



Introduction

Mosaic Mennonite Conference (MMC) utilizes two policies and procedures for misconduct accusations. The enclosed *Giving and Receiving Counsel* document is used for all non-sexual related misconduct accusations and allegations of actions at variance with the *Confession of Faith*. For all sexual misconduct accusations MMC employs the *Ministerial Sexual Misconduct Policy and Procedure* of Mennonite Church USA (MCUSA) and Mennonite Church Canada. If during the course of an investigation under the *Giving and Receiving Counsel* process the misconduct is deemed sexual in nature or additional sexual misconduct is found to have occurred, the *Ministerial Sexual Misconduct Policy and Procedure* will take effect. The *Ministerial Sexual Misconduct Policy and Procedure* may be used for misconduct not of a sexual nature if deemed by the Mosaic Conference Ministerial Committee.

In order to determine if misconduct is of a sexual nature MMC uses both the definition of sexual harassment and abuse by a pastor laid out in *A Shared Understanding of Church Leadership*, pages 68ff, and the Center for Disease Control (CDC) definition of sexual violence.

A Shared Understanding of Church Leadership, pages 68ff, says:

“Pastor sexual misconduct includes, but is not limited to:

- Flirtations, advances, or propositions
- Conversations and shared images – electronic or otherwise – of a sexual nature
- Graphic or degrading comments about another person’s appearance, dress, or anatomy
- Display of sexually suggestive objects or pictures
- Sexual jokes, innuendos, and offensive gestures
- Sexual or intrusive questions about a person’s personal life
- Explicit descriptions of the minister’s own sexual experiences
- Abuse of familiarities or diminutives such as “honey,” “baby,” or “dear”
- Unnecessary, unwanted physical contact such as touching, hugging, pinching, patting, or kissing
- Whistling, catcalls
- Leering
- Exposing genitalia
- Physical or sexual assault
- Sexual intercourse or rape”

The Center for Disease Control (CDC) defines sexual violence as: “a sexual act committed against someone without that person’s freely given consent. Sexual violence is divided into the following types:

- Non-contact unwanted sexual experiences: are those unwanted experiences that do not involve any touching or penetration, including someone exposing their sexual body parts, flashing, or masturbating in front of the victim, someone making a victim show his or her body parts, someone making a victim look at or participate in sexual photos or movies, or someone sexually harassing the victim in a public place in a way that made the victim feel unsafe.



- Unwanted sexual contact: intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Unwanted sexual contact can be perpetrated against a person or by making a person touch the perpetrator. Unwanted sexual contact could be referred to as “sexual harassment” in some contexts, such as a school or workplace.
- Non-physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce: examples include being worn down by someone who repeatedly asked for sex or showed they were unhappy; feeling pressured by being lied to, or being told promises that were untrue; having someone threaten to end a relationship or spread rumors; and sexual pressure by use of influence or authority.
- Completed or attempted alcohol/drug-facilitated acts in which a victim is made to penetrate a perpetrator or someone else: includes situations when the victim was made, or there was an attempt to make the victim, sexually penetrate a perpetrator or someone else without the victim’s consent because the victim was unable to consent because he or she was too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through voluntary or involuntary use of alcohol or drugs.
- Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else: includes situations when the victim was made, or there was an attempt to make the victim, sexually penetrate a perpetrator or someone else without the victim’s consent because the victim was physically forced or threatened with physical harm. Examples include pinning the victim’s arms, using one’s body weight to prevent movement or escape, use of a weapon or threats of weapon use, assaulting the victim.
- Completed or attempted alcohol/drug-facilitated penetration of a victim: includes completed or attempted unwanted vaginal (for women), oral, or anal insertion when the victim was unable to consent because he or she was too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through voluntary or involuntary use of alcohol or drugs.
- Completed or attempted forced penetration of a victim: including completed or attempted unwanted vaginal (for women), oral, or anal insertion through use of physical force or threats to bring physical harm toward or against the victim. Examples include pinning the victim’s arms, using one’s body weight to prevent movement or escape, use of a weapon or threats of weapon use, assaulting the victim.”

The use of pornography by a credentialed person is prohibited within MMC. For misconduct involving a credentialed person viewing pornography MMC will utilize the *Giving and Receiving Counsel* process as viewing pornography does not involve another person. Should the pornography have been shown to another person then the *Ministerial Sexual Misconduct Policy and Procedure* will be used.



Mosaic Mennonite Conference Clarification on *Ministerial Sexual Misconduct Policy and Procedure*

The *Ministerial Sexual Misconduct Policy and Procedure* (MSMPP) of Mennonite Church USA (MCUSA) and Mennonite Church Canada was written for the use of all area conferences. The following is to clarify points in the policy and procedure for use in MMC.

