



General Commission on Ministry (GCOM)

GCOM Formal Hearing Procedure

Per the GCOM Misconduct Policy, (current policy, rev. 1/26/2021, Section E., Formal Hearing, paragraph iii,) GCOM may establish procedures when a Formal Hearing is called. The following procedures address the meeting of the Formal Hearing Board. All other processes and policies for the work of the GCOM and the GCOM Response Team with regard to investigation of complaints received, recommendations and decisions of the Response Team, are guided by the GCOM Misconduct Policy. Possible sanctions and the appeal process are also outlined in the GCOM Misconduct Policy.

The Chair of GCOM and the General Minister and President will appoint the members of the Formal Hearing Board and will appoint the chair of the Board. All members of the Formal Hearing Board are expected to maintain independent judgment and open-mindedness about the information presented regarding the complaint, the response of the respondent, and the recommendation of the GCOM Response Team following its investigation.

Once the Formal Hearing is requested, all materials and witness requests from all parties must be submitted to the Chair of the Formal Hearing Board within two weeks. These materials are then to be shared with the Formal Hearing Board no less than 30 days prior to the scheduled date of the Formal Hearing. The Formal Hearing Board may convene before the Hearing to discuss procedural matters and approve a roster of witnesses. Witnesses will be deemed by a majority of the Formal Hearing Board to have relevant knowledge of the matter.

The Formal Hearing Board will seek to reach a complete and fair understanding of the facts of the incident at issue. The chair of the Formal Hearing Board reminds all present that disciplinary proceedings are distinctly different from the legal-judicial processes of the general society; that the relation of collegiality and trust that binds all members of the wider church community entails an obligation of candor on the part of anyone involved in any aspect of the Formal Hearing; that disciplinary proceedings and their outcome are to remain confidential. The Formal Hearing Board is also reminded that its purview lies only with matters that affect the ministerial

conduct and standing of the respondent, and that per the GCOM Misconduct Policy, matters that relate to any employer and the employer's supervisory responsibilities are outside the purview of GCOM, and therefore outside the purview of the Formal Hearing Board.

The Chair of the Response Team then presents the allegation to the Formal Hearing Board and presents the information received by the GCOM Response Team and its subsequent recommendation. If a pre-Hearing conversation and recommendation has been made to the respondent, the details of that recommendation and conversations with the respondent will be shared with the Formal Hearing Board.

The respondent may provide a statement in response to the allegation before the Formal Hearing Board and provide answers to the Board's questions. If approved in advance by the Board, the respondent may request others to appear before the Formal Hearing Board. The GCOM Response Team may also ask or summon the complainant and others to appear before the Formal Hearing Board to answer questions of the Board. During the proceedings, if the Formal Hearing Board hears other individuals, the respondent may choose to be present when those individuals are heard. Only the Formal Hearing Board may ask questions of the respondent and others who appear before the Board. If the respondent refuses to appear before the Formal Hearing Board, the Formal Hearing Board shall proceed without the respondent.

At the completion of the inquiry, all present who are not members of the Formal Hearing Board will be asked to leave while the Board members deliberate on the allegation and inquiry, possible sanctions and implications of those sanctions, and come to a decision.

The Formal Hearing Board determines, by consensus, and in consideration of all of the information before it, whether it is more likely than not that the respondent's conduct violated the Misconduct Policies of GCOM and Ministerial Ethics established by GCOM and the Christian Church (Disciples of Christ) to which all ministers who hold standing with the Church are held accountable. The Formal Hearing Board will also make a determination by consensus about sanctions. Decisions of the Board are final.

Support Person

The respondent may bring one person of their choice to be present during the hearing. The support person may confer quietly with the respondent during the proceedings and offer advice and other support during breaks. The support person can also assist with the review and preparation of materials, although authorship of statements should be the respondent's alone. The support person may not speak for the respondent during the proceedings and is not allowed to direct questions to the complainant, witnesses or Formal Hearing Board members.

The respondent should inform the Chair of GCOM at least 3 business days before the Formal Hearing Board is to meet if a support person will be attending the proceedings. Per the GCOM Misconduct Policy, it is important to note that these hearings are ecclesial matters and the presence of legal counsel is not appropriate.