

1 GENERAL COMMISSION ON MINISTRY
2 POLICY AND PROCEDURES FOR RESPONDING TO
3 CLERGY MISCONDUCT OF
4 PERSONS WHOSE STANDING IS LODGED WITH THE
5 GENERAL COMMISSION ON MINISTRY
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8 **I. Introduction**

10 The General Commission on Ministry of the Christian Church (Disciples of Christ) in the United
11 States and Canada establishes this policy and defines the following procedures so that the Commission
12 can appropriately respond when clergy whose standing is certified by the General Commission on
13 Ministry are charged with misconduct.
14

15 **II. Definitions**

- 17 A. Minister: An Ordained or Commissioned minister of the Christian Church (Disciples of Christ)
18 with standing certified by the General Commission on Ministry.
19
- 20 B. General Commission on Ministry: The commission appointed by the General Minister and
21 President of the Christian Church (Disciples of Christ) that certifies standing of all those not
22 certified by Regional Committees on Ministry (namely, General ministry employees, missionaries,
23 military chaplains, ecumenical ministers, and regional ministers as indicated in “Theological
24 Foundations and Policies and Criteria for the Ordering of Ministry, section II, F, 1, e, line 964.)
25
- 26 C. Ministerial Standing: Affirmation that an ordained or commissioned minister is currently engaged
27 in the practice of ministry, whether on an occasional, part-time or full-time basis, with continuous
28 accountability maintained with a calling body.
29
- 30 D. Employer: The organization, related institution, General or Regional ministry that calls a minister
31 to carry out a particular ministry
32
- 33 E. Investigative File: That body of material used by the General Commission on Ministry to determine
34 the merits of the case. Such file is secured with the Office of General Minister and President for a
35 minimum of fifty years.
36
- 37 F. Clergy Misconduct – Any violation of the *Ministerial Code of Ethics of the Christian Church*
38 (*Disciples of Christ*)
39
- 40 G. Appropriate Dating Relationship: A loving, caring, respectful relationship between two consenting
41 adults where professional boundaries and power issues are clearly understood and maintained.
42 Because of the subtlety of power abuse issues in clergy relationships, it is problematic for clergy
43 to engage persons within their parish or professional relationships in a dating relationship. After
44 an acknowledged dating relationship has begun, it is inappropriate for the non-clergy person to
45 join the parish in which the minister serves.
46

- 47 **H. Acknowledged Dating Relationship:** A loving, caring, respectful relationship between two
48 consenting adults when the clergy person immediately informs his/her pastor, supervisor or
49 moderator of his/her board of the beginning of a dating relationship.
50
- 51 **I. Clergy Sexual Misconduct:** A range of behaviors defined as sexual harassment; sexual misconduct;
52 adultery and promiscuity; and child sexual abuse between a minister and his or her parishioners,
53 clients, and those the minister supervises or serves in a professional capacity within or outside the
54 church. Such behavior crosses appropriate professional boundaries and is an abuse of the trust
55 placed in and the responsibilities and privileges of the pastoral role. Such misconduct violates
56 pastoral ethics. In all instances, the minister is responsible for maintaining professional
57 boundaries, regardless of the behavior of other persons.
58
- 59 i. Sexual Harassment¹: Generally defined to include sexual advances, requests for sexual favors,
60 and/or other verbal, written, electronic, or physical conduct of a sexual nature when:
61
- 62 • Submission to such is made either explicitly or implicitly a term of an individual's
63 employment (in this case, paid or volunteer) or his or her continued status in an
64 institution.
 - 65 • Submission to or rejection of such conduct by an individual is used as a basis for
66 employment decisions affecting such individuals.
 - 67 • Such conduct has the purpose or effect of interfering with work performance by creating
68 an intimidating, hostile, or offensive work environment based on the declared judgment
69 of the affected individual.
 - 70 • Such conditions create an intimidating, hostile, or offensive environment for another
71 individual regardless of the specific setting or circumstances or the relationship between
72 the two individuals most directly involved.
- 73
- 74 ii. Sexual Misconduct includes any of the following:
75
- 76 • Sexual contact with a minor.²
 - 77 • Sexual harassment.
 - 78 • Rape or sexual contact by force, threat, or intimidation.
 - 79 • Sexual malfeasance, which is defined as a breach of trust resulting from sexual contact
80 (contact with genitalia, buttocks or breasts) within a ministerial or professional
81 relationship.
 - 82 • Unwelcome or offensive behaviors, including winks, leers, suggestive comments, crude
83 language, pinching or tickling someone, or inappropriate hugs and kisses.
84
- 85 iii. Child Sexual Abuse includes, but is not limited to, any sexualized contact or interaction
86 between a minor and an adult. The behavior may or may not involve touching. Sexual
87 behavior between a minor and an adult is always considered forced.
88