MMC, as does MCUSA, takes sexual misconduct allegations seriously. Any minister within an MMC congregation, whether credentialed by MMC or not, along with all persons credentialed by MMC even if not currently serving in an MMC congregation, are subject to the *Ministerial Sexual Misconduct Policy and Procedure*. MMC prioritizes ensuring our community is a safe place. The first priority being protecting the abused and preventing further harm. MMC also works toward seeking justice and healing for all those affected, including the abused and their family, the offender and their family, the congregation and the office of ministry. The *Ministerial Sexual Misconduct Policy and Procedure* is a guide to assist in this journey.

Definitions (MSMPP p.4-7)

Within the *Ministerial Sexual Misconduct Policy and Procedure* “Area Conference” refers to Mosaic Mennonite Conference (MMC) and “Area Conference Minister” refers to Mosaic Conference Leadership Ministers. While the “Contact Person” is “appointed by the area conference minister” to the complainant, MMC will work to ensure that this is a person the complainant is comfortable with. The contact person is named by the conference in order to ensure they are well versed in the policy and procedure and thus can effectively assist the complainant in understanding and walking them through the process. The “complainant” is the one who alleges that a minister engaged in misconduct. This may or may not be the direct victim. MMC understands that it is difficult for victims of sexual abuse to come forward and will still process an accusation of misconduct to the best of our abilities regardless of the victim’s choice to participate or not.

Accusations (MSMPP p.9-10)

All accusations made against a minister/credentialed leader of MMC or minister of an MMC congregation holding credentials elsewhere will be reported to the congregation or organization they serve as outlined in the MSMPP on page 10. If an accusation is made against a minister within MMC who is not credentialed by MMC, the conference is obligated to report the accusation to the minister’s credentialing body and/or employer.

Also outlined on page 10 in number 9, if serving in a congregation an announcement will be made to the congregation, MMC advises this announcement be made orally and in writing to the congregation.

On page 10 in number 10, it is “recommend[ed] that the congregational leaders provide a paid leave of absence to the minister,” during the investigation. If the congregation is unable to afford an interim minister during the time of the investigation MMC will assist in providing pastoral coverage for the congregation. This will be worked out between the congregational Leadership and the Conference Leadership Minister.



Investigators and Investigations (MSMPP p.11-13)

As outline on page 11, number 6, investigators may “interview other persons who may have relevant information. These persons will be informed of the need for confidentiality,” within MMC this is done via a written confidentiality agreement to be signed by the interviewees.

The Ministerial Committee given the investigation report decides whether or not a charge is to be brought against the accused (p12-13). In Mosaic Conference if the investigation report recommends a charge be brought, then the committee will follow the recommendation. If the investigation report recommends the committee declines to charge the accused then the committee holds the authority to review the report and bring a charge if they deem fit.

Hearings (MSMPP p.14)

It is stated in the MSMPP on page 14, “the complainant will be notified of the hearing. The complainant does not need to be present at the hearing nor does the complainant need to testify.” In MMC, the complainant may be present if they desire and/or have their support person present at the hearing with or without them.

Reporting (MSMPP p.15)

Beyond the reports outlined in the MSMPP on page 15, MMC will share the accusation and resulting judgement of anyone found guilty of sexual misconduct if the conference receives an inquiry regarding the accused. The final report with the accused’s name, charge they received, and resulting judgement is shared with the congregation/employer, other credentialed leaders/delegates within the conference, other MCUSA conference ministers, and the national MCUSA office. Therefore, this final report will not be considered confidential. MMC reserves the right to share the final report as it sees fit.

The MSMPP states that, “following the reporting of the judgment and sanctions, the Ministerial Leadership Committee will update the credential status in the minister’s file on MennoData.” This action in MMC is executed by the Conference Administrator under the direction of the Ministerial Leadership Committee.

Conclusion

Misconduct is taken seriously by MMC and all of MCUSA. In addition to being held accountable to their actions via the *Giving and Receiving Counsel* document and the *Ministerial Sexual Misconduct Policy and Procedure*, all credentialed leaders and those serving in MMC who are credentialed elsewhere are required to abide by *The Code of Sexual Ethics*. All three documents are enclosed (*The Code of Sexual Ethics* outlining expectations of all ministers within MMC, the *Giving and Receiving Counsel* document used to process all accusations of misconduct other than those of a sexual nature, followed by the *Ministerial Sexual Misconduct Policy and Procedure* used to process all accusations of sexual misconduct).

This document serves to clarify MMC misconduct policy and procedure and define the use of the Ministerial Sexual Misconduct Policy and Procedure within Mosaic Conference.



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Ministerial Misconduct Policy and Procedure

Approved by Conference Board Ministerial Committee
June 7, 2017

By signing below, I acknowledge that I have received, read, understand, and agree to be held accountable to the

Mosaic Mennonite Conference Misconduct Policy and Procedure, including ascribing to:

- 1) The Code of Sexual Ethics,**
- 2) the *Giving and Receiving Counsel* document, and**
- 3) the *Ministerial Sexual Misconduct Policy and Procedure*.**

I acknowledge with my signature below, that I also understand I am waiving my right to confidentiality regarding the charge and resulting judgement, as outlined in the above.

