005, Virginia Mennonite Conference developed procedures for *Implementation of the*
358 *Ministerial Sexual Misconduct Policy and Procedure in Virginia Mennonite Conference*, by
359 identifying specific persons who are involved at all levels of the process. Then on July 28,
360 2005, the Conference Council adopted all three documents as the official policy of Virginia
361 Mennonite Conference, under the title, *Manual: Ministerial Sexual Misconduct Policy and*
362 *Procedure*.
- 363 • In November 2016, Mennonite Church USA and Mennonite Church Canada published an
364 updating and combining of the previous three documents, entitled *Ministerial Sexual*
365 *Misconduct Policy and Procedure*. That document has been adapted to fit Virginia
366 Mennonite Conference organizational and leadership structures and apply to all ministerial
367 misconduct. It was adopted by the VMC Conference Council on (date) to become
368 VMC's official *Manual: Ministerial Misconduct and Ministerial Sexual Misconduct Policy*
369 *and Procedure*.

370

371 It is important that proper procedures are followed when a complaint or an accusation is made.
372 Biblical principles should be observed (Matthew 18:15-20). These documents establish channels
373 for ministerial accountability in Virginia Mennonite Conference that give respect to all persons
374 involved and reduce potential liability procedures.

375

376 This *Ministerial Misconduct and Sexual Misconduct Policy and Procedure* is offered with the
377 prayer that God's Spirit will empower and enable our Virginia Mennonite Conference faith
378 community, wherever we work together in the name of Jesus.

379

380 ***Theological Statement***

381

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

385

386 All Christians are called to ministry to extend the work of Christ, yet Mennonite Church Canada
387 and Mennonite Church USA (including Virginia Mennonite Conference) recognize that God
388 calls particular persons in the church to specific credentialed leadership ministries, such as, but
389 not limited to, that of pastors, chaplains, missionaries, teachers and *area conference ministers*.
390 (See *A Shared Understanding of Ministerial Leadership*, pages 41-42, hereafter, *A Shared*

391 *Understanding*.) These leaders are accountable to God and to the community of faith as they
392 serve the Church. The character and reputation of these leaders is to be above reproach.

393
394 Sin is also part of our world, and when we sin, we turn away from our Creator, causing
395 unrighteousness and injustice, which results in pain and brokenness. The Bible describes leaders
396 as shepherds entrusted with the care of the flock, who are to serve and be an example (1 Peter
397 5:2-4). When leaders care for themselves in unhealthy ways at the expense of God's people, God
398 will hold these leaders accountable for their behavior. The Lord will rescue the flock and
399 shepherd the flock with justice so that the injured and weak are strengthened (Ezekiel 34:7-16).
400 We believe the Lord requires the Church to be a part of this justice.

401
402 ***Ministerial Misconduct Policy.***

403
404 Professional conduct is the expected norm for all credentialed leaders in the body of Christ.
405 However, there are times when a credentialed leaders' behaviors, attitudes, and interactions with
406 individuals lead to the conclusion that the credentialed leaders decisions marginalizing and /or
407 inappropriately responding to others. There are a range of behaviors that can be considered in
408 the category of unethical misconduct by a credentialed leader in *A Shared Understanding* (pages
409 69-70): violations of confidentiality, use of technology for illegal or immoral purposes,
410 pornography, intentional deception or dishonesty, including misrepresentation of self in training
411 or past records, acts of physical, emotional, or spiritual violence, gross neglect of ministerial
412 responsibilities, financial irresponsibility or irregularities, failure to be accountable to the area
413 conference that holds the credential, major theological deviation from Christian and
414 Anabaptist/Mennonite understandings, the effort to harm the leadership of another pastor, and
415 behaviors that undermine the congregation, another congregation, or the relationship with the
416 wider Mennonite church.

417
418 Sexual misconduct or sexual abuse by a credentialed leader toward a person is a very serious
419 offense. It is *ministerial sexual misconduct* for a *minister* to engage in *sexualized behavior* with
420 a person with whom the *minister* has a *professional relationship*. The *minister* is always
421 responsible to prevent and stop such behavior. (See *A Shared Understanding*, pages 68ff for a
422 greater detailed list of what sexual *misconduct* includes.) The Virginia Mennonite Conference
423 through its Faith and Life Commission is responsible for disciplining *ministers* who engage in
424 such *misconduct*. Using this policy to address complaints of *ministerial sexual misconduct*
425 applies to credentialed and non-credentialed *ministers*, whether the person remains in the church
426 assignment or not, is dead or alive, refuses to cooperate with the area conference or relinquishes
427 his/her credential.

428
429 When ministers engage in sexual misconduct, they sin against the person(s) abused, their own
430 family, the congregation, and the office of ministry. If such misconduct occurs, the church acts
431 first to protect the abused and prevent further harm. This is the first priority in a longer church
432 process of seeking justice and healing for the person(s) who were abused. Disciplinary action
433 also seeks the safety, healing and trust of the accused's family, the congregation, and the office
434 of ministry. The process of discipline calls the offender to responsibility, repentance and healing.
435 This *Ministerial Misconduct Policy and Procedure* statement will help guide the Church through
436 this difficult journey.

437 ***Complaint Procedure***

438

439 **Section 1. Introduction**

440

441 This procedure is a means for the Virginia Mennonite Conference to make factual determinations
442 and apply sanctions regarding a minister who has been credentialed by the conference and
443 against whom there have been lodged *complaints* of *ministerial misconduct*. The focus of this
444 document is disciplinary.

445

446 The Virginia Mennonite Conference may address several *complaints* against a *minister* in one
447 proceeding, or may conduct a separate proceeding for each *complaint*. The *conference* may use
448 this procedure as a guide to address all *complaints* of *misconduct* including sexual *misconduct*
449 (See *A Shared Understanding of Ministerial Leadership*, page 68-70.)

