

## MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE

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1                   **MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE**  
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4           **Ministerial Sexual Misconduct Policy**  
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6           A Minister shall not enter into Sexualized Behavior with a person with whom the Minister  
7           has a Professional Relationship. A Minister is always responsible to prevent such  
8           behavior. The Conference Sanctions Ministers who engage in such Misconduct.  
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11           **Complaint Procedure**  
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13           **Section 1. Introduction**

14           This procedure is a means for the conference that extends Credentials to an accused  
15           Minister to make factual determinations about Complaints of Ministerial Sexual  
16           Misconduct and to impose Sanctions when warranted. Various response may be  
17           needed, but the focus of this procedure is *disciplinary*. Therefore, needs for healing,  
18           recompense, repentance and forgiveness are not comprehensively addressed in this  
19           procedure.  
20

21           The Conference may vary this procedure when addressing Complaints. The  
22           Conference may address several Complaints against a Minister in one proceeding, or  
23           may conduct a separate proceeding for each Complaint. The Conference may use this  
24           procedure as a guide to address Complaints of Misconduct, other than sexual  
25           Misconduct.  
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27           Clarity facilitates fact finding and discipline. Therefore, certain terms are defined in this  
28           Policy and Procedure. Defined terms generally are capitalized in the text.  
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31           **Section 2. Definitions**  
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33           Terms have these meanings in this Policy and Procedure:

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35           *Appeal Panel:* Three persons appointed by the Conference Executive to hear a  
36           Minister's appeal from a Judgment of guilt of Misconduct.  
37

38           *Charge: Verb:* Action by the Conference to formally accuse of Misconduct, based on a  
39           written Complaint. *Noun:* A formal accusation of Misconduct, brought by the  
40           Conference, based on a written Complaint.  
41

42           *Complainant:* One who alleges that a Minister engaged in Misconduct.  
43

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

47  
48 *Conference:* \_\_\_\_\_ Conference of the  
49 \_\_\_\_\_ denomination.

50  
51 *Conference Executive:* The person who holds the office of \_\_\_\_\_  
52 in the Conference.

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54 *Contact Person:* A Complainant's Contact Person assists a Complainant in preparing a  
55 Complaint, selecting a Personal Supporter, and reporting to governmental authorities  
56 any child abuse or other violation for which reporting is required by law. An accused  
57 Minister's Contact Person assists the Minister in selecting a Personal Supporter.  
58 Contact Persons shall not have supervisory responsibilities for the accused or have any  
59 other material responsibilities related to the accused or the Complainant.

60  
61 *Credential:* *Verb:* To ordain, license or commission a Minister; to accept responsibility  
62 for the continued authorization of an ordained, licensed or commissioned minister to act  
63 as a Minister. *Noun:* The recognition of ministerial authority that is granted to a Minister  
64 by a Credentialing conference. A conference that issues a Credential may transfer to  
65 another Credentialing conference responsibility for the continued grant of the  
66 Credential.

67  
68 *Evidence:* Proof presented by witnesses, documents, objects, or other means, in order  
69 to induce belief.

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71 *Findings of Fact:* The Investigators' factual determinations regarding a Charge of  
72 Misconduct, based on Evidence presented at a fact-finding meeting with the accused  
73 Minister, or based on the accused Minister's acknowledgment.

74  
75 *Investigators:* Three persons appointed by the Conference to investigate a Complaint  
76 by an individual and to advise whether there are Probable Grounds for the Conference  
77 to bring a Charge. If a Charge is brought, the Investigators act as fact finders.

78  
79 *Judgment:* Determination of guilt or acquittal by the Ministerial Leadership Committee,  
80 based on the Investigators' Findings of Fact.

81  
82 *Jurisdiction:* The disciplinary authority of a conference to which a Minister is  
83 accountable at the time a Complaint is filed.

85 *Minister*: One who has been ordained, licensed or commissioned to act as a Minister of  
86 the Conference or as agent of an organization that the Conference acknowledges is  
87 Conference-related.

88 *Ministerial Leadership Committee*: The Conference committee that Credentials and  
89 disciplines Ministers.

90  
91 *Ministerial Sexual Misconduct*: Sexualized Behavior by a Minister, involving one with  
92 whom the Minister has a Professional Relationship.

93  
94 *Misconduct*: An act or omission by a Minister that is contrary to the policies or principles  
95 of the Conference.