Signature

Printed Name

Date

Conference Representative's Signature

Conference Representative's Printed Name

Date



CODE OF SEXUAL ETHICS FOR MINISTERS

1. Ministers are representative of God and the church, and as such are to be agents of healing and redemption. They are aware that a minister's sexual exploitation or abuse is an abuse of trust, an abuse of power and an abuse of the authority of a pastoral position. They accept their responsibility to define and maintain appropriate boundaries within their ministerial relationships.
2. Ministers are aware that their personal relationships and lives must also reflect healthy morals and sexuality. Spouse or child abuse, use of pornography, or other forms of immorality may also lead to discipline.
3. Ministers are aware that discipline for sexual misconduct and immorality involves both their ministerial credentials and their vocational status.
4. Ministers are aware of and willing to abide by church policies and disciplinary procedures to address sexual misconduct.
5. Ministers accept responsibility to call each other to account and to exercise biblical responsibility to confront colleagues concerning perceptions of inappropriate sexual relationships.
6. Ministers are aware of their calling as servants of God under the lordship of Jesus Christ, and from that they accept their responsibility for and accountability to people entrusted to their care.
7. Ministers accept the obligation to disclose information to the conference minister or conference pastor regarding previous sexual misconduct for which they have been found guilty prior to formal candidacy for a new ministry position.

As a minister of Jesus Christ and as a representative of the church within its office of ministry, I accept and subscribe to these affirmations.

Date: _____

Signature: _____ Printed Name: _____

Witness Signature: _____ Witness Printed Name: _____

For a broader treatment of Ethics in Ministry, refer to *A Mennonite Polity for Ministerial Leadership*, Section V, page 106ff and *A Shared Understanding of Church Leadership*, Section IV.



ON GIVING AND RECEIVING COUNSEL

A process of discernment for a Mosaic Mennonite Conference Credentialed leader alleged to be acting at variance with the Confession of Faith in a Mennonite Perspective

- 1. Begin the discernment process.** Leadership ministers will work proactively in considering any alleged actions that are at variance with the Confession of Faith in a Mennonite Perspective. This conversation should happen long before it is brought as a concern to the Conference Board Ministerial Committee.
- 2. Confer, Inform & Report.** The Leadership Minister shall confer with the credentialed leader alleged to have acted in a way that is at variance with the Confession of Faith in a Mennonite Perspective, and inform the Executive Minister of Mosaic Mennonite Conference, the Ministerial Committee chairperson, and the credentialed leader's congregational Leadership chairperson of this meeting. The Leadership Minister shall then submit a written report to the Ministerial Committee.
- 3. Appoint a Review Committee.** When the Ministerial Committee receives a written report of an alleged action at variance with the Confession of Faith in a Mennonite Perspective, the committee will appoint a review committee of representatives of the Credentials and the Ministerial committees plus that credentialed leader's Leadership Minister to conduct an interview with the credentialed leader. A representative of his/her congregation shall also be invited to the interview. The chair of the Credentials Committee will be asked to chair the meeting. The Conference Board shall be informed that a review committee has been established for a discernment process of the credentialed leader.
- 4. Listen to Credentialed Leader.** The review committee will listen to the credentialed leader to establish clarity and content of the report, to understand his/her intentions, to hear how he/she processed the decision and with whom. The committee shall make sure denomination (Membership Guideline) and conference policies (noted above) are clearly understood. Future intentions should also be reviewed. It is important to gather all pertinent information that will assist the Ministerial Committee in their discernment process.
- 5. Submit Full Report to CBMC.** The review committee will give a full report of the interview with the credentialed leader to the Ministerial Committee along with their counsel and recommendations. The credentialed leader's Leadership Minister is recommended to participate with the Ministerial Committee in the discernment of this matter. The credentialed leader will be invited to this meeting.
- 6. CBMC discernment.** The Ministerial Committee will receive the report and discern further actions which may include discipline in line with Mosaic Mennonite Conference and Mennonite Church USA policies as noted above. The broader counsel of the congregation, conference and denomination's Leadership may also be sought.



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7. **Recommended actions.** Actions recommended may include:
 - a. Probation for a specified period with close supervision;
 - b. Suspension of credentials for a specified period with steps toward restoration;
 - c. Withdrawal of credentials for non-compliance with stated policy;
 - d. No Action

8. **Conference Board Discernment.** The Ministerial Committee is accountable to the Mosaic Mennonite Conference Board who will approve or disapprove actions recommended by the Ministerial Committee. The Conference Board shall also decide if, how and when these actions will be conveyed to the broader constituency.