450

451 **Long-ago Ministerial Sexual Misconduct.** There is no statute of limitations, and therefore a
452 *charge* of *ministerial sexual misconduct* may be brought for acts that allegedly occurred many
453 years before. Reliability of memory and availability of witnesses and *evidence* should be taken
454 into account when deciding whether to *charge*. In some such cases, the *conference* through its
455 Faith and Life Commission Officers (or FLC Officers) may decide in consultation with
456 Mennonite Church USA (hereafter, MC USA) that an adapted process of this procedure is
457 appropriate to address the alleged *misconduct*.

458

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

467

468 **If the executive conference minister is accused.** Should there be *complaint* against the
469 executive *conference minister*; the MC USA Leadership Office will facilitate this process and
470 not *Virginia Mennonite Conference*.

471

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

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

475

476 *Appeal Panel*: Three persons appointed by the *conference leadership* to hear a *minister's* appeal
477 following a *judgment* determining that a *minister* engaged in *misconduct*. No member of the
478 *appeal panel* shall be a member of the *Investigation Team*, a member of the FLC Officers, a
479 member of the same congregation as the *minister*, nor have any relationship that materially
480 affects impartiality.

481

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

483
484 *Charge: Verb: Action by the conference to formally accuse a minister of misconduct, based on a*
485 *written complaint. Noun: A formal accusation of misconduct, brought by the conference, based*
486 *on a written complaint.*
487
488 *Complainant: One who alleges that a minister engaged in misconduct.*
489
490 *Complaint: A written allegation of misconduct, signed by a complainant, including the name of*
491 *the accused and, as much as possible, the date, time, location, circumstances, names of any*
492 *witnesses and other relevant information.*
493
494 *Conference: Virginia Mennonite Conference, a regional body of Mennonite congregations,*
495 *covenanted together for purposes of mission, fellowship and credentialing. It is an area*
496 *conference of Mennonite Church USA.*
497
498 *Conference Leadership: Officers of the Virginia Mennonite Conference, especially the*
499 *conference moderator and executive conference minister.*
500
501 *Contact Person: A contact person for the complainant is appointed by the executive conference*
502 *minister to assist the complainant in reviewing the Ministerial Misconduct Policy and*
503 *Procedure, assist the person in putting the complaint into writing, assure that the written*
504 *complaint is received by the conference, and remain the contact person for the complainant if a*
505 *charge is brought. The accused minister will also be offered a contact person.*
506
507 *Credential: Verb: To ordain or license a minister by the conference and/or to accept*
508 *responsibility for the continued authorization of an ordained or licensed minister to act as a*
509 *minister. Noun: The recognition of ministerial authority that is granted to a minister by the*
510 *conference.*
511
512 *Evidence: Witness testimony, documents, objects or other information that make a claim or*
513 *defense more likely or less likely to be true.*
514
515 *Executive Conference Minister: The staff minister who administers and coordinates Virginia*
516 *Mennonite Conference activities, including the oversight of credentials.*
517
518 *Faith and Life Commission Officers (or FLC Officers): The conference committee that grants*
519 *credentials (through its Credentials Sub-Committee) and administers the discipline process*
520 *according to this Ministerial Misconduct and Ministerial Sexual Misconduct Policy and*
521 *Procedure.*
522
523 *Investigation: Upon receipt of a written complaint, the conference's Investigation Team conducts*
524 *an investigation to gather more information about the complaint in order to issue a report to the*
525 *Faith and Life Commission Officers.*
526
527 *Investigation Team: 'Qualified and independent' persons appointed by the conference in a panel*
528 *to investigate complaints of ministerial misconduct.-(See Section 5)*

529
530 *Judgment*: Determination by the *FLC Officers* of whether a *minister* engaged in *misconduct* or
531 did not engage in *misconduct*, based on the report of the *Investigation Team*.
532
533 *Jurisdiction*: The appropriate *area conference* to have disciplinary authority over the *minister* for
534 whom a *complaint* has been filed. (See Section 4)
535
536 *Minister*: One who has been ordained or licensed to act as a *minister* in the *conference*, one who
537 serves as a non-credentialed pastor in a *conference* congregation, or one who is an employee of
538 an organization that the *conference* acknowledges to be *conference*-related or requires
539 credentialing.
540
541 *Ministerial Misconduct File*: The *conference's* personnel file regarding a *minister's* *misconduct*
542 or alleged *misconduct*, maintained by the *conference*. The national ministerial leadership office
543 will receive a duplicate file from the *conference*.
544
545 *Ministerial Sexual Misconduct*: Sexualized behavior by a *minister*, involving one or more
546 individuals with whom the *minister* has a *professional relationship*.
547
548 *Misconduct*: An act or omission by a *minister* that is contrary to the policies or principles of the
549 *conference* based on *A Shared Understanding of Ministerial Leadership*.
550
551 *Non-disciplinary Leave of Absence*: A leave with pay, granted to a *minister* for non-
552 disciplinary reasons, by a congregation or other employer at its discretion.
553
554 *Personal Supporter*: A person selected by the *complainant* or a person selected by the accused
555 *minister* to provide pastoral care and practical support. (See Section 3D)
556
557 *Policy and Procedure*: This *Ministerial Misconduct and Ministerial Sexual Misconduct Policy*
558 *and Procedure*.
559
560 *Preponderance of Evidence*: The greater weight of the evidence required for the *FLC Officers* to
561 decide in favor of one side or the other.
562
563 *Probable Grounds*: Facts and circumstances that reasonably justify a determination that an
564 alleged event has, more likely than not, occurred.
565
566 *Probation of Credentials*: The *credential* status given when the *minister* has been placed under
567 close supervision for a specified period of time in order to determine whether the *credential* will
568 be continued. At the conclusion of the probationary period, it is determined whether the
569 *credential* becomes active, suspended or terminated.
570
571 *Professional Relationship*: The relationship between a *minister* and one who relates or has
572 related to the *minister* as congregant, student, counselee, employee or in a comparable role, or a
573 relationship where the religious role gives the *minister* privilege and power. A *professional*
574 *relationship* does not include:

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

580

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

582 termination of *credentials*.

