

ECCLESIASTICAL PROCESS FOR REVIEW OF COMPLAINTS OF CLERGY MISCONDUCT

PREAMBLE

The purpose of this document is to set forth the procedure for response by the American Baptist Churches of Maine ("ABCOM") to allegations of misconduct against a person whose ministerial credentials of Ordination or Commission are recognized by the ABCOM. An act of misconduct, or a false accusation, even a rumor of impropriety - anyone of these is a tremor that may have repercussions reaching far beyond a single event and may have sprung from fissures running far and deep below the surface. Those often drawn into these events include the family members of the accused, church members/attendees, victims and their families and/or innocent bystanders.

This procedure is intended to be part of an ongoing process of care in which a concern for justice, reconciliation and healing for congregations and individuals is a primary goal. We are guided by scriptures that address instances of offense and alleged offense within the fellowship of believers. [See for example Matthew 5:23-24, 18:15-22, 1 Corinthians 5:1-5, 2 Corinthians 2:5-22, Galatians 6:1-5, James 5:19-20] This procedure seeks to provide-

- < a fair and thorough investigation of alleged misconduct
- < advocates for those bringing allegations and alleged offenders
- < appropriate care for those affected collaterally by the situation
- < a determination with respect to the allegation, including disciplinary action where appropriate.

Moreover, this procedure seeks to encourage rehabilitation, repentance, restoration, restitution, and reconciliation, as appropriate. The truth sets us all free, so that together we may with one voice glorify the God and Father of our Lord Jesus Christ (Romans 15:6).

PERSONNEL

The ABCOM Committee on the Ministry ("COM") shall train individuals to serve in various roles of this Process including Response Investigation Teams (RIT) and Advocate positions. The COM will maintain a list of those who have been trained. An effort shall be made to train people from various parts of our state. It is a goal to offer training every 4 years to educate new individuals in the process.

Response Investigation Teams

When needed, a RIT will be constituted and will be chaired by the COM Representative from the Association in which the allegation is lodged. If that is not possible, a COM Representative from a nearby association will chair instead. Each team shall have four other members selected by the Committee on Ministry.

Of the five members of the RIT, at least three must have received training. At least two must be clergy (active or retired) and at least two must be laypeople. Also, at least two must be men and at least two must be women. When selecting RIT members, the COM shall consider personal qualities including, but not limited to: trustworthiness, ability to honor confidentiality, willingness and aptitude to receive training, discernment and common sense. The first meeting of the RIT will be a review of the Ecclesiastical Process and any training the RIT chair deems necessary.

Advocates for Complainants

Complainant Advocates (CA) shall be assigned by the COM Chair to provide procedural guidance and emotional support to Complainants whenever this process is invoked.

Advocates for Alleged Offenders

Alleged Offender Advocates (AOA) shall be assigned by the COM Chair to provide procedural guidance and emotional support to Alleged Offenders whenever this process is invoked. The AOA will also offer an option to the family for pastoral support. The AOA will notify the COM chair if such support is requested.

ABCOM Support for the Alleged Offender's Church

Role conflict for the Association Resource Minister shall be avoided by restricting his/her role to one of support and guidance for the affected church as the process unfolds. His/her responsibility to serve as a pastor to the Alleged Offender and the Alleged Offender's family shall be suspended while this process runs its course. The Alleged Offender and the family of the Alleged Offender shall look to the Alleged Offender Advocate for guidance and support during this process.

PROCEDURE

Complaint Phase

The COM Chair is responsible to initiate and oversee this ecclesiastical process for review of alleged clergy misconduct, in appropriate circumstances. The triggering event shall be receipt by the COM Chair of a written or verbal complaint alleging clergy misconduct.