Approved by Mosaic Mennonite Conference Board on 1/26/2015



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June 7, 2017



**Mennonite Church
USA** **Mennonite Church
Canada**

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

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Addendum: ANNOUNCEMENT FORMS



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Ministerial Misconduct Policy and Procedure

Approved by Conference Board Ministerial Committee
June 7, 2017

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Leadership Development
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Mennonite Church Canada
Pastoral Leadership Office
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November 2016

1. **Theological Statement**

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

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

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

Ministerial Sexual Misconduct Policy

It is *ministerial sexual misconduct* for a *minister* to engage in *sexualized behavior* with a person with whom the *minister* has a *professional relationship*. The *minister* is always responsible to prevent and to stop such behavior. (See *A Shared Understanding*, pages 68ff for a greater detailed list of what *sexual misconduct* includes.) The *area conference* through its designated *Ministerial Leadership Committee* is responsible for disciplining *ministers* who engage in such *misconduct*. Using this policy to address complaints of *ministerial sexual misconduct* applies to credentialed and non-credentialed *ministers*, whether the person remains in the



church assignment or not, is dead or alive, refuses to cooperate with the area conference or relinquishes his/her credential.

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

2. Complaint Procedure

Section 1. Introduction

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

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

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

Previously Disciplined Ministerial Misconduct. A *minister* who was previously *charged* with *misconduct* shall not be *charged* again for that situation, provided that the *area conference* that had *jurisdiction* for the *charge* confirms at the time of the new *complaint* that the *minister* has followed through with any requirements that



arose from that previous *charge*. However, the *investigation* and the *judgment* in an earlier disciplinary proceeding will be considered when relevant to a current *charge* by the *area conference*. Relevancy may include prior *misconduct* of the type described in a current *complaint*. Following a disciplinary process, if *complaints* from additional *complainants* come forward, the *area conference* will engage in another *investigation*.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Section 3. **Complaint by an Individual**

- A. Report of *Misconduct*. A person who believes that a *minister* has engaged in *misconduct* or *ministerial sexual misconduct* should contact the *area conference* office (usually the *area conference minister*) with a report of *misconduct*. If the



complaint is against an *area conference minister* then the report is filed directly with the National Office.

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



3. Will not advocate to the *area conference*, the Ministerial Leadership Committee, the *area conference minister*, the *investigators* or the *appeal panel*.
 4. Make timely objection on behalf of the *complainant* to the *investigators* or the chair of the Ministerial Leadership Committee if the *personal supporter* believes the *Policy and Procedure* is not being fairly administered.
- F. The *complaint* should include:
1. The name of the *minister*.
 2. The name of the *complainant*.
 3. The nature of the alleged *misconduct*.
 4. Sufficient information about date, time, place and circumstance to specifically inform each incident of *complaint*. (Describe multiple incidents of alleged *misconduct* in separately numbered paragraphs.)

Section 4. **Jurisdiction**

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

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

The *area conference* minister of this *area conference* shall inform any other *area conference* that currently holds the *credential* of the accused that a *complaint* of



misconduct by the accused is being investigated. The *area conferences* will confer regarding which *area conference* shall exercise *jurisdiction*. Generally, but not always, *area conferences* will exercise *jurisdiction* in the order of priority shown above. If there is disagreement or lack of clarity about which *area conference* should take priority in exercising *jurisdiction*, the *area conferences* will confer with the National Office, and that office may recommend which *area conference* shall exercise *jurisdiction*.

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

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

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

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

Section 5. Investigation



- A. Upon receiving a *complaint* that alleges *misconduct* by a *minister* and after *jurisdiction* in this *area conference* is determined, the *area conference minister* as facilitator of this procedure will:
1. Contact the National Office that a *complaint* has been received, to provide accountability beyond the *area conference* and to determine if there are any possible related records. In the case where the *complaint* is against the *area conference minister*, the *complaint* is sent by the *contact person* directly to the National Office. The National Office will facilitate this *Policy and Procedure* and not the *area conference*.
 2. Consult with the National Office to determine whether the *area conference minister* has a conflict of interest with the *complainant* or the accused *minister*. When a conflict of interest exists, the *area conference Leadership* will appoint an alternative facilitator of this *Policy and Procedure*.
 3. Take steps to prevent any interaction between accused *minister* and the *complainant*.
 4. Ensure confidentiality. The identity of the *complainant* is to be protected and is not to be named publicly and in any form of communication either directly or indirectly by the accused *minister* or anyone involved in the *investigation*.
 5. Determine if immediate suspension of *credential* is needed and make an appropriate announcement. If the law is involved, the *area conference* will immediately suspend *credentials* and cooperate with the authorities.
 6. Notify accused *minister* that a written *complaint* alleging ministerial *misconduct* has been filed and an *investigation* will be conducted. The *minister* may be informed of the identity of the *complainant*, unless there is a concern for safety of the *complainant*, and the *minister* shall be directed not to communicate with the *complainant* about the *complaint* either directly or indirectly.
 7. Give the *minister* this *Policy and Procedure*.
 8. Offer a *contact person* to assist the *minister* through the process.
 9. Notify the leaders of the congregation in which the *minister* is serving (or other employer of the *minister*) and any other *ministers* for the congregation that a *complaint* has been received and give them this *Policy and Procedure*. Following consultation with the *area conference minister* and legal counsel, the Leadership of the congregation's governing board will make a congregational announcement such as: "(The named *minister*) has been granted a leave of absence from all responsibilities as *minister* while a *complaint* is being investigated. The fact that a *complaint* is being investigated does not mean that *misconduct* has occurred, but *area conference* policy takes *complaints* of sexual abuse seriously and requires an *investigation*."