89 **III. General Policies**

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- 91 **A.** Clergy misconduct as defined above will not be tolerated by the General Commission on Ministry.
92
- 93 **B.** It is the responsibility of the General Commission on Ministry to have specific procedures for
94 receiving, investigating, and adjudicating misconduct charges of ministers with standing through
95 the General Commission on Ministry. It is within the purview of the General Commission on
96 Ministry to adjudicate matters related to ministerial standing; it is within the purview of the
97 employer to exercise employment supervisory responsibilities.
98

¹ The definitional work is based on the federal law on sexual harassment.

² Minor is defined by law in the state or province where the alleged misconduct occurred.

- 99 C. All parties (minister, endorser/General ministry head) shall notify the General Commission on
100 Ministry (including the Region where standing is held in the case of a Regional Minister) of any
101 circumstance or situation that may result in a challenge to a person's standing.
102
- 103 D. All negotiated settlements, formal decisions, and actions by the General Commission on Ministry
104 are final. They will be reported to the Division of Homeland Ministries, Inc., hereafter referred to
105 as Disciples Home Missions, and may be available to congregations, Regions and General
106 ministries upon request and signed appropriate release form.
107
- 108 E. In emergency situations of alleged misconduct, ministerial standing may be temporarily suspended
109 by the General Commission on Ministry.
110

111 IV. Care for Victims

- 112
- 113 A. The victim(s) of the alleged misconduct shall be offered professional pastoral care and counseling
114 as necessary and as negotiated and authorized by the Chair of the General Commission on
115 Ministry.
116
- 117 B. The General Commission on Ministry will negotiate professional pastoral care and counseling to
118 the ministry site, as necessary.
119

120 V. Procedures

- 121 A. Structure of the General Commission Process:
- 122 i. The General Commission on Ministry shall appoint and prepare a standing Response Team of
123 various ethnicities. These are to be appointed to four-year staggered terms. The Response
124 Team shall be composed of at least twelve persons including both men and women. Ideally,
125 the members of the Response Team shall come from the Regions of Indiana, Tennessee, and
126 Mid-America (locales of General Ministry offices) and designated representatives of General
127 ministries. The chairperson of General Commission on Ministry or designee shall be an ex-
128 officio member of the team and kept regularly informed of the team's work, but will not chair
129 the team. The General Minister and President will appoint the Chair of the Response Team.
130
- 131 ii. As necessary, the General Commission on Ministry will cooperate with Regions following
132 *Guidelines for Inter-Regional Cooperation On Matters of Fitness for Ministry* attached as an
133 appendix to this policy.
134
- 135 iii. The investigation of a complaint is the sole responsibility of the Response Team, and it is the
136 team's purpose to attempt to determine an objective record of the facts in the case. A written
137 record will be kept of all proceedings, interviews and conversations, as well as a log of phone
138 calls and meetings.
139
- 140 B. Receipt of Complaint:
- 141 i. Any person may submit a signed, written complaint charging misconduct by a minister. The
142 initial complaint must be specific as to the alleged behavior. There may be instances when an
143 oral complaint is all that is received. In such cases, the receiving party must reduce the
144 complaint to writing.
145
- 146 ii. The complaint must be submitted to the General Minister and President or the chair of the
147 General Commission on Ministry.
148
- 149 iii. In the case of sexual misconduct, upon receipt of the complaint, if the victim is a minor, the
150 General Commission on Ministry is mandated to report to the appropriate secular authorities
151 (i.e. Child Protective Services, local law enforcement).
152
153
154
155

- iv. If appropriate, the General Commission on Ministry will report illegal activities to the proper secular authorities.

