



## **General Commission on Ministry Policy and Procedures for Responding to Clergy Misconduct of Persons Whose Standing is Lodged with the General Commission on Ministry**

### **I. Introduction**

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

GCOM strives to promote and maintain a ministry environment in which people are treated with dignity, decency, and respect. The environment of the church should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. GCOM will not tolerate unlawful discrimination or harassment of any kind by clergy whose standing is lodged with GCOM, through enforcement of this policy. By promoting education for staff & ministry affiliates of the Christian Church (Disciples of Christ), GCOM will seek to prevent, correct and discipline behavior that violates this policy.

This policy applies to all areas of ministry practice. This policy may apply to discrimination (including harassment) that occurs between clergy, laity and ministry affiliates of the Christian Church (Disciples of Christ) that takes place outside the workplace or ministry context (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media).

### **II. Definitions**

- A. Minister: An Ordained or Commissioned minister of the Christian Church (Disciples of Christ) with Standing certified by the General Commission on Ministry.
- B. General Commission on Ministry: The commission appointed by the General Minister and President of the Christian Church (Disciples of Christ) that certifies

Standing of all those not certified by Regional Committees on Ministry (namely, General ministry employees, missionaries, military chaplains, ecumenical ministers, and regional ministers as indicated in "Theological Foundations and Policies and Criteria for the Ordering of Ministry, section II, F, 1, e, line 964.)

- C. Ministerial Standing: Affirmation that an ordained or commissioned minister is currently engaged in the practice of ministry, whether on an occasional, part-time or full-time basis, with continuous accountability maintained with a calling body.
- D. Employer: The organization, related institution, General or Regional ministry that calls a minister to carry out a particular ministry
- E. Investigative File: That body of material used by the General Commission on Ministry to determine the merits of the case. Such file is secured with the Office of General Minister and President for a minimum of fifty years.
- F. Advisor: Person to help the complainant understand the process.
- G. Clergy Misconduct – Any violation of the *Ministerial Code of Ethics of the Christian Church (Disciples of Christ)*
  - Appropriate Dating Relationship: A loving, caring, respectful relationship between two consenting adults where professional boundaries and power issues are clearly understood and maintained. Because of the subtlety of power abuse issues in clergy relationships, it is problematic for clergy to engage persons within their parish or professional relationships in a dating relationship. After an acknowledged dating relationship has begun, it is inappropriate for the non-clergy person to join the parish in which the minister serves.
- H. Acknowledged Dating Relationship: A loving, caring, respectful relationship between two consenting adults when the clergy person immediately informs his/her pastor, supervisor or moderator of his/her board of the beginning of a dating relationship.
- I. Clergy Sexual Misconduct: A range of behaviors defined as sexual harassment; sexual misconduct; adultery and promiscuity; and child sexual abuse between a minister and his or her parishioners, clients, and those the minister supervises or serves in a professional capacity within or outside the church. Such behavior crosses appropriate professional boundaries and is an abuse of the trust placed in and the responsibilities and privileges of the pastoral role. Such misconduct violates pastoral ethics. In all instances, the minister is responsible for maintaining professional boundaries, regardless of the behavior of other persons.
  - i. Sexual Harassment:
    - a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under GCOM's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when...submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct

has the purpose or effect of creating an intimidating, hostile or offensive work environment.” **Examples: inappropriate sexual comments, remarks about someone’s body, explicitly emails and phone calls, sexually inappropriate images or videos, suggestive letters or notes or inappropriate gestures.**

Generally defined to include sexual advances, requests for sexual favors, and/or other verbal, written, electronic, or physical conduct of a sexual nature when:

- Submission to such is made either explicitly or implicitly a term of an individual’s employment (in this case, paid or volunteer) or his or her continued status in an institution.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of interfering with work performance by creating an intimidating, hostile, or offensive work environment based on the declared judgment of the affected individual.
- Such conditions create an intimidating, hostile, or offensive environment for another individual regardless of the specific setting or circumstances or the relationship between the two individuals most directly involved.

ii. Sexual Misconduct includes any of the following:

- Sexual contact with a minor.<sup>1</sup>
- Sexual harassment.
- Rape or sexual contact by force, threat, or intimidation.
- Sexual malfeasance, which is defined as a breach of trust resulting from sexual contact (contact with genitalia, buttocks or breasts) within a ministerial or professional relationship.
- Unwelcome or offensive behaviors, including winks, leers, suggestive comments, crude language, pinching or tickling someone, or inappropriate hugs and kisses.

iii. Child Sexual Abuse includes, but is not limited to, any sexualized contact or interaction between a minor and an adult. The behavior may or may not involve touching. Sexual behavior between a minor and an adult is always considered forced.

J. Other forms of harassment and discrimination:

- **Non-verbal harassment** includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or

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<sup>1</sup> Minor is defined by law in the state or province where the alleged misconduct occurred.

shows hostility, aversion or disrespect toward an individual or group because of race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status. **Examples: pinching, patting, rubbing, purposefully brushing up against another person, sharing demeaning pictures, cartoons, jokes; demeaning gestures, unwanted hugs, hitting, pushing, groping and other touching.**

- **Cyber Bullying** – the use of electronic communication to bully another individual, typically by sending communication of an intimidating or threatening nature.
- **Verbal harassment** includes comments that are offensive or unwelcome regarding a person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status or political beliefs. **Examples: whistling, slurs, derogatory or threatening comments, racist slang or phrases, wearing clothing that could be offensive to an ethnic group, jokes, innuendos, name-calling and insults.**
- **Discrimination** – it is a violation of GCOM’s policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status or political beliefs.