10. Recommend that the congregational leaders provide a paid leave of absence to the *minister*.
 11. Appoint three independent *investigators* (at least one of whom is male and at least one of whom is female) who are known to be fair, objective, honest, of mature Christian character and not from the accused *minister's* congregation. They should also be familiar with abuse, mental health, substance abuse, domestic violence and trauma issues. It is strongly recommended that at least one member of the *investigation* team has no connection to the *area conference*. A professional investigator who has specialized in sexual abuse should be considered to work with the *investigation* team.
 12. Following the announcement of the appointment of the *investigators* to the *complainant* and the *minister*, objections about partiality or other unfairness must be submitted in writing within two days to the *area conference minister*. The resulting decision of the *area conference minister* concerning the objection shall be binding for all purposes concerning the *investigation*, determination and appeal of the *complaint* and any resulting *charge*. Partiality shall not be assumed because a person is a member or a leader in the *area conference*.
 13. Notify the *complainant* and the accused *minister* through the *contact persons* that an *investigation* will begin.
 14. Locate personnel files including any *ministerial misconduct file* that the *area conference*, former *area conference* and National Office maintain concerning the accused *minister*. These files must be shared with the *investigators*.
 15. Notify insurance carrier of *area conference* and follow required procedures while keeping the integrity to the process outlined in this *Policy and Procedure*.
- B. *Investigators* will conduct an *investigation*, including:
1. Review the written *complaint*.
 2. Interview the *complainant* (who may have *personal supporter* present), to review any *evidence*, and request that the *complainant* give a signed written statement if they believe additional information may be needed to substantiate any of the allegations in the *complaint*.
 3. Interview the accused *minister*. Inform the *minister* of the nature of the *complaint*.
 4. Advise the *minister* that the *investigators* are willing to receive information and any statements by the *minister*. Inform the accused *minister* that any statement may be used in disciplinary proceedings. The *investigators* may, in their discretion, decline to show the signed written *complaint* if there is concern for safety, or if law enforcement or other civil authorities request that this not occur. If there are no such compelling reasons to not share the written



complaint, the *minister* should receive a copy along with direction that within five days of the *minister's* receipt of the *complaint*, the *minister* shall deliver to the *investigators* a statement, responding to each numbered allegation in the *complaint* stating:

- a. That the *minister* agrees with the allegation, or
 - b. That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged.
5. Review any relevant *evidence* offered by the accused *minister* or the *complainant*.
 6. Interview other persons who may have relevant information. These persons will be informed of the need for confidentiality.
 7. Keep accurate records of interviews, including the date, parties present and name of the recorder.
 8. If necessary, ask the Ministerial Leadership Committee to extend the time to conclude the *investigators'* written report.
 9. Prepare a written report to the Ministerial Leadership Committee. The report shall be based, as much as feasible, on statements of witnesses with direct knowledge, rather than on secondhand sources or circumstantial *evidence*. The report shall include:
 - a. *Evidence* that the *investigators* believe supports the allegation that the *minister*, more likely than not, engaged in *misconduct* or *ministerial sexual misconduct* and the *evidence* that shows that the *minister* more than likely did not engage in *misconduct* or *ministerial sexual misconduct*.
 - b. Any reasons why the *investigators* believe they cannot present such *evidence*.
 - c. A recommendation to the Ministerial Leadership Committee:
 - To drop the *complaint*
 - To *charge* the *minister*
 - d. Signatures and dates of all the members of the *investigation* team.
- C. Upon receipt of the report with recommendation from the *investigators*, the Chair of the Ministerial Leadership Committee will convene the committee and either:
1. Decline to Charge.