583

584 *Sexualized Behavior:* Behavior by the *minister* in a *professional relationship* that shows sexual

585 interest or a choice to make the sexual dimension overt in a relationship, whether orally,

586 electronically, on paper or any other form of communication. (See *A Shared Understanding of*

587 *Ministerial Leadership*, page 68 ff.)

588

589 *A Shared Understanding of Ministerial Leadership*, 2017, MennoMedia, Harrisonburg VA: The

590 polity manual for Mennonite Church Canada and Mennonite Church USA that provides a

591 common understanding of how we do things in the church, specifically in the area of church

592 leadership. Also: *A Shared Understanding*.

593

594 *Suspension of Credentials:* The status given when the ministry *credential* is laid aside for a

595 specific period of time for disciplinary reasons. Suspended *credentials* are not valid for

596 performing ministerial functions.

597

598 *Termination of Credentials:* The status given when the *conference* has removed the *credential*

599 because of a disciplinary action. The individual will no longer have any *credential*.

600

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

602

603 A. Report of *Misconduct*. A person who believes that a *minister* has engaged in *misconduct* or

604 *ministerial sexual misconduct* should contact the *conference* office (usually the *executive*

605 *conference minister*) with a report of *misconduct*. If the *complaint* is against the *conference*

606 *minister*, then the report is filed directly with the MC USA Leadership Office.

607

608 B. The *executive conference minister* will:

609

1. Report to governmental authorities any child abuse or other violation that requires

610 reporting according to the laws of that state or province.

611

2. Give the *complainant* a copy of this *Policy and Procedure*. The *executive conference*

612 *minister* should also, depending on the circumstance, encourage the *complainant* to seek

613 medical and/or legal assistance. If there is a concern that the *complainant* is in physical

614 danger or that a crime has been committed the *area conference minister* will immediately

615 contact the police. This *Policy and Procedure* is not the *complainant's* only source of

616 redress.

617

3. Assign a *contact person* to assist the person reporting *misconduct* in preparing a written

618 *complaint*, and to walk with the individual through the process. Refer to Paragraph F.

619 below regarding the content of the *complaint*. The *contact person* will not have

620 supervisory responsibilities for the *complainant* or the accused *minister* nor have any
621 other shared responsibilities related to the accused *minister* or the *complainant*.
622 4. Contact the Office for assistance in being accountable to this *Policy and Procedure*.
623 5. Contact legal counsel to assure that the *conference* is following regional laws.

624
625 C. The *contact person* will meet with the *complainant* to:

- 626 1. Review this *Policy and Procedure*.
- 627 2. Help the person put their *complaint* into writing.
- 628 3. Serve as the connector between *complainant* and the process.
- 629 4. Deliver the written *complaint* directly to the Office when it is against a *conference*
630 *minister*. The Office will oversee this *Policy and Procedure*.
- 631 5. Encourage the selection of a *personal supporter*.

632
633 D. The *complainant* may select a *personal supporter*. *Personal supporters* shall not have
634 supervisory responsibilities for the *complainant* or *minister* nor have any other responsibilities
635 related to the *complainant* or *minister*.

636
637 E. The *personal supporter* will:

- 638 1. Provide pastoral care, practical support and assure the *complainant* has structures around
639 them to help them be safe.
- 640 2. When requested, accompany *complainant* as an observer to meetings required by this
641 *Policy and Procedure*.
- 642 3. Will not advocate to the *conference*, the *Faith and Life Commission Officers*, the
643 *executive conference minister*, the investigation team or the *appeal panel*.
- 644 4. Make timely objection on behalf of the *complainant* to the investigation team or the chair
645 of the *FLC Officers* if the *personal supporter* believes the *Policy and Procedure* is not
646 being fairly administered.

647
648 F. The written *complaint* should include:

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

655
656 Section 4. ***Jurisdiction***

657
658 Following receipt of the written *complaint*, *jurisdiction* is determined to be lodged in one of the
659 *area conferences*. *Jurisdiction* to address a *minister's* alleged *misconduct* exists in one of the
660 following:

- 661
662 • The *area conference* receiving the written *complaint*, for its *credentialed and non-*
663 *credentialed ministers* , whether the person remains in the church assignment or not, is dead
664 or alive, refuses to cooperate with the *area conference* or has relinquished his/her
665 *credential*.

- 666 • The *area conference* receiving the written *complaint* if the *minister* is serving as an agent of
667 an organization which requires credentialing from the *area conference*.
- 668 • Any other *area conference* that *credentials* the *minister* (this applies to dual conference
669 congregations).
- 670 • The *area conference* of the congregation in which the *minister* is or was previously serving
671 even if there is no current *credential*.

672
673 The *conference minister* of this *area conference* shall inform any other *area conference* that
674 currently holds the *credential* of the accused that a *complaint of misconduct* by the accused is
675 being investigated. The *area conferences* will confer regarding which *area conference* shall
676 exercise *jurisdiction*. Generally, but not always, *area conferences* will exercise *jurisdiction* in the
677 order of priority shown above. If there is disagreement or lack of clarity about which *area*
678 *conference* should take priority in exercising *jurisdiction*, the *area conferences* will confer with
679 the Office, and that office may recommend which *area conference* shall exercise *jurisdiction*.

680
681 The disciplinary *jurisdiction* of the designated *area conference* is not limited because another
682 professional accrediting entity is investigating or has investigated an allegation of *misconduct* by
683 an accused *minister*.

684
685 Said *area conference* may not revoke accreditations that currently are extended by another entity,
686 but is obligated to inform the accused minister's employer that a *complaint* has been received
687 and will be investigated. However, this *area conference* has full and exclusive responsibility for
688 the *credential*. If said *area conference* finds that a *minister* has engaged in *misconduct* that would
689 warrant *sanctions*, this *area conference* may prohibit the *minister* from acting as a *minister* in
690 this *area conference* or impose conditions that limit how the *minister* may serve in this *area*
691 *conference* and impose restrictions on transferring a *credential* to another *area conference*.