96  
97 *Non-disciplinary Leave of Absence*: A leave with pay, granted to a Minister by a  
98 congregation or other employer, in its discretion.

99  
100 *Overseer*: The Conference Minister, Bishop or other ordained Conference officeholder  
101 to whom a Minister is accountable for the conduct of ministry.

102  
103 *Partiality*: Being or acting with unfair bias.

104  
105 *Personal Supporter*: A Personal Supporter may be selected by a Complainant. A  
106 Personal Supporter may be selected by an accused Minister. Each Personal Supporter  
107 shall become familiar with this Policy and Procedure, and shall ensure that pastoral care  
108 and emotional, spiritual and practical support are extended. When requested, the  
109 Personal Supporter shall accompany the one supported, as observer, to meetings  
110 required by this Policy and Procedure. The Personal Supporter does not advocate to  
111 the Conference, the Ministerial Leadership Committee, the Overseer, the Investigators  
112 or the Appeal Panel. The Personal Supporter may, however, object to the Investigators  
113 or the Chair of the Ministerial Leadership Committee if the Personal Supporter believes  
114 this Policy and Procedure is not fairly administered. Personal Supporters shall not have  
115 supervisory responsibilities for the accused or have any other material responsibilities  
116 related to the accused or the Complainant.

117  
118 *Policy and Procedure*: This Ministerial Sexual Misconduct Policy and Procedure.

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

122  
123 *Probation*: Restrictions imposed upon a Minister for a stated period or until further  
124 notice, because of Misconduct.

125  
126 *Professional Relationship*: The relationship between a Minister and one who relates or  
127 has related to the Minister as congregant, student, counselee, employee, or in a

128 comparable role, while the Minister was engaged in the conduct of ministry. A  
129 Professional Relationship does not include

- 130
- 131 ○ A married Minister's relationship with the Minister's spouse; or
- 132 ○ An unmarried Minister's dating relationship with an unmarried person with
- 133 whom the Minister has had a Professional Relationship, if the Minister has
- 134 clearly communicated to the person that the Minister will not provide for,
- 135 and another minister should provide for, all one-to-one professional
- 136 ministerial responsibilities concerning the person.
- 137

138 *Prohibition from acting as a Minister in this Conference:* A Sanction that may be  
139 imposed by this Conference if it is not extending Credentials to a Minister, but the  
140 Minister's Misconduct warrants Sanction.

141

142 *Sanction: Verb:* To discipline a Minister. *Noun:* Reprimand, Probation, Suspension,  
143 Withdrawal of Credentials, Prohibition from acting as a Minister in this Conference, or  
144 other disciplinary action.

145

146 *Secure Personnel File:* The Conference's personnel file regarding a Minister's  
147 Misconduct or alleged Misconduct, maintained by the Conference, separate from  
148 general files, during the Minister's lifetime.

149

150 *Sexualized Behavior:* Acts that show sexual interest or a choice to make the sexual  
151 dimension overt in a relationship. Sexualized Behavior may include inappropriate  
152 discussion of sexual matters, touching and other actions.

153

154 *Suspension:* Suspension of a Minister's privileges and duties as a Minister for a stated  
155 period or until notice from the Conference.

156

157 *Withdrawal of Credentials:* Revocation of the ordination, license or commission of a  
158 Minister, which terminates service as a Minister.

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161 **Section 3. Standards of Proof**

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163 To address Misconduct alleged in a Complaint, these standards of proof apply:

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165 *Individual's Complaint.* If Misconduct is alleged in a Complaint, the Conference  
166 investigates.

167

168 *Conference's Charge.* When the Conference decides whether to bring a Charge of  
169 Misconduct: After investigation, would a reasonable person believe that the Conference  
170 *can present Evidence* that the accused, *more likely than not*, engaged in Misconduct? If

171 the investigation indicates the Conference can demonstrate such Probable Grounds,  
 172 the Conference generally brings a Charge.

173  
 174 *Fact Finding for Judgment.* After the Conference, the Complainant, and the accused  
 175 Minister have been given opportunity to present Evidence at the Investigators' fact-  
 176 finding meeting, the Investigators determine: Does the *Evidence demonstrate* that the  
 177 accused Minister, *more likely than not*, engaged in acts of Misconduct? If such  
 178 Probable Grounds are found, the Judgment of the Ministerial Leadership Committee is  
 179 guilty. If such Probable Grounds are not found, the Judgment is acquittal.