C. Investigation of Complaint:

- i. Upon receipt of a complaint, the Chair of the Response Team will assign two of its members, a man and a woman, to meet with the complainant (and victim if the complainant is not the victim) and proceed within 30 days to begin a timely investigation. In addition to gathering information about the complaint, the purpose of this meeting is to let the complainant (and the victim if the complainant is not the victim) know that the complaint is being taken seriously. Information about the process to be followed will be shared with the complainant (and the victim if the complainant is not the victim) at this meeting.
- ii. The Chair of the Response Team, in consultation with the complainant (and the victim if the complainant is not the victim), will appoint an advisor from the Response Team whose task will be to help the complainant (and the victim if the complainant is not the victim) understand the process.
- iii. When the two members of the team meet with the complainant (and the victim if the complainant is not the victim), they will obtain a written record of the complaint signed by the complainant. The two members of the Response Team who have met with the complainant (and the victim if the complainant is not the victim) will meet with the minister and convey the complaint. The minister will be given the opportunity to respond to the charges. Other persons may also be interviewed if it is deemed necessary to the investigation. The Response Team will demonstrate sensitivity to the complainant (and the victim if the complainant is not the victim) and minister in selecting a meeting place.
- iv. The Chair of the Response Team will notify the appropriate leadership of the employing or calling body that this matter is under investigation.
- v. The information gathered by the Response Team will be conveyed to the General Commission on Ministry.
- vi. Emergency Suspension of Ministerial Standing. In the event of an unusually grave or emergency situation, the General Commission on Ministry may temporarily suspend ministerial standing. Acting on behalf of the General Commission, the Chair of the General Commission on Ministry or the General Minister and President may temporarily suspend standing. If a Regional Minister's standing is removed as an emergency suspension of ministerial standing, this suspension would automatically suspend the Regional Minister's standing in the Region in which they serve. The Chair of GCOM has the responsibility to be certain that both the General Minister and President and the Chair of the Regional Commission/Committee on Ministry of the Region, where the Regional Minister serves, has been contacted. This emergency suspension is intended to interrupt the ministry and ministerial search and call process while severe allegations are being explored. During this period of emergency suspension, the investigation and decision-making process continue. Full written notice of this decision for emergency suspension shall be given to the minister against whom allegations have been made and to Disciples Home Missions, the ministry site being served, and any other bodies which have relied on the Christian Church (Disciples of Christ) standing for endorsement, approval, or recognition.

D. Pre-Hearing Process

- i. The Chair of the Response Team and the two members of the Response Team will meet with the minister. If the minister admits culpability for the substance of the charge in the complaint, an agreement may be reached at this stage.

- 212 ii. Such an agreement will include one or more of the following: (1) resignation of his or her
213 position;³ (2) treatment by a therapist specializing in pastoral sexual/ethical misconduct; (3)
214 supervised probation; (4) removal of standing with cause; (5) reimbursement of all costs
215 associated with counseling or therapy of the victim; (6) restitution
216
- 217 iii. The agreement will be forwarded to the Chair of the General Commission on Ministry. If the
218 General Commission on Ministry approves, the agreement will be reported in writing to the
219 Disciples Home Missions, and the appropriate executive if previously notified.
220
- 221 iv. If the minister does not admit culpability or if negotiation fails to reach a mutually satisfactory
222 resolution, then the General Commission on Ministry will proceed to conduct a formal
223 hearing.
224