692
693 After this *area conference* determines it has *jurisdiction*, *jurisdiction* shall continue until the *area*
694 *conference* determines otherwise. *Jurisdiction* may continue after a *minister* has relinquished or
695 lost *credential*. The designated *conference* is required and may be legally responsible to follow
696 through in this process even if the congregation in which the accused *minister* serves does not
697 want to participate in the process. If the accused *minister* refuses to cooperate with the *area*
698 *conference* according to this *Policy and Procedure*, then his/her *credential* will be *terminated*
699 immediately. Such refusal will be noted in the *ministerial misconduct file* that the designated
700 *conference* maintains concerning the *minister*, which is shared with the MC USA Office and
701 recorded in MennoData, the national data base for credentialed persons.

702
703 The *conference* will cooperate fully when law enforcement is involved. The *conference* will
704 immediately suspend the accused *minister's credential*. On completion of that legal process the
705 *conference* will proceed with this *Policy and Procedure*.

706
707

708 **Section 5. Investigation**

709

710 A. Upon receiving a *complaint* that alleges *misconduct* by a *minister* and after *jurisdiction* by
711 *Virginia Mennonite Conference* is determined, the *executive conference minister* as facilitator
712 of this procedure will:

713 1. Contact the MC USA Office that a *complaint* has been received, to provide accountability
714 beyond the *Virginia Conference* and to determine if there are any possible related
715 records. In the case where the *complaint* is against the *executive conference minister*, the
716 complaint is sent by the contact person directly to the MC USA Office. That office will
717 facilitate this *Policy and Procedure* and not the local *conference*.

718 2. Consult with the MC USA Office to determine whether the *executive conference minister*
719 has a conflict of interest with the *complainant* or the accused *minister*. When a conflict of
720 interest exists, the *conference leadership* will appoint an alternative facilitator of this
721 *Policy and Procedure*.

722 3. Take steps to prevent any interaction between accused *minister* and the *complainant*.

723 4. Ensure confidentiality. The identity of the *complainant* is to be protected and is not to be
724 named publicly and in any form of communication either directly or indirectly by the
725 accused *minister* or anyone involved in the *investigation*.

726 5. Determine if immediate *suspension of credential* is needed and make an appropriate
727 announcement. If the law is involved, the *conference* will immediately suspend
728 *credentials* and cooperate with the authorities.

729 6. Notify the accused *minister* that a written *complaint* alleging *ministerial misconduct* has
730 been filed and an *investigation* will be conducted. The *minister* may be informed of the
731 identity of the *complainant*, unless there is a concern for safety of the *complainant*, and
732 the *minister* shall be directed not to communicate with the *complainant* about the
733 *complaint* either directly or indirectly.

734 7. Give the *minister* a copy of this *Policy and Procedure*.

735 8. Offer a *contact person* to assist the *minister* through the process.

736 9. Notify the leaders of the congregation in which the *minister* is serving (or other employer
737 of the *minister*) and any other *ministers* for the congregation that a *complaint* has been
738 received and give them this *Policy and Procedure* manual. Following consultation with
739 the *executive conference minister* and legal counsel, the leadership of the congregation's
740 governing board will make a congregational announcement such as: "(The named
741 *minister*) has been granted a *leave of absence* from all responsibilities as *minister* while a
742 *complaint* is being investigated. The fact that a *complaint* is being investigated does not
743 mean that *misconduct* has occurred, but *conference* policy takes complaints of sexual
744 abuse seriously and requires an *investigation*."

745 10. Recommend that the congregational leaders provide a paid *leave of absence* to the
746 *minister*.

747 11. Assign the *conference's* established investigation team to investigate the complaints.
748 Generally, the team will have at least three members (*at least one of whom is male and at*
749 *least one of whom is female*) who are known to be fair, objective, honest, of mature
750 Christian character and not from the accused *minister's* congregation. They should also
751 be familiar with abuse, mental health, substance abuse, domestic violence and trauma
752 issues. A professional *investigator* who has specialized in sexual abuse should be

- 753 considered to work with the *investigation team*, especially when the complaint alleges
754 sexual misconduct.
- 755 12. Following assignment of the Investigation Team, the *complainant* and the *minister*, may
756 submit in writing to the *executive conference minister* within two days, objections about
757 partiality or other unfairness perceived in team members. The resulting decision of the
758 *executive conference minister* concerning the objection shall be binding for all purposes
759 concerning the *investigation*, determination and appeal of the *complaint*, and any
760 resulting *charge*. Partiality shall not be assumed because a person is a member or a leader
761 in the *conference*.
- 762 13. Notify the *complainant* and the accused *minister* through the *contact persons* that an
763 *investigation* will begin.
- 764 14. Locate personnel files including any *ministerial misconduct file* that the *conference*,
765 former *area conference* and MC USA Office maintain concerning the accused *minister*.
766 These files must be shared with the *investigation team*. Notify the *conference* insurance
767 carrier and follow required procedures while keeping the integrity to the process outlined
768 in this *Policy and Procedure*.
- 769
- 770 B. The Investigation Team will conduct an investigation, including:
- 771 1. Review the written *complaint*.
- 772 2. Interview the *complainant* (who may have *personal supporter* present), to review any
773 *evidence*, and request that the *complainant* give a signed written statement if they believe
774 additional information may be needed to substantiate any of the allegations in the
775 *complaint*.
- 776 3. Interview the accused *minister*. Inform the *minister* of the nature of the *complaint*.
- 777 4. Advise the accused *minister* that the *team* is willing to receive information and any
778 statements by the *minister*. Inform the *minister* that any statement may be used in
779 disciplinary proceedings. The *team* may, in their discretion, decline to show the signed
780 written *complaint* if there is concern for safety, or if law enforcement or other civil
781 authorities request that this not occur. If there are no such compelling reasons to not share
782 the written *complaint*, the *minister* may receive a copy along with direction that within
783 five days of the *minister's* receipt of the *complaint*, the *minister* shall deliver to the
784 *investigation team* a statement, responding to each numbered allegation in the *complaint*
785 stating:
- 786 a. That the *minister* agrees with the allegation, **or**
- 787 b. That the *minister* disputes the allegation and sets forth all the reasons the *minister*
788 disagrees, as well as the *minister's* full account of each disputed incident that is alleged.
- 789 5. Review any relevant *evidence* offered by the accused *minister* or the *complainant*.
- 790 6. Interview other persons who may have relevant information. These persons will be
791 informed of the need for confidentiality.
- 792 7. Keep accurate records of interviews, including the date, parties present, and name of the
793 recorder.
- 794 8. If necessary, ask the *FLC Officers* to extend the time for concluding the *investigation*
795 *team's* written report.
- 796 9. Prepare a written report to the *FLC Officers*. The report shall be based, as much as
797 feasible, on statements of witnesses with direct knowledge, rather than on secondhand
798 sources or circumstantial *evidence*. The report shall include:

- 799 a. *Evidence* that the *investigators* believe supports the allegation that the *minister*, more
800 likely than not, engaged in *misconduct* or *ministerial sexual misconduct* and the *evidence*
801 that shows that the *minister* more than likely did not engage in *misconduct* or *ministerial*
802 *sexual misconduct*.
- 803 b. Any reasons why the *investigators* believe they cannot present such *evidence*.
- 804 c. A recommendation to the *FLC Officers*:
- 805 • To drop the *complaint* *or*
- 806 • To *charge* the *minister*
- 807 d. Signatures and dates of all the members of the *investigation* team.
- 808
- 809 C. Upon receipt of the report with recommendation from the *investigation team* the Chair of the
810 *FLC Officers* will convene the officers:
- 811
- 812 1. Option - Decline to *Charge*.
- 813 If the *FLC Officers* receive the report and accept the recommendation from the *investigation*
814 *team* to drop the *complaint* because there does not seem to be *probable grounds* to support
815 any allegation of *misconduct* or *ministerial sexual misconduct*, the Chair of the *FLC Officers*
816 will:
- 817 a. So inform the *minister* and the *contact person* in writing.
- 818 b. So inform the *complainant* and the *contact person* in writing.
- 819 c. Deliver the complete file to the *executive conference minister*, who will note the
820 outcome of the *investigation*, record the resulting decision of the *FLC Officers* in the
821 *minister's* file, and destroy all other records of the proceedings.
- 822 d. Make appropriate reports to those involved and announce as widely as the earlier
823 announcement about the original *complaint*.
- 824
- 825 2. Option - Bring a *Charge*.
- 826 If the *FLC Officers* believe that *investigators* have presented *evidence* that the *minister*, more
827 likely than not, engaged in *misconduct* or *ministerial sexual misconduct*, the Chair will
828 ensure the following steps take place:
- 829 a. Change the *credential* status of the *minister* to either *suspended*, *probation* or
830 *terminated*.
- 831 b. File a *charge* with the *executive conference minister*, including:
- 832 1) The name of the *minister*.
- 833 2) The name of the *complainant*.
- 834 3) The official *complaint* of *ministerial sexual misconduct*.
- 835 4) Sufficient information about date, time, place and circumstance to specifically
836 provide information about each incident of *complaint*. (Describe multiple
837 incidents of alleged *misconduct* in separately numbered paragraphs.)
- 838 c. Deliver the *charge* to the *minister* and the *contact person*. If personal delivery of the
839 *charge* is not practical, then send by certified mail to the last known address with
840 return receipt requested. Electronic mail is not appropriate. The *charge* will include
841 direction that within five days of the *minister's* receipt of the *charge*, the *minister* will
842 deliver to the Chair of the *FLC Officers* a signed statement, responding to each
843 numbered allegation in the *complaint*, stating:
- 844 1) That the *minister* agrees with the allegation, or

- 845 2) That the *minister* disputes the allegation and sets forth all the reasons the *minister*
846 disagrees, as well as the *minister's* full account of each disputed incident that is
847 alleged in the *charge*.
848 d. Inform the *complainant* and the *contact person* in writing that a *charge* has been filed
849 by the *conference* and a *hearing* may take place.
850 e. Upon receiving the *minister's* signed statement responding to the allegations, the
851 Chair of the *FLC Officers* will convene the *officers* to review the response. If the
852 *minister* agrees with the allegations, the committee will determine *judgment* and
853 *sanctions* as outlined in Section 6.
854 f. If the *minister* disputes the allegations, the *FLC Officers* will give notice to the
855 *minister* that a *hearing* will be scheduled to begin within seven days.
856 g. The *minister* will be further directed to avoid any communication with the
857 *complainant* directly or indirectly for any reason.
858 h. In cases alleging ministerial sexual misconduct, if there is no *FLC Officer* with
859 professional competency in sexual abuse, the *officers* will consult with a professional
860 who does have such competency and who has no history with the accused *minister* or
861 the *complainant* for the duration of this proceeding.
862

863 D. Hearing

- 864 1. The chair of the *FLC Officers* will notify the *minister* and the *investigation team* of
865 the date, time and location for the hearing.
866 2. The *complainant* will be notified of the hearing. The complainant is not required to
867 be present at the hearing nor does the *complainant* need to testify.
868 3. The *FLC Officers* will hear the testimony of the *investigation team* (and their
869 witnesses) and the *minister* (and the *minister's* witnesses).
870 4. The *FLC Officers* will make a *judgment* based on the testimony presented.
871 5. A written record of the hearing will be kept in the *minister's file* and will include the
872 *investigation team's* report, the testimonies, and any additional information that came
873 to light.
874