180  
 181 *Appeal.* If an accused Minister appeals to the Conference Executive after Judgment of  
 182 guilt: Has the *Minister demonstrated that there are not Probable Grounds* for the  
 183 Judgment?

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185		214	
186	<b>Section 4. Suggested Timeline</b>	215	<i>Normally, not</i>
187		216	<i>necessarily,</i>
188	<i>Complaint.</i>	217	<i>completed by:</i>
189		218	
190	<i>Investigation.</i> Investigators recommend whether to	219	14 days after
191	Charge.	220	Complaint
192		221	
193	<i>Charge.</i> The Ministerial Leadership Committee	222	16 days after
194	determines whether to Charge.	223	Complaint
195		224	
196	<i>Accused's Response.</i> After receipt of a Charge, Minister	225	21 days after
197	agrees with or disputes Charge.	226	Complaint
198		227	
199	<i>Fact-Finding.</i> Investigators conduct a fact-finding	228	26 days after
200	meeting.	229	Complaint
201		230	
202	<i>Fact-Finding Report.</i> Investigators deliver Findings	231	28 days after
203	Fact to Ministerial Leadership Committee.	232	Complaint
204		233	
205	<i>Judgment/Sanctions.</i> Ministerial Leadership Committee	234	35 days after
206	renders Judgment of acquittal or guilt and, after a	235	Complaint
207	Judgment of guilt, imposes Sanctions.	236	
208		237	
209	<i>Appeal.</i> The Minister may appeal within 10 days after	238	Note deadline for
210	being informed of the Judgment.	239	appeal
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212	<i>Appeal Hearing.</i>	241	30 days after
213		242	appeal
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**Section 5. Complaint by an Individual**

- A. *Report of Misconduct.* A person who believes that a Minister has engaged in Ministerial Sexual Misconduct may report that information to an Overseer, a member of the Ministerial Leadership Committee, or the Conference Executive. The recipient of the report shall inform the Chair of the Ministerial Leadership Committee.
- B. *Provide resources to Complainant.* The Chair of the Ministerial Leadership Committee shall:
  - 1. *Give the Complainant this Policy and Procedure.*
  - 2. *Offer a Contact Person* to assist the Complainant in preparing a written Complaint, selecting a Personal Supporter if desired by the Complainant, and reporting to governmental authorities any child abuse or other violation for which reporting is required by law.
  - 3. *Review personnel files*, including any Secure Personnel File, that the Conference maintains concerning the accused Minister.
  - 4. *Determine whether immediate action should be taken*, as a result of Complainant's allegations, to prevent interaction between the accused and the Complainant.
- C. *Request a signed Complaint.* If a signed Complaint is not received from the Complainant, a Charge shall not be brought unless some other person signs a Complaint.
- D. *Notify Conference Executive.* The Chair of the Ministerial Leadership Committee shall inform the Conference Executive when a Complaint of Ministerial Sexual Misconduct is received.

**Section 6. Jurisdiction**

Jurisdiction to address a Minister's alleged Misconduct exists in:

- This Conference, if this Conference currently Credentials the Minister.
- This Conference, if the Minister is serving as an agent of an organization which this Conference acknowledges is Conference-related.
- Any other conference that Credentials the Minister.

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- The conference of the congregation in which the Minister has membership or is serving.

The Conference Executive of this Conference shall inform the conference executive of any other conference that currently Credentials the accused that a Complaint of Misconduct by the accused is being investigated. The executives of the two conferences shall confer regarding which conference shall exercise Jurisdiction. Generally, but not always, conferences shall exercise Jurisdiction in the order of priority shown above. If there is disagreement or lack of clarity about which conference should take priority in exercising Jurisdiction, the conference executives shall confer with the denominational Ministerial Leadership office, and that office may recommend which conference shall exercise Jurisdiction.

The disciplinary Jurisdiction of this Conference is not limited because a secular professional Credentialing entity is investigating or has investigated an allegation of misconduct by an accused Minister.

Although this Conference may not revoke Credentials that currently are extended by another entity, if this Conference finds that a Minister is guilty of Misconduct that would warrant Sanctions, this Conference may prohibit the Minister from acting as a Minister in this Conference or impose conditions that limit how the Minister may serve in this Conference.