225 E. Formal Hearing:
226

- 227 i. A formal hearing may be required by the General Commission on Ministry or requested by the
228 minister against whom the complaint has been filed.
229
- 230 ii. The Hearing Board shall be comprised of five members of the General Commission on
231 Ministry.
232
- 233 iii. The hearing will seek to be fair to all concerned, but it is not held to strict legal procedures.
234 The General Commission on Ministry will establish particular rules for the hearing. The
235 Hearing Board will demonstrate sensitivity in selecting the hearing meeting place.
236
- 237 iv. Since this is an ecclesial and not a legal proceeding, neither the minister who is charged nor
238 the complainant (nor the victim if the complainant is not the victim) may be represented by
239 legal counsel. Attorneys and officers of the secular court have no role within an ecclesial
240 proceeding. However, both the minister and the complainant (and the victim if the
241 complainant is not the victim) may select an advocate to provide support, care and procedural
242 guidance, but may not speak on behalf of the complainant or the accused.
243
- 244 v. At least thirty (30) days prior to the formal hearing, a written statement of charges will be
245 provided to the minister and written notice given to all parties of the time and place of the
246 hearing.
247
- 248 vi. At the hearing, the Response Team will be responsible for presenting the case against the
249 minister, including the calling of witnesses. The minister and complainant may also call
250 witnesses.
251
- 252 vii. In a situation where the complainant is also a victim of the alleged misconduct, the minister
253 who is charged has a right to have access to the complainant's testimony.
254
- 255 viii. The Hearing Board will make a recommendation to General Commission on Ministry.
256
- 257 ix. The General Commission on Ministry will make a decision regarding the charges and
258 recommend actions. Among the possible actions the General Commission may take are:
259
- 260 • Dismissal of all charges against the minister.
 - 261 • Requiring the minister to 1) pay for, receive treatment by a therapist specializing in
262 pastoral sexual/ethical misconduct, and sign a release to allow the therapist to report to
263 General Commission on Ministry; 2) confess wrongdoing and seek forgiveness from the
264 victim and all those affected by the misconduct; 3) if appropriate, make restitution
 - 265 • Requiring the minister to pay for counseling for the victim.
 - 266 • Removal of the minister's standing with possibility of reinstatement (see section VII)
 - 267 • Permanent removal of standing.
268

³ Resignation of a position by a commissioned minister automatically results in loss of standing.

- x. All decisions and rationale of the General Commission will be recorded in the minister's investigative file. This file will be secured in the Office of the General Minister and President for a minimum of fifty years. The General Minister and President of the Christian Church (Disciples of Christ), the Disciples Home Missions, the appropriate employer, and all regional ministers will be notified in writing of the action taken.
- xi. All decisions and rationale of the General Commission on Ministry will be reported in writing to the complainant (and the victim if the complainant is not the victim.)
- xii. If standing is not removed but the charges are not dismissed, and other action is taken, this action must be disclosed in all future Search and Call Profiles of the minister.
- xi. If the allegations prove false, all records will be sealed, only to be opened for civil or criminal proceedings. The General Commission on Ministry will negotiate professional pastoral care and counseling for the minister.

VI. Right of Appeal

- A. All decisions with respect to standing may be appealed to the General Commission on Ministry within a year from the date on which decisions are final..
- B. The acceptable grounds for appeal are:
- The appellant believes that he or she did not receive a fair hearing
 - The appellant believes the General Commission on Ministry violated its own written ministerial policies and procedures.
 - The appellant believes the General Commission on Ministry violated the *Theological Foundations, Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ)*.

VII. Restoration of Standing

- A. Persons whose standing has been removed with possibility of reinstatement may apply in writing to the General Commission on Ministry after a period of no less than thirty-six months, requesting restoration of standing. The General Commission on Ministry will consider the request at its next regularly scheduled meeting.
- i. The applicant will provide all available necessary documents and information pertaining to the standing request.
- ii. The General Commission on Ministry will gather further information from the files of the process that resulted in removal of standing about the circumstances that resulted in the removal of standing and the basis for the decision for removal of standing. When possible, a member of the General Commission on Ministry involved in the original decision will be consulted.
- iii. The complainant (and the victim if the complainant is not the victim) must be notified in writing that they may make a written statement to the Commission about the applicant's request for reinstatement of standing.
- B. The General Commission on Ministry will determine if restitution, rehabilitation, and preparation for return to ministry have occurred in the intervening time since the loss of standing.
- i. The General Commission on Ministry may require documentation of professional assessment.
- ii. Strategies for long-term treatment and monitoring behavior and supervision will be required.
- C. If Standing is restored, this will be communicated to the Office of Search and Call. Records of any disciplinary action and restoration, if applicable, remain in the minister's investigative

file and, upon written request to the General Commission on Ministry, may be available to future employers.

- D. Any minister whose standing has been restored after removal must disclose that standing was removed for cause and restored in all Search and Call disclosure forms from that time forward. Failure to disclose will be cause for termination of standing.

See *Theological Foundations, Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ)*, F. 4. d.

VIII. The General Commission on Ministry shall review these policies and procedures annually.

Adopted, August 2002; amended August 2005, August 2007, August 2010, August 2011, August 2012; reviewed August 2013; amended August 2014, August 2015.