When the Ministerial Leadership Committee receives the report and accepts the recommendation from the *investigators* to drop the *complaint* because there does not seem to be *probable grounds* to support any allegation of



misconduct or *ministerial sexual misconduct*, the Chair of the Ministerial Leadership Committee will:

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

2. Bring a Charge.

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

- a. Change the *credential* status of the *minister* to either suspended, probation or terminated.
- b. File a *charge* with the *area conference* executive, including:
 - (1) The name of the *minister*.
 - (2) The name of the *complainant*.
 - (3) The official *complaint* of *ministerial sexual misconduct*.
 - (4) Sufficient information about date, time, place and circumstance to specifically provide information about each incident of *complaint*. (Describe multiple incidents of alleged *misconduct* in separately numbered paragraphs.)
- c. Deliver the *charge* to the *minister* and the *contact person*. If personal delivery of the *charge* is not practical, then it should be sent by certified mail to the last known address with return receipt requested. Electronic mail is not appropriate. The *charge* will include direction that within five days of the *minister's* receipt of the *charge*, the *minister* will deliver to the Chair of the Ministerial Leadership Committee a signed statement, responding to each numbered allegation in the *complaint*, stating:



- (1) That the *minister* agrees with the allegation, or
 - (2) That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged in the *charge*.
- d. Inform the *complainant* and the *contact person* in writing that a *charge* has been filed by the *area conference* and a hearing may take place.
 - e. Upon receiving the *minister's* signed statement responding to the allegations, the Chair of the Ministerial Leadership Committee will convene the committee. If the *minister* agrees with the allegations, the committee will determine judgement and *sanctions* as outlined in Section 6.
 - f. If the *minister* disputes the allegations, the Ministerial Leadership Committee will give notice to the *minister* that a hearing will be scheduled to begin within seven days.
 - g. Direct that the accused *minister* shall not communicate with the *complainant* directly or indirectly for any reason.
 - h. If there is no Ministerial Leadership Committee member with professional competency in sexual abuse the committee will contract with a professional who does have competency in sexual abuse and who has no history with the accused *minister* or the *complainant* for the duration of this proceeding.
- D. Hearing
1. The chair of the Ministerial Leadership Committee will notify the *minister* and the *investigation* team of the date, time and location for the hearing .
 2. The *complainant* will be notified of the hearing. The *complainant* does not need to be present at the hearing nor does the *complainant* need to testify.
 3. The Ministerial Leadership Committee will hear the testimony of the *investigation* team (and their witnesses) and the *minister* (and the *minister's* witnesses).
 4. The Ministerial Leadership Committee deliberates to make a decision concerning judgement.
 5. A written record of the hearing will be kept in the *minister's ministerial misconduct file* and will include the investigator's report, the testimonies and any additional information that came to light.

Section 6. Judgment and Sanctions

The Ministerial Leadership Committee will:



- A. Determine a *judgment* stating whether the *minister* did or did not engage in *misconduct* or *ministerial sexual misconduct*.
 1. If it is determined that the *minister* more likely than not did not engage in *misconduct* or *ministerial sexual misconduct*, the committee, in its sole discretion, and depending on the circumstances, may:
 - a. Identify concerns regarding fitness for ministry and required steps.
 - b. Notify *minister* of judgement and any requirements if needed.
 - c. Affirm, support and recommend how congregational leaders may affirm and support the *minister* and the *minister's* continued ministry.
 2. If it is determined that the *minister* more likely than not did engage in *misconduct* or *ministerial sexual misconduct* the Ministerial Leadership Committee will inform the *minister* in writing through certified mail of the judgement and resulting *sanctions* imposed by the committee. A *sanction* that results in a *credential* status of terminated is a permanent *sanction*. When the *credential* status related to the judgement is suspended or probation, the letter will identify if this *credential* status will continue for a stated period of time or until further notice and include the details of each *sanction*. The letter will also include steps for determining, with external verification, that the *minister* is in compliance with all *sanctions* imposed by the committee. The *sanctioned minister's* word will not determine compliance.
- B. Report to:
 1. The *complainant* about the *judgment*.
 2. The *area conference Leadership* regarding the *judgment* and *sanctions*, including a complete file to be maintained in a *ministerial misconduct file*.
 3. The congregation of the *charged minister* regarding the judgement and *sanctions*.
 4. *Ministers* within the *area conference* where the *charge* took place, of the *judgment* and *sanctions*.
 5. The employer who was notified of a *complaint*, of the judgement and *sanctions* regarding the *charged minister*.
 6. Other *area conference ministers* regarding the *judgment* and *sanctions*.
 7. The National Office, and submit the complete file.
- C. Following reporting of the *judgment* and *sanctions*, the Ministerial Leadership Committee will update the *credential* status in the *minister's* file on MennoData. The status note section should include the *judgment*, the date, the name of the *area conference* and the location of the *ministerial misconduct file*.