After this Conference determines it has Jurisdiction, Jurisdiction shall continue until the Conference determines otherwise. Jurisdiction may continue after a Minister has relinquished or lost credentials. If a Minister refuses to cooperate with the Conference pursuant to this Policy and Procedure, such refusal shall be noted in the Secure Personnel File that the Conference maintains concerning the Minister.

### **Section Preliminary Investigation and Charge by Conference**

If the Ministerial Leadership Committee receives a Complaint that alleges Misconduct by a Minister and if Jurisdiction is in this Conference, the Ministerial Leadership Committee shall appoint three Investigators (who may be members of the Ministerial Leadership Committee but not the Conference Executive), including a Chair. Generally, the Investigators shall include one member of the same congregation as the accused Minister. Any objection about Partiality or other unfairness in the selection of Investigators shall be described in writing to the Ministerial Leadership Committee. The resulting decision of the Ministerial Leadership Committee concerning the objection shall be binding, but subject to later Appeal if the accused appeals from the Judgment

328 after Findings of Fact are concluded. Partiality shall not be assumed because a person  
329 is a member or a leader in the Conference. The Investigators shall:

330 A. *Notify those who need to know.*

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- 332
- 333 1. *Notify Minister.* The Investigators shall inform the accused Minister  
334 that a Complaint alleging Ministerial Sexual Misconduct has been  
335 filed and an investigation will be conducted. They shall inform the  
336 Minister of the identity of the Complainant and direct the Minister  
337 not to communicate with the Complainant about the Complaint.  
338 They shall give the Minister this Policy and Procedure, and offer a  
339 Contact Person to assist the Minister in selecting a Personal  
340 Supporter, if desired by the Minister.
- 341
- 342 2. *Notify congregational leaders.* The Investigators shall inform the  
343 chair of the governing board of the Minister's congregation (or other  
344 Conference-related employer of the Minister) and any other  
345 Ministers for the congregation that a Complaint has been received  
346 and give them this Policy and Procedure.
- 347
- 348 3. *Consider Non-disciplinary Leave of Absence and announcement to*  
349 *congregation.* Because of public knowledge or because of concern  
350 for the welfare of the accused, the Complainant or the congregation  
351 (or other employer), it may be advisable for the governing body of  
352 the congregation (or other employer) to grant the Minister a Non-  
353 disciplinary Leave of Absence from all responsibilities as Minister,  
354 with pay, while a Complaint is being investigated. Generally, only  
355 when a Non-disciplinary Leave of Absence is granted should the  
356 investigation be publicly announced. If an announcement is  
357 desired, the chair of the governing board of the congregation (or  
358 other employer) should consider discussing with an attorney  
359 whether an announcement such as this is appropriate: "(The  
360 named Minister) has been granted a leave of absence from all  
361 responsibilities as minister while a complaint is being investigated.  
362 The fact that a complaint is being investigated does not mean that  
363 misconduct has occurred. Conference policy requires an  
364 investigation." If the Investigators at any time believe such a Non-  
365 disciplinary Leave of Absence and announcement are necessary,  
366 they shall inform the chair of the governing board of the  
367 congregation (or other Conference-related employer).
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- B. *Conduct a preliminary investigation.* The Investigators shall:
1. Consult with legal and other advisors as appropriate.
  2. Notify the Complainant that an investigation is occurring.
  3. Have at least two Investigators present to interview the Complainant, 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.
  4. Interview other persons who may have relevant information.
  5. Have at least two Investigators present to conduct a preliminary interview with the accused Minister. Inform the Minister of the nature of the alleged Misconduct (but the Investigators may, in their discretion, decline to show the signed Complaint). Advise the Minister that the Investigators are willing to receive information, and any statements by the Minister may be used in disciplinary proceedings. Review any relevant Evidence offered by the accused Minister.
  6. Keep accurate records of interviews, including the date, parties present, and name of the recorder.
  7. 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, which the Investigators believe they can present, that the Minister, more likely than not, engaged in Ministerial Sexual Misconduct.
    - b. Any reasons why the Investigators believe they cannot present such Evidence.
    - c. A recommendation that the Conference bring a Charge, decline to Charge, or investigate further.
  8. If necessary, ask the Ministerial Leadership Committee to extend the time to conclude the Investigators' written report.