875 Section 6. ***Judgment and Sanctions***

876 The *FLC Officers* will:
877
878

- 879 A. Determine a *judgment* stating whether the minister did or did not engage in *misconduct* or
880 *ministerial sexual misconduct*.
881 1. If it is determined that the *minister* more likely than not DID NOT engage in *misconduct*
882 or *ministerial sexual misconduct*, the committee, in its sole discretion, and depending on
883 the circumstances, may:
884 a. Identify concerns regarding fitness for ministry and required steps.
885 b. Notify *minister* of *judgment* and any requirements if needed.
886 c. Affirm, support and recommend how congregational leaders may affirm and support
887 the *minister* and the *minister's* continued ministry.
888
889 2. If it is determined that the *minister* more likely than not DID engage in *misconduct* or
890 *ministerial sexual misconduct* the *FLC Officers* will inform the *minister* in writing

891 through certified mail of the *judgment* and resulting *sanctions* imposed by the committee.
892 A *sanction* that results in a *credential* status of *terminated* is a permanent sanction. When
893 the *credential* status related to the *judgment* is *suspended* or *probation*, the letter will
894 identify if this *credential* status will continue for a stated period of time or until further
895 notice and include the details of each *sanction*. The letter will also include steps for
896 determining, with external verification, that the *minister* is in compliance with all
897 *sanctions* imposed by the committee. The *sanctioned minister's* word will not determine
898 compliance.
899

900 B. Report to:

- 901 1. The *complainant* about the *judgment*.
- 902 2. The *conference leadership* regarding the *judgment* and *sanctions*, including a complete
903 file, if the judgment is guilty, to be maintained in a *ministerial misconduct file*.
- 904 3. The congregation of the charged *minister* regarding the *judgment* and *sanctions*.
- 905 4. *Ministers* within the *Virginia Conference* of the *judgment* and *sanctions*.
- 906 5. The employer who was notified of a complaint, of the *judgment* and *sanctions* regarding
907 the charged *minister*.
- 908 6. Other *area conference ministers* regarding the *judgment* and *sanctions*.
- 909 7. The MC USA Office, and submit the complete file, if the judgment is guilty.

910
911 C. Following reporting of the *judgment* and *sanctions*, the *FLC Officers* will update the
912 *credential* status in the *minister's* file on MennoData. The status note section should include
913 the *judgment*, the date, the name of the *area conference* and the location of the *ministerial*
914 *misconduct file*.

915
916 Reminder: A *credential* with the status of *probation*, *suspended*, *terminated* or *withdrawn* is
917 not transferrable to any other *area conference*.

918
919 D. Monitor Compliance with *Sanctions*.

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

929
930 E. Provide Follow-up Care

931
932 The FL Officers will assure follow-up care for the *complainant*, the complainant's family,
933 the *minister*, the *minister's* family and for the congregation.
934

935 Section 7. *Appeal*

936

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

940

941 A. The appellant (either minister or complainant) shall give written notice of any appeal to the
942 *conference leadership* within five days after the *judgment* by the *FLC Officers*. The notice of
943 appeal shall be signed by the *appellant* and state all grounds for appeal of the *judgment*.

944

945 B. The *appellant*, in writing, shall state facts and reasons that demonstrate why there are not
946 *probable grounds* to support the *judgment*.

947

948 C. Upon receipt of an appeal, the *conference leadership* shall appoint an *appeal panel* consisting
949 of three persons, including a chair. No member of the panel shall be on the *investigation team*, a
950 member of the *FLC Officers*, a member of the same congregation as the *appellant*, nor have any
951 relationship that materially affects impartiality. The *appeal panel* members should also be
952 familiar with abuse, mental health, substance abuse, domestic violence and trauma issues. One
953 *appeal panel* member should have training in sexual abuse.

954

955 D. The *appeal panel* shall:

956 1. Inform the *minister*, the *complainant*, and the *FLC Officers* that there will be an appeal
957 hearing on the *judgment*; including the date of hearing.

958 2. Communicate the date, time, and place for the appeal hearing to the *appellant* and the
959 *FLC Officers*.

960 3. Convene the appeal hearing with the *appellant* and *FLC Officers* and:

961 a. Read or otherwise identify the notice of appeal.

962 b. Allow the *appellant* to explain why the *appellant* believes there are not *probable*
963 *grounds* to support the *judgment*.

964 c. Have one or more members of the *FLC Officers* review the *judgment* and the *evidence*
965 supporting the *judgment*.

966 d. Deliberate in private and determine *judgment* by consensus (but in the absence of
967 consensus, by majority vote).

968 e. Affirm the *judgment*, if the *appellant* was unable to demonstrate that there were not
969 *probable grounds* to support the *judgment*. Generally, the *appeal panel* shall defer to
970 findings made in the *investigation team*'s report and the *judgment* of the *FLC Officers*
971 and shall focus on whether the findings support the *judgment*.

972 f. Change the *judgment*, if the *appellant* was able to demonstrate that there were not
973 *probable grounds* to support the *FLC Officers*' *judgment*.

974 g. Give written notice of the *appeal panel*'s *judgment* to the *minister*, the *complainant*,
975 and the *conference leadership*. Give appropriate notice to all others informed of the
976 earlier *judgment*.

977 h. Give notice to the *FLC Officers* of the *appeal panel*'s *judgment*. The *FLC Officers* will
978 then follow through with applicable *sanctions* as outlined in Section 6.

979 i. Give minutes of the appeal hearing to the *conference leadership*. The minutes will be
980 added to the *minister's ministerial misconduct file*. A copy of the minutes will also be
981 sent to the MC USA Office.
982

983 Section 8. ***Credential Status of a Sanctioned Minister***
984

985 A. When the *minister* receives a *judgment* of *ministerial misconduct* or *ministerial sexual*
986 *misconduct* and the *sanction* is *termination* of the *minister's credential*, this is a permanent
987 action and the *credential* cannot be re-instated.
988

989 B. When the *credential* has been *suspended* due to a *judgment* of *misconduct* for a specified
990 period of time, the *FLC Officers* will determine whether the *credential* will move to
991 *probation* or *terminated*.
992

993 1. The *FLC* officers will determine the status of the *credential* through external verification
994 such as reports from an accountability group, counselor and other pertinent information.
995 They shall determine whether contents of the reports are adequate to change the
996 *credential*.