The Chair shall not initiate the process without first determining issues of jurisdiction and standing with an associational representative appointed by the Committee, while taking the complaint at face value. The issue of jurisdiction turns upon whether the complaint alleges conduct that could, if proven, subject the alleged offender to discipline by the COM. The issue of standing turns upon whether there is a victim, or person affected by the alleged misconduct, and who is willing and able to engage the process with sufficient information to warrant an investigation. The evaluative threshold is not high in either case. The COM Chair should initiate the process unless jurisdiction or standing is obviously lacking. The process may be halted subsequently, if a formal complaint falls short of alleging conduct that would subject an offender to discipline by the COM, or if the RIT is not provided with sufficient information to support the investigation. When jurisdiction or standing is lacking, it may be appropriate to refer the situation to some alternative remedial process offered by ABCOM.

Upon receipt of a complaint in written or verbal form, and after a determination that there is jurisdiction and standing, the COM Chair shall appoint an approved Complainant Advocate (CA) in a timely fashion. The CA shall make contact with the Complainant within 72 hours of the appointment. The CA shall disclose to the Complainant any prior relationship or dealings with the Alleged Offender that might cause the Complainant to question the CA's suitability as an advocate. The CA shall inform the Complainant of the need to draft and file with the COM Chair a Formal Written Complaint that alleges specific conduct by the Alleged Offender of a type that would subject him/her to discipline by the COM. The Formal Complaint and a signed Non-Communication Agreement shall be filed within 30 days after appointment of the CA, or the CA shall notify the COM Chair in writing that there will be no Formal Complaint forthcoming. If a Non-Communication Agreement is not signed, the Formal Complaint will not be filed and the process stops.

Notification Phase

Upon receipt of a Formal Complaint ("FC"), the COM Chair and the ABCOM staff member will meet in person with the Alleged Offender and shall deliver a copy of the FC and a Non-Communication Agreement. If the AO refuses to sign the Non-Communication Agreement, an emergency suspension will take place and the investigation will proceed. The church will be told that the AO is uncooperative.

The COM Chair shall appoint an Alleged Offender Advocate. The ABCOM staff member should explain to the Alleged Offender the shifting role of the ABCOM staff member as he/she keeps a neutral position.

Following this meeting the RIT Leader will be notified. The Leader will be given a copy of the FC and copies of the two signed Non-Communication Agreements. No active investigation begins until the church leadership is notified. The RIT meets separately with C & CA and the AO & AOA to conduct a full investigation.

The ABCOM staff member will determine with church leaders who will attend the notification meeting. The ABCOM staff member shall meet with and inform the selected leaders of the Alleged Offender's church that a FC has been filed against the Alleged Offender and outline the nature of the charge(s). The church leadership is responsible for notification to the congregation.

Investigation Phase

The RIT serves as the finder of all facts relevant to the Formal Complaint. As information is developed, the Formal Complaint may be amended to expand the scope of the investigation, when credible evidence supports the amendment. This phase should be accomplished in a timely, effective and efficient manner. (A period of two months is considered to be a reasonable time. However, the period may be extended by permission of the COM Chair.) At the end of this phase, the RIT shall deliver to the COM Chair a written Determination of Culpability or Exoneration with respect to the Formal Complaint and a written Statement of Facts in Support of the Determination. When the COM chair is satisfied that the Determination of Culpability or Exoneration is comprehensible and supported by the Statement of Facts, the Chair shall deliver a copy of these documents to the Complainant, the Complainant Advocate, the Alleged Offender and the Alleged Offender Advocate.

Two Week Appeal Phase

The Complainant and Alleged Offender will have two weeks to file an appeal with the COM Chair. The COM shall deny the appeal, unless there is a clear showing that the investigative procedure was flawed or that the Determination of Culpability or Exoneration is not supported by the Statement of Facts. If the appeal is granted, the matter shall be remanded to the RIT for correction of flaws in the investigation or conclusive documents, as the case may be.

Resolution Phase

When there is a determination of exoneration, the COM shall declare the Alleged Offender is exonerated and required notifications shall be made. The process shall be deemed complete when the notifications have been made.

When there is a determination of culpability, the parties shall have an opportunity to provide the COM with a statement of mitigating or aggravating factors before any sanctions are applied against the Offender. The COM shall review the Determination of Culpability or Exoneration, the Statement of Facts and any statements of mitigating or aggravating factors. The COM shall then determine what sanctions, if any, shall be applied against the Offender. The COM shall also determine conditions of rehabilitation, when appropriate. The COM shall invite the Complainant, Complainant Advocate, Offender and Offender Advocate to the meeting at which sanctions are determined.