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C. *Decline to Charge or bring a Charge.*

Upon receipt of the report of the Investigators, the Chair of the Ministerial Leadership Committee shall convene the Committee. The Committee shall seek counsel as it deems appropriate from any other conference that is involved with the alleged Misconduct and shall seek counsel from leaders in the congregation in which the accused is a member. The Committee shall decline to Charge, bring a Charge, or authorize further investigation.

1. *Decline to Charge.* If the Ministerial Leadership Committee does not believe that the Conference can present Probable Grounds to support any allegation of Misconduct, the Chair of the Ministerial Leadership Committee shall decline to Charge and shall:
  - a. Inform the Minister in writing.
  - b. Inform the Complainant.
  - c. Deliver the file to the Conference Executive, who shall maintain it as a Secure Personnel File.
  - d. After conferring with the Minister, make appropriate reports to those involved.
2. *Bring a Charge.* If the Ministerial Leadership Committee believes that the Conference can present Evidence that the Minister, more likely than not, engaged in Ministerial Sexual Misconduct, the Chair shall:
  - a. *File a Charge with the Conference Executive, setting forth:*
    - (1) The name of the Minister.
    - (2) The name of the Complainant.
    - (3) The alleged Ministerial Sexual Misconduct.
    - (4) Sufficient information about date, time, place and circumstance to specifically inform of each incident complained of. (Describe multiple incidents of alleged

Misconduct in separately numbered paragraphs, so that the accused may respond to each paragraph.)

(5) Direction that within five days of the Minister's receipt of the Charge, the Minister shall deliver to the Chair of the Investigators a signed statement, responding to each numbered allegation in the Complaint, stating

(a) That the Minister agrees with the allegation, or

(b) That the Minister disputes the allegation and setting 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.

(6) Notice that the Investigators will schedule a fact-finding meeting at which the Minister will have opportunity to respond in person to the Charge; and notice to the Minister that if the Minister believes the Complainant or any other person should be present at the fact-finding meeting, the Minister shall in writing identify such person and state why presence is desired.

(7) Direction that the Minister shall not communicate with the Complainant about the Charge.

(8) Any additional information the Committee believes should be given to the Minister before the meeting.

(9) The signature of at least one of the Investigators.

b. *Deliver the Charge to the Minister.* If personal delivery is not practical, the Minister's written receipt may be obtained, or the Charge may be mailed to the Minister's last known address by certified mail, return receipt requested.

c. *Inform the Complainant.* Inform the Complainant that a Charge has been filed by the Conference and a fact-finding meeting with the Minister will be held.

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3. *Investigate further.* Upon receipt of the report of the Investigators, the Chair of the Ministerial Leadership Committee may authorize such additional investigation as the Chair deems appropriate for a period up to 30 days, before deciding whether to bring a Charge or decline to Charge. However, if another proceeding, such as a court proceeding, is commenced or anticipated, the Ministerial Leadership Committee may delay further action, pending the outcome of the other proceeding.
4. *Long-ago Misconduct.* A Charge of 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 Ministerial Leadership Committee may decide that a less formal means than that described in this procedure is appropriate to address the alleged Misconduct.
5. *Previously-disciplined Misconduct.* A Charge shall not be brought concerning Misconduct which an accused Minister demonstrates the Minister fully and accurately disclosed as part of a prior disciplinary proceeding by a conference that had Jurisdiction. The Findings of Fact and the Judgment in an earlier disciplinary proceeding may, however, be considered, if relevant to a current Charge by this Conference. Relevancy may include prior Misconduct of the type described in a current Complaint.

## Section 8. **Fact Finding**

- A. *Conduct a fact-finding meeting.* After a Charge is brought, the Investigators shall schedule a fact-finding meeting concerning the Charge and request that the Minister attend. The Investigators may ask to attend witnesses whose testimony may be needed to establish Probable Grounds. The Investigators may or may not request that the Complainant attend and testify, depending on whether they believe the Complainant's testimony will be needed to establish Probable Grounds. The Complainant cannot be required to attend or testify. The Investigators shall designate one of their number to moderate the meeting. They shall be alert to differences of power and persuasive abilities among those who attend. They shall keep order and not allow any participant to act inappropriately. This meeting is not governed by judicial rules of evidence or procedure. Any participant may ask for a brief recess to consult with a lawyer or other advisor. The Investigators shall:

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1. *Read or otherwise identify the Charge.*
2. *Receive any preliminary response from the Minister.*
3. *Offer Evidence of Misconduct.* If the Minister has not in writing agreed with any particular allegation in the Charge, Evidence shall be offered concerning such allegation. Generally, Evidence should be offered by the testimony of witnesses with direct knowledge, rather than second-hand reports or circumstantial Evidence. On occasion, it may be necessary to present testimony by written, video or audio recordings. Such secondary means should be used with caution, however, because the lack of direct communication may leave doubts about whether the Evidence demonstrates Probable Grounds.
  - a. The Personal Supporters for the Complainant and the accused may be present.
  - b. The Investigators shall endeavor to create a safe environment for witnesses to testify. The Investigators shall permit the accused to respond. The Investigators shall be the only ones who question witnesses, but shall give the Complainant, the accused, and the Personal Supporters opportunity to give the Investigators questions that any of them believe the Investigators should ask (but are not obligated to ask).
  - c. Generally, character witnesses as to good or bad character shall not be permitted.
4. *Hear any objections about unfairness.* If the Complainant, the accused or a Personal Supporter believes the proceedings are not being conducted fairly, they may state the objection, and the Investigators shall decide the merits of the objection.
5. *Propose Findings of Fact.* If the Minister disagrees with any proposed Findings of Fact, the Minister immediately shall inform the Investigators of all the reasons why the Minister disagrees. If the Investigators and the Minister do not agree on the facts, the Investigators may, nevertheless, find that there are Probable Grounds to support the Investigators' Findings of Fact.

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6. *Make Findings of Fact.* The Investigators shall make unanimous, numbered, written Findings of Fact and shall give the Minister a copy signed by the Investigators.

B. *Deliver Findings of Fact.* The Investigators shall give the Chair of the Ministerial Leadership Committee the Investigators' signed Findings of Fact concerning each incident of Misconduct alleged in the Charge, and any written statement of the Minister that confirms or challenges any of the Findings of Fact.

C. *Deliver File.* The Investigators shall give the Chair of the Ministerial Leadership Committee their file, including the Complaint, Charge, Findings of Fact, any Minister's response, and any Evidence.

**Section 9. Judgment and Sanctions.** The Ministerial Leadership Committee shall:

A. *Determine a Judgment* of guilt or acquittal of Misconduct, or refer the matter back to the Investigators for further Findings of Fact and further reporting to the Committee.

B. *Inform Minister of any Sanctions.* Promptly after a Minister is found guilty of Misconduct, the Ministerial Leadership Committee shall inform the Minister in writing of Sanctions imposed by the Committee, including, the form of each Sanction, whether the Sanction continues for a stated period or until further notice, when and how the Minister shall report concerning compliance, and any other requirements imposed by the Committee.

C. *Monitor Compliance with Sanctions.*

1. At such times and in such manner as the Ministerial Leadership Committee prescribes, the Minister shall report to the Chair of the Committee regarding compliance with the Sanctions and what relevant actions the Minister has taken.

2. The Chair shall promptly inform the Ministerial Leadership Committee if it appears that the Minister is not in full compliance. The Committee may require the Minister to appear before the Committee at any time and may impose additional sanctions if it finds that the Minister is not in full compliance.

D. *Make appropriate announcement* to those involved, including the Complainant. If the Minister is acquitted of Misconduct the Committee, in

625 its sole discretion, and depending on the circumstances, may affirm and  
626 support, or recommend how congregational leaders may affirm and  
627 support, the continued ministry of the Minister.  
628

- 629 E. *Report to the Conference Executive the Judgment and any Sanctions.*  
630

631 **Section 10. Appeal**  
632

633 An accused Minister may appeal to the Conference Executive from a Judgment of guilt.  
634 Because the focus of this procedure is ministerial discipline, not redress for wronged  
635 individuals, no other appeal shall be made by any person concerning any action under  
636 this Policy and Procedure. Upon request of an appealing Minister, the Conference  
637 Executive shall decide whether to delay the imposition of any Sanction, pending  
638 outcome of the appeal.  
639