997 2. The *FLC Officers* will notify the *minister* that the *credential* status has been changed
998 from *suspended* to either *probation* or *terminated*. If they determine that *probation* status
999 is a possibility, *sanctions* and accountability will continue for a specified period of time.
1000 The *FLC Officers* will continue to use external verification to assess whether the *minister*
1001 has, as a result of the *sanctions*, altered beliefs, attitudes and behavior before a final
1002 determination of *credential* status is made.

1003 C. *Termination of credentials* will occur if the *FLC Officers* determines that the *minister* is not
1004 fit for ministry or if the *minister* refuses to comply with the *sanctions*. Noncompliance will be
1005 determined through external verification. Noncompliance will also be determined by the
1006 *minister's* vocal refusal or by behavioral refusal including moving away from the Virginia
1007 Mennonite Conference without notification to the Conference.
1008

1009 **Disclaimer:** Any error or omissions to the implementation of the process outlined above does not
1010 invalidate the process. Corrective action will be taken where possible. In addition, if any aspect
1011 of this procedure is found to violate the law in the legal jurisdiction in which the *investigation* is
1012 being implemented, that illegal action will not invalidate the rest of the protocol or the
1013 determination/outcome of the *investigation*. This *Policy and Procedure* should not be considered
1014 the sole source of redress for anyone who believes they are the victim of harassment or abuse.
1015 The focus of this *Policy and Procedure* is credentialing and licensing discipline for *ministers*
1016 only. This *Policy and Procedure* replaces and supersedes the earlier document copyrighted in
1017 2000.
1018
1019
1020

1021 **Communication Concerning Ministerial Misconduct.**

1022

1023 **Protocols for Public Disclosure of Ministerial Misconduct.**

1024 **April 20, 2018**

1025

1026 **Introduction.** When a complaint is filed against a minister, Virginia Mennonite Conference
1027 seeks to be transparent with matters that impact the integrity of any victim, congregation, or
1028 leadership personality. FaithTrust Institute staff has described ministerial misconduct policies as
1029 tilted to benefit the minister and not victim/complainant friendly. Virginia Mennonite
1030 Conference, as a credentialing body, has a dual responsibility to the complainant and the
1031 minister. While the *Manual: Ministerial Sexual Misconduct Policy and Procedure (2005)* and
1032 the pending *Ministerial Misconduct Policy (2018-2019)* have clearly stated policies and
1033 procedures, there is inadequate direction for public communication.

1034

1035 In the **Guidelines for Communication (See Attachment A - below)**, there is limited direction
1036 in item E. with reference to public communication.

1037

1038 Seeking to balance the public trust on behalf of the Conference, the integrity of the complainant,
1039 the integrity of investigation process, and the integrity of a minister under investigation, the
1040 following guidelines for public disclosure are proposed:

1041

1042 1. The Executive Conference Minister shall disclose a complaint of misconduct against a
1043 credentialed minister to the Conference Council Officers, in addition to that which is
1044 required in the *Ministerial Misconduct Policy and Procedures*.

1045

1046 2. The Investigation Team shall have the freedom to make a request to the chair of the Faith
1047 and Life Commission to disclose publicly that they are conducting an investigation when
1048 the Investigation Team determines that public disclosure is in the best interest of the
1049 investigation.

1050

1051 3. The Executive Conference Minister shall make a public announcement concerning an
1052 investigation, when the Investigation Team, and the Faith and Life Commission Officers
1053 deem it necessary for additional information concerning the complaint, and there is a
1054 perceived danger to the public. In addition, a personal supporter shall be provided to
1055 anyone who self-identifies as wanting to share their experience.

1056

1057 4. Once the Officers of Faith and Life Commission determine a complaint process has
1058 ended, the Officers of Faith and Life Commission shall provide a public statement that
1059 includes the name of the credentialed minister, the location of service, and the outcome of
1060 the investigation. In addition, the public statement shall include the option of a personal
1061 supporter for persons who self-identify as wanting to share their experience. The
1062 reporting shall occur on the Virginia Mennonite Conference website.

1063

1064 5. The Faith and Life Commission Officers will inform the Credentials Committee of a
1065 ministerial credential status change. The status change will be reported in *Pathways*.

- 1066 6. The Executive Conference Minister shall report the necessary information to Leadership
1067 Office of MC USA as per the denominational expectation.
1068
- 1069 7. Acquittal of a misconduct complaint. In the event, a credentialed leader has a complaint
1070 filed against them and the Investigation Team finds the complaint to be without merit, the
1071 Officers of the Faith and Life Commission will determine the process for making the
1072 credentialed leader whole.
1073

1074
1075 Clyde G. Kratz
1076 Executive Conference Minister
1077

1078 Reviewed by Officers of FLC – March 29, 2018
1079 Reviewed by Credentials Committee – April 17, 2018
1080 Approved by the Faith and Life Commission – April 20, 2018
1081

1082 **Attachment – A**
1083

1084 **Manual: Ministerial Sexual Misconduct Policy and Procedure (VMC 2005)**
1085 **(Excerpt from page 20 on communication.)**
1086

1087 Section 7: Communication

1088 Since the church confers authority by credentialing ministers, it is also important that
1089 the church give appropriate information when discipline takes place. The Ministerial
1090 Leadership Committee shall be the sole entity responsible to give notice:

- 1091
- 1092 A. To the accused, in writing by personal delivery, (if personal delivery is not possible
1093 then by certified mail, return receipt requested) informing of a judgment of guilt or
1094 acquittal, and of any disciplines, whether disciplines apply for a stated period or until
1095 further notice, when and how the minister shall report regarding compliance, and
1096 any other requirements imposed by the committee;
- 1097 B. To the complainant, in writing by personal delivery (unless the complainant has
1098 waived the right of personal delivery, whereupon notice shall be given by certified
1099 mail, return receipt requested), informing of a judgment of guilt or acquittal;
- 1100 C. To the congregation (or other employer) in writing to the leadership board, and by
1101 arranging for a representative of the Ministerial Leadership Committee to meet with
1102 the congregation promptly after the accused and the complainant have been
1103 informed;
- 1104 D. To the Ministerial Leadership Office of Mennonite Church USA and/or Mennonite
1105 Church Canada, in case of guilt when disciplines have been imposed, by letter so
1106 stating, including a description of the nature of the misconduct. This should be in
1107 addition to the appropriate notation in the database.
- 1108 E. To the broader church and public in a manner consistent with the "Meetinghouse

1109 Guidelines for Reporting Sexual Misconduct and Other Sensitive News Stories"
1110 developed by the editors of Mennonite periodicals. The Ministerial Leadership
1111 Committee should be thoroughly familiar with these Guidelines. The following
1112 should also be kept in mind.

- 1113 1. Endeavor to protect the identity of the complainant, when requested
- 1114 2. Public statements should not be made to the congregation or the media
1115 unless specifically approved by an authorized representative of the
1116 Ministerial Leadership Committee
- 1117 3. Discourage parties directly involved from participating in media interviews.
- 1118 4. Limit disclosure of the details of alleged or determined misconduct, and report
1119 instead the findings of acquittal or guilt, including when guilty the nature of the
1120 misconduct.

1121 **MC USA Requested Reporting Outcome. (Not subject to VMC edits.)**

1122
1123 Investigation Team's Written Report.

1124
1125 *This report will be brief; one to two pages and written with the awareness of it becoming a public*
1126 *document. Following the completion of the misconduct process, this report will be made available*
1127 *by the conference office to anyone who asks for it.*

1128
1129 The Document will include the following

- 1130 • Name of accused minister
- 1131 • Date and summary of the allegations
- 1132 • Investigation process
- 1133 • Findings of the investigation (include each alleged misconduct below)
- 1134 • Recommendation by the investigative team to the Ministerial Leadership Committee
- 1135 • Names of Investigators appointed

1136
1137 Mennonite Church Canada/Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

1138
1139
1140
1141

1142 **Restorative Processes.**

1143

1144 Recently a person asked me how I was working at restoring persons who were disciplined. I
1145 responded with a question: when you fired someone, how did you work at reconciliation? He
1146 responded – not so well. I recognize that in a faith community that seeks to excel on matters of
1147 reconciliation, I do ponder how best to work at this aspect of maintaining relationships in
1148 difficult circumstances.

1149

1150 I believe that there are some aspects of our Ministerial Misconduct process that are based on
1151 seeking to maintain relationships. For example, an investigation team interviews the individual
1152 and hears the story. Second, the FLC representative meets with the individual face to face to
1153 present the charge of misconduct, and engage in conversation. There are attempts to agree to a
1154 public statement about the outcome of the investigation. These steps may indeed be part of the
1155 healing and hope that a Conference offers the disciplined minister.

1156

1157 For an individual who has experienced the ministerial misconduct process, the local
1158 congregation is the primary place for healing and hope to occur. While the individual may have
1159 departed from the congregation once served, the disciplined minister's receiving congregation
1160 may have to attend to not only the boundary issues in the individual's life, but also offer a
1161 restorative ministry for healing and hope.

1162

1163 The Conference may be another important avenue for the individual's healing as well. One
1164 avenue a Conference may pursue for relationship building might involve two oversight leaders,
1165 not connected to the case. These oversight leaders might contact the person at the conclusion of
1166 the process for further engagement about the process. I recognize that this may be very difficult,
1167 but perhaps this extra mile can be walked with a person to bring healing and hope.

1168

1169 At the heart of our relationship with God is the desire to connect all people to God and be in right
1170 relationship with each other. A restorative process with the individual does not necessarily mean
1171 restoration to a ministerial role, nor to the congregation once served. When trust is broken
1172 through professional misconduct, it may take many years for the restoration process to be
1173 complete; however, there shall be attempts to establish and maintain relationships with
1174 individuals who have been disciplined through a misconduct procedure.

1175

1176 Clyde G. Kratz

1177 Executive Conference Minister

1178

1179 **Additional Clarifications.**

1180 **Conflict of Interest Practice.**

1181 A simple definition of “conflict of interest” is “a situation in which someone cannot make a fair
1182 decision because they will be affected by the result.” [Cambridge English Dictionary] It is also
1183 characterized as "A situation that has the potential to undermine the impartiality of a person
1184 because of the possibility of a clash between the person's self-interest and professional interest or
1185 public interest. [Business Dictionary]

1186
1187 In Virginia Mennonite Conference, a review for potential “conflict of interest” associated with
1188 the Investigation Team members shall be conducted prior to an investigation of a credentialed
1189 leader. The review shall occur in the following way:

- 1190
- 1191 1. The Executive Conference Minister shall assess the potential of a conflict of interest by
1192 the members of the Investigation Team in relationship to participants, i.e. the complainant,
1193 the credentialed leader, and/or the congregation or organization represented by the
1194 credentialed leader.
1195
 - 1196 2. The assessment shall occur in conversation with Investigation Team members.
1197
 - 1198 3. In the event a principle party of the case, i.e. the complainant, the credentialed leader,
1199 and/or the congregation or organization represented by the credentialed leader, seeks to
1200 challenge the Investigation Team members’ neutrality, the Executive Conference Minister
1201 will conduct a second assessment in consultation with the moderator and chair of the Faith
1202 and Life Commission. The outcome will be reported to the individual that challenged
1203 members’ neutrality on the basis of conflict of interest.
1204
 - 1205 4. A conflict of interest challenge can only be made by an individual and/or organization that
1206 are directly impacted by the outcome of an investigation.
1207
 - 1208 5. In the event, that the subject of the conflict of interest challenge is the Executive
1209 Conference Minister, the moderator and the Faith and Life Commission chair shall
1210 conduct the conflict of interest assessment.