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

D. Monitor Compliance with *Sanctions*.

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

E. Provide Follow--up Care

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

Section 7. **Appeal**

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

- A. **Notice of appeal.** The *appellant* shall give written notice of any appeal to the *area conference Leadership* within five days after the *judgment* by the Ministerial Leadership Committee. The notice of appeal shall be signed by the *appellant* and state all grounds for appeal of the judgement.
- B. **Grounds for appeal.** The *appellant*, in writing, shall state facts and reasons that demonstrate why there are not *probable grounds* to support the *judgment*.
- C. **Appointment of Appeal Panel.** Upon receipt of an appeal, the *area conference Leadership* shall appoint an *appeal panel* consisting of three persons, including a chair. No member of the panel shall be an investigator, a member of the Ministerial Leadership Committee, a member of the same congregation as the *appellant*, nor have any relationship that materially affects impartiality. The *appeal panel* members should also be familiar with abuse, mental health,



substance abuse, domestic violence and trauma issues. One *appeal panel* member should have training in sexual abuse.

D. The *appeal panel* shall:

1. Inform the *minister*, the *complainant*, and the Ministerial Leadership Committee that there will be an appeal hearing on the *judgment*; including the date of hearing.
2. The *appellant* and the Ministerial Leadership Committee will be given the date, time and place for the appeal hearing.
3. Convene the appeal hearing with the *appellant* and Ministerial Leadership Committee and:
 - a. Read or otherwise identify the notice of appeal.
 - b. Allow the *appellant* to explain why the *appellant* believes there are not *probable grounds* to support the *judgment*.
 - c. Have one or more members of the Ministerial Leadership Committee review the *judgment* and the *evidence* supporting the *judgment*.
 - d. Deliberate in private and determine *judgment* by consensus (but in the absence of consensus, by majority vote).
 - e. Affirm the *judgment*, if the *appellant* was unable to demonstrate that there were not *probable grounds* to support the *judgment*. Generally, the *appeal panel* shall defer to findings made in the investigator's report and the *judgment* of the Ministerial Leadership Committee and shall focus on whether the findings support the *judgment*.
 - f. Change the *judgment*, if the *appellant* was able to demonstrate that there were not *probable grounds* to support the Ministerial Leadership Committee *judgment*.
 - g. Give written notice of the *appeal panel's judgment* to the *minister*, the *complainant*, and the *area conference Leadership*. Give appropriate notice to all others informed of the earlier *judgment*.
 - h. Give notice to the Ministerial Leadership Committee of the *appeal panel's judgment*. The Ministerial Leadership Committee will then follow through with *sanctions* as outlined in Section 6.
 - i. Give minutes of the appeal hearing to the *area conference Leadership*. The minutes will be added to the *minister's ministerial misconduct file*. A copy of the minutes will also be sent to the National Office.

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

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



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

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



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Ministerial Misconduct Policy and Procedure

Approved by Conference Board Ministerial Committee
June 7, 2017

The following addendums include:

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

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



Ministerial Sexual Misconduct Policy and Procedure Flowchart

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

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

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

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

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

Area conference minister determines jurisdiction within 7 days of receiving written complaint.
(Section 4, pg. 8-9)

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

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

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

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



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

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

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

OR

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

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



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

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

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

OR

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



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

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

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

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

Appeal (Section 7, pg. 16-17)

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

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

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

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



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Ministerial Misconduct Policy and Procedure

Approved by Conference Board Ministerial Committee
June 7, 2017

MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE

FORMS for Ministerial Sexual Misconduct Policy and Procedure

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

F2 Announcement of Ministerial Sexual Misconduct Policy

F3 Complaint Form Concerning Ministerial Misconduct

F4 Notice to Minister that Complaint was Received

F5 Notice to Congregational Leaders that Complaint was Received

F6 Announcement of Appointment of Investigation Team

F7 Announcement of Investigation

F8 Investigators' Report to Ministerial Leadership Committee Regarding Complaint

F9 Notice that Conference Declines to Charge

F10 Charge of Misconduct (to complainant and Minister)

F11 Minister's Response to Charge

F12 Notice of Hearing

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

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

F15 Minister's Appeal of Judgment of Guilt

F16 Complainant's Appeal of Judgement

F17 Notice of Appointment of Appeal Panel

F18 Notice the Appeal Hearing

F19 Notice of Appeal Panel's Judgement



AREA CONFERENCE RESOLUTION ADOPTING Ministerial Sexual Misconduct POLICY AND PROCEDURE 2016

Whereas,

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

Therefore, it is resolved that

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

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

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

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



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

F1

ANNOUNCEMENT OF MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE

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

Policy

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

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

Complaint Procedure

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

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

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

Ministerial Leadership Committee of _____ Area Conference

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016 F 2

COMPLAINT FORM CONCERNING MINISTERIAL MISCONDUCT

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



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

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

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

Date: _____ Signature of complainant: _____

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NOTICE TO MINISTER THAT COMPLAINT WAS RECEIVED

Minister: _____

Address: _____

By this notice we inform you that a *complaint* alleging ministerial _____



(Sexual/or other)

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

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

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

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

Sincerely,

Area Conference Minister

NOTICE TO CONGREGATIONAL LEADERS THAT COMPLAINT WAS RECEIVED

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



By this letter I inform you that the *area conference* has received a *complaint* alleging ministerial

_____ *misconduct* by _____
(*Sexual/other*)

(If there is a concern for safety, the *complainant* will not be named.)