- 640
- 641 A. *Notice of appeal.* The Minister shall give written notice of any appeal to  
642 the Conference Executive within ten days after the Minister is informed of  
643 the Judgment by the Ministerial Leadership Committee. The notice of  
644 appeal shall be signed by the Minister and state all grounds for appeal.  
645
- 646 B. *Grounds for appeal.* The Minister in writing shall state facts and reasons  
647 that demonstrate why there are not Probable Grounds for each Finding of  
648 Fact that the Minister challenges, and why there are not Probable  
649 Grounds for the Judgment of guilt.  
650
- 651 C. *Appointment of Appeal Panel.* Upon receipt of an appeal, the Conference  
652 Executive shall appoint an Appeal Panel consisting of three persons,  
653 including a chair. The Conference Executive may be a member of and  
654 may chair the panel. No member of the panel shall be an Investigator, a  
655 member of the Ministerial Leadership Committee, a member of the same  
656 congregation as the Minister, or have any relationship that materially  
657 affects impartiality.  
658
- 659 D. *The Appeal Panel shall:*  
660
- 661 1. *Give the Minister and the Investigators notice* of the date, time and  
662 location of the appeal hearing.
  - 663 2. *Convene* as designated, and  
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665 a. *Read or otherwise identify the notice of appeal.*  
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- b. *Allow the Minister to explain* why the Minister believes there are not Probable Grounds to support the Judgment of guilt.
- c. *Have one or more of the Investigators review* the Charge, the Evidence supporting the Findings of Fact, and the Judgment.
- d. *Deliberate* in private and decide by consensus (but in the absence of consensus, by majority vote).
- e. *Affirm the Judgment, unless the Minister has demonstrated that there are not Probable Grounds.* Generally, the Appeal Panel shall defer to factual determinations made by the Investigators and shall focus on whether the Findings of Fact support the Judgment and Sanctions. However, if the Appeal Panel determines that there are not Probable Grounds or that the Sanctions are not reasonable, the Appeal Panel may modify the Judgment or the Sanctions, as appropriate, or may refer factual questions to the Investigators so that the Investigators may receive additional Evidence at a meeting with the Minister and provide additional Findings of Fact to the Appeal Panel. The Appeal Panel shall inform the Minister and the Investigators of the time and location of a subsequent appeal hearing to address any such new or changed Findings of Fact.
- f. *Give written notice* of the Appeal Panel's decision to the Minister and the Conference Executive. Give appropriate notice to others involved, including the Complainant.
- g. *Give minutes* of the appeal hearing to the Ministerial Leadership Committee or to the Conference Executive responsible for holding ministerial files, to be added to the Minister's Secure Personnel File.

**Section 11. Credentialing a Sanctioned Minister**

- A. *After indefinite Suspension.* After credentials have been suspended indefinitely, a Minister may apply to the Ministerial Leadership Committee for re-instatement.
  - 1. With the application the Minister shall, in writing, address

- 711  
712 a. Whether the Minister acknowledges the accuracy of the  
713 Findings of Fact and the Judgment;  
714  
715 b. Whether the Minister has repented of the Misconduct;  
716  
717 c. How the Minister has, as a result, altered beliefs, behavior or  
718 both;  
719  
720 d. Whether the Minister has cooperated fully with the  
721 Investigators and the Ministerial Leadership Committee; and  
722  
723 e. Any other relevant information.  
724  
725 2. The Ministerial Leadership Committee may require other  
726 information and shall determine whether the contents of the  
727 application are satisfactory.  
728  
729 3. Reinstatement shall occur only if the Ministerial Leadership  
730 Committee, in its discretion, deems reinstatement appropriate.  
731  
732 B. *After Withdrawal of Credentials.* Credentialing shall occur only through a  
733 new licensing or ordination process after the Minister has submitted an  
734 application to the Ministerial Leadership Committee, addressing the  
735 matters set forth in Section , above.  
736  
737 C. *After other Sanctions.* The Minister shall be subject to any Sanctions as  
738 long as the Ministerial Leadership Committee has determined Sanctions  
739 shall be effective. The Committee may modify or extend Sanctions as the  
740 Committee deems appropriate.  
741

## 742 Section 12. **Forms Supplement**

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744 Illustrative forms, which are not a part of this Policy and Procedure, have been  
745 prepared. The forms may be adapted for particular circumstances.  
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## 747 Section 13. **Adoption of this Policy and Procedure**

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749 This Policy and Procedure was adopted by the Pacific Southwest Mennonite  
750 Conference on \_\_\_\_\_ as authorized by a resolution approved on  
751 \_\_\_\_\_.  
752 \_\_\_\_\_.