Final Appeal Phase

The parties may make a final appeal to the ABCOM Executive Committee, within two weeks of the declaration of sanctions. The Executive Committee shall have the power to review the process and determine whether it was fair. If the process is deemed fair, the action of the COM will stand. Upon a determination that the process was not fair, the matter shall be remanded to the COM for appropriate remedial action.

Notification of Sanction Phase

The appropriate judicatory and relevant parties shall be notified of sanctions by the secretary of the COM. The process is considered complete when the necessary notifications have been made.

Approved by Committee on the Ministry 4/12/16

Approved by ABCOM Board 5/21/16

Description of Ministerial Misconduct

Using the Ministers Council's Covenant and Code of Ethics as our starting point, the following actions are considered ministerial misconduct. This list is not exhaustive.

1. A minister shall not initiate, promote or encourage a process where that leads a church to withdraw from ABCUSA, ABCOM, or its Association. (When a church votes to withdraw from the American Baptist family, failure to indicate an intent to seek alternative placement in the ABC family to the Association Resource Minister and the Secretary of the ABCOM Committee on the Ministry, will result in a loss of recognition of credentials, in keeping with the "Policy Statement Regarding Credentials of Pastors Leaving the ABC Family.")
2. A minister shall not engage actively in a pattern of speech or conduct that disrespects or constitutes harassment of a colleague in ministry.
3. A minister shall not require payment of fees for ministerial services to constituents who help pay their salary.
4. A minister shall not seek personal favors or discounts on the basis of professional ministerial status.
5. A minister shall not exercise authority in church matters that is not granted to him/her by the terms of his/her covenant, contract, or by the church's Constitution, by-laws, and/or vote.
6. A ministers shall not proselytize from other Christian churches.
7. A minister shall not make ministerial contacts in the field of another ministerial leader without his/her request or consent.
8. A minister shall, upon resignation or retirement, cease ministerial functions with former constituents, except at the request or consent of the current minister.
9. A minister shall hold in confidence and treat as confidential communication any information provided to him/her with the stated expectation of privacy. A minister shall not disclose such information in private or public except when, in the practice of ministry, he/she is convinced that the sanctity of confidentiality is outweighed by his/her well-founded belief that life-threatening or substantial harm will be caused.
10. A minister shall not use ministerial status, position or authority knowingly to abuse, misguide, negatively influence, manipulate, or take advantage of anyone, especially children.
11. A minister shall report all instances of abuse as required by law to the appropriate agencies. In any case involving persons working in ABC ministry, a minister shall report the circumstances to the appropriate regional and/or national denominational representative.
12. A minister shall not engage in sexual relations outside of the marriage relationship or engage in sexual harassment or sexual misconduct. (Do we need to define sexual harassment or sexual misconduct or leave it to the Committee on Ministry to define?)
13. A minister shall not engage in financial misconduct. (Do we need to define financial misconduct or leave it to the Committee on Ministry to define?)

Questioning Person's Understanding of Non-Communication

You have raised a question regarding a person's ministerial fitness. We wish to honor the confidentiality and integrity of the Ecclesiastical Review process until its conclusion.

We require the ordained or commissioned minister whose fitness is being questioned to agree to an understanding of non-communication. And we ask that you agree to follow a similar non-communication agreement:

I agree to an "Understanding of Non-Communication" to be honored for the duration of this review. I agree that I will not contact the person about whom I am raising a question regarding fitness for ministry or this person's family during the review process.

I have read and understand the above.

Signature of Person Raising the Fitness Question

Date

Signature of Chair of the RIT

Date

An Authorized Minister's Non-Communication Agreement

Questions have been raised regarding your fitness for ministry. We wish to honor the confidentiality and integrity of the Ecclesiastical Review process until its conclusion. This agreement must be honored for the duration of the review.