I enclose the *Ministerial Sexual Misconduct Policy and Procedure* for you to read through carefully about the *investigation* and making an announcement to your congregation. Following this document, the *area conference* has appointed an *investigation* team of

_____ and _____.

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

Sincerely,

Area Conference Minister

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

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

misconduct:



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

Area Conference Minister

Date _____

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ANNOUNCEMENT THAT THE INVESTIGATION WILL BEGIN

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

Chair of the Investigators



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

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

After *investigation*, we believe that the *area conference*

_____ Cannot present *evidence* that the accused *minister*, more likely than not, engaged
in *ministerial sexual misconduct*.

_____ Can present *evidence* that the accused *minister*, more likely than not,



engaged in *ministerial sexual misconduct*.

We recommend

_____ That the *area conference* decline to bring a *charge*.

_____ That the *area conference* bring a *charge*.

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

Signed by the Investigators: _____

Dated: _____

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NOTICE THAT AREA CONFERENCE DECLINES TO CHARGE

A *complaint* alleging ministerial _____
(Sexual/other)

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

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



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Dated: _____

Chair of Ministerial Leadership Committee

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NOTICE THAT AREA CONFERENCE BRINGS CHARGE OF MISCONDUCT

_____ *Area Conference* brings this *charge* of ministerial

_____ *misconduct*.
(*Sexual/other*)

1. The accused *minister* is _____.
2. The *complainant* is (If there is a concern for safety, the *complainant* will not be named)
_____.
3. The nature of the alleged *misconduct* is _____.
4. In the attached addendum, each allegation is identified by numbered paragraph and described with date, time, place and circumstances.



5. Within five days of receipt of this *charge*, the accused *minister* is directed to complete, sign and deliver to the Chair of the Ministerial Leadership Committee the enclosed "*Minister's Response to Charge*" form, responding to each numbered allegation, stating (a) that the *minister* agrees with the allegation, or (b) that the *minister* disputes the allegation and setting forth (1) all the reasons the *minister* disagrees, (2) the *minister's* full account of each disputed incident, (3) the names of any persons whom the *minister* believes have relevant information and should attend a hearing regarding the *charge* and (4) why the testimony of each such person is needed.

Dated _____

Chair of Ministerial Leadership Committee

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MINISTER'S RESPONSE TO CHARGE

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

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

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



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

_____ Dated

_____ Minister

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

The Ministerial Leadership Committee of the _____ Area

Conference will hold a hearing of the *charge* brought against _____, the

accused *minister*, on _____ at _____ at _____.
(date) (time) (location)

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

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



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Date _____

Chair of Ministerial Leadership Committee

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NOTICE TO ACCUSED MINISTER OF JUDGEMENT FOLLOWING THE HEARING

The Ministerial Leadership Committee finds you _____
(accused *minister*)

_____ Acquitted of the *charge* made

_____ Guilty of the *charge* made

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



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

_____, the *area conference Leadership*, within five days of your receipt of this notice.

Signed by the Ministerial Leadership Committee

Date _____

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016 F13

NOTICE TO THE COMPLAINANT OF THE JUDGMENT

The Ministerial Leadership Committee finds _____
(accused *minister*)

_____ Acquitted of the *charge* made

_____ Guilty of the *charge* made

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



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

_____, the *area conference Leadership*, within five days of your receipt of this notice.

Signed by the Ministerial Leadership Committee

Date _____

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016 F14

MINISTER'S APPEAL OF JUDGMENT OF GUILT

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



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June 7, 2017

Signed _____ Date _____

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

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016 F15

COMPLAINANT'S APPEAL OF JUDGMENT OF ACQUITTAL

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



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Signed _____ Date _____

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

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016 F16

ANNOUNCEMENT OF APPOINTMENT OF APPEAL PANEL TO COMPLAINANT AND ACCUSED MINISTER

_____ *area conference Leadership*, has named the following individuals to conduct an appeal hearing:

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



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Area Conference Leadership

Date

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NOTICE THAT THE APPEAL HEARING WILL BEGIN

The *Appeal Panel* will convene a hearing on _____

at _____. Those present at this hearing will be you and the Ministerial
Leadership Committee.

Chair of the Appeal Panel

Date



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NOTICE OF APPEAL PANEL'S JUDGMENT

The *appeal panel* has made a *judgment* to:

____ Affirm the *judgment* of the Ministerial Leadership Committee.

Judgment of the MLC:

____ Change the *judgment*

Judgment of the *appeal panel*:

Signatures of the Appeal Panel:

Date