I agree to a "Non-Communication Agreement" to be honored for the duration of this review. I agree that I will not contact the person raising a question about my fitness for ministry or this person's family during the review process. I agree to hold in confidence the nature of these allegations. I will not discuss these allegations with anyone outside those conducting the investigation.

I have read and understand the above.

I further understand that failure to abide by this agreement may result in disciplinary action by the Committee on the Ministry, which could include termination of my ecclesiastical authorization.

Signature of Minister

Date

Signature of Chair of Committee on the Ministry

Date

This form will be included with documentation compiled by the RIT and will be turned over to the Committee on the Ministry.

DEFINITIONS

Recognition of Ordination: In our tradition ordination is by the local congregation, working with the partner churches. The denomination does not ordain; it recognizes (or chooses not to recognize) ordination of a local church, or in other denominations. A person may voluntarily give up the recognition of his or her ordination. The denomination may choose to withdraw recognition of ordination either for cause or after a period of inactivity.

American Baptist Churches of Maine (ABCOM): The process of recognition of ordination in the denomination is decentralized; ABCOM acts on behalf of the whole denomination in recognizing, failing to recognize, allowing a recognition to lapse, or withdrawing of recognition of ordination. There is agreement among ABC bodies, with all Regions and National Boards agreeing to accept the process as applied in other ABCUSA Regions.

ABCOM Commission: A credential for ministry in ABCOM churches conferred by the Committee on the Ministry, as described in the Standards of Recognition for the Christian Ministry in the American Baptist Churches of Maine (ABCOM).

Committee on the Ministry: In this document, Committee on the Ministry is a generic term for that part of the ABCOM's structure which is charged with the responsibility for recognition (and withdrawal of recognition) of ordination and ABCOM Commission.

Censure is an official statement of the Committee on the Ministry's disapproval of a behavior as unbecoming one who has been recognized to practice as an ordained minister of the American Baptist Churches, USA. It is offered as a warning, indicating that further similar conduct is unacceptable and could lead to suspension or withdrawal of recognition of ordination and ABCOM Commission. Written notice of censure will be sent to the person under censure, the leadership of the church or ministry the person serves, the complainant, and all ABCOM Association Resource Ministers. All of these will also be informed if and when censure is lifted.

Suspension of Recognition of Ordination and ABCOM Commission is a withdrawal of recognition of ordination and ABCOM Commission for a specific period of time in order to implement a program prescribed by the Committee on the Ministry. The condition of the suspension must be clearly stated. Notice of a suspension will be given to, American Baptist Personnel Services, Regional Executive Ministers Council, the original ordaining church, the church (or church organization) being served at the time of allegations, the church (or church organization) now being served, MMBB, and any other bodies which have relied on American Baptist recognition for endorsement, approval or recognition.

Withdrawal of Recognition of Ordination and ABCOM Commission means that the American Baptist Churches, USA no longer recognizes the validity of an ordination and ABCOM Commission. Notice of the withdrawal of recognition shall be given to the ABPS, MMBB, the Regional Executive Ministers Council, the original ordaining church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval or recognition.

IMPLICATIONS

When the Committee on the Ministry determines that the recognition of a person's ordination or ABCOM Commission is under censure, the person may continue to serve in ministry at the discretion of the church or ministry being served. But a person under censure may not serve on any ABCOM or ABCOM related organizational board or committee or serve as an officer, and must remove oneself if already serving in such a position.

There are different kinds of implications of a decision by the Committee on the Ministry to suspend or withdraw the recognition of a person's ordination or ABCOM Commission. It will mean:

- that a person's name will be deleted from the Directory of Professional Church Leaders of the ABCUSA
- that the American Baptist Personnel Services will seek to deactivate any use of a person's profile, and
- that all ABC Regions will be notified of the action.

Depending on the requirements of other bodies, this decision may directly effect an endorsement, approval, or recognition which was predicated on ABC action; in some instances this may mean termination of employment. Depending on the laws of the state, this decision may mean that a person will no longer be authorized to perform pastoral functions such as weddings, funerals, and/or pastoral counseling.

ADOPTED ON 10/20/05 BY ABCOM BOARD OF ABC of MAINE
Date board/commission/department region