### III. General Policies

- A. Clergy misconduct as defined above will not be tolerated by the General Commission on Ministry. GCOM encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender’s identity or position. Individuals who believe that they have been the victim of such conduct by ministers whose standing is with GCOM should communicate their concerns to the current chair of GCOM and/or the General Minister and President. See the complaint procedure described below. In addition, GCOM encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. GCOM recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. If the complaint is against the General Minister and President, the complaint should be addressed to the current Moderator of the Christian Church (Disciples of Christ).
- B. It is the responsibility of the General Commission on Ministry to have specific procedures for receiving, investigating, and adjudicating misconduct charges of ministers with Standing through the General Commission on Ministry. It is within the

purview of the General Commission on Ministry to adjudicate matters related to ministerial Standing; it is within the purview of the employer to exercise employment supervisory responsibilities.

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

#### **IV. Care for Victims**

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

#### **V. Procedures**

- A. Structure of the General Commission Process:
  - i. The General Commission on Ministry shall appoint and prepare a Standing Response Team of various ethnicities. These are to be appointed to four-year staggered terms. The Response Team shall be composed of at least twelve persons including both men and women. Ideally, the members of the Response Team shall come from the Regions of Indiana, West Virginia, and Mid-America (locales of General Ministry offices) and designated representatives of General ministries. The chairperson of General Commission on Ministry or designee shall be an ex-officio member of the team and kept regularly informed of the team's work but will not chair the team. The General Minister and President will appoint the Chair of the Response Team.

- ii. As necessary, the General Commission on Ministry will cooperate with Regions following *Guidelines for Inter-Regional Cooperation on Matters of Fitness for Ministry* attached as an appendix to this policy.
  
- iii. The investigation of a complaint is the sole responsibility of the Response Team, and it is the team's purpose to attempt to determine an objective record of the facts in the case. A written record will be kept of all proceedings, interviews and conversations, as well as a log of phone calls and meetings.
  
- iv. The investigation may, but not necessarily, be undertaken in cooperation with the region in the case of an allegation filed against an Executive Regional Minister. In all cases, authority for the investigation remains with the General Commission on Ministry.

B. Receipt of Complaint:

- i. Any person may submit a signed, written complaint charging misconduct by a minister. The initial complaint must be specific as to the alleged behavior. There may be instances when an oral complaint is all that is received. In such cases, the receiving party must produce the complaint in writing.
  
- ii. The complaint must be submitted to the General Minister and President or the chair of the General Commission on Ministry.
  
- iii. In the case of sexual misconduct, upon receipt of the complaint, if the victim is a minor, the General Commission on Ministry is mandated to immediately report to the appropriate secular authorities (i.e. Child Protective Services, local law enforcement, etc.).
  
- iv. If appropriate, the General Commission on Ministry will report illegal activities to the proper secular authorities.
  
- v. Should the complainant decide not to pursue the formal complaint process, the General Commission on Ministry may continue its investigation and action if it has discovered sufficient information to suggest misconduct has occurred. In that case, additional interviews may be required and shall be conducted by members of the Response Team.

### C. Investigation of Complaint:

- i. Upon receipt of a complaint, the Chair of the Response Team will assign two of its members, a man and a woman, to meet with the complainant (and victim if the complainant is not the victim) and proceed within 30 days to begin a timely investigation. In the case of a minor, the investigation will proceed immediately. In addition to gathering information about the complaint, the purpose of this meeting is to let the complainant (and the victim if the complainant is not the victim) know that the complaint is being taken seriously. Information about the process to be followed will be shared with the complainant (and the victim if the complainant is not the victim) at this meeting.
- ii. The Chair of the Response Team, in consultation with the complainant (and the victim if the complainant is not the victim), will appoint an advisor from the Response Team whose task will be to help the complainant (and the victim if the complainant is not the victim) understand the process.
- iii. When the two members of the team meet with the complainant (and the victim if the complainant is not the victim), they will obtain a written record of the complaint signed by the complainant. Other persons may also be interviewed if it is deemed necessary to the investigation. The two members of the Response Team will meet with the minister. . .The Response Team will demonstrate sensitivity to the complainant (and the victim if the complainant is not the victim) and minister in selecting a meeting place.

The two members of the team who meet with the complainant (and the victim if the complainant is not the victim) and minister will prepare a written statement for the Response Team. The Response Team will determine whether or not there is sufficient cause to continue the investigation. The Response Team will report their recommendation to the General Minister and President and the Chair of the General Commission on Ministry. Based on the recommendation, the General Minister and the Chair of the General Commission on Ministry may determine there is insufficient cause to continue the investigation. In that case, the complainant (and the victim if the complainant is not the victim) and the minister will be informed of this decision by the General Minister and the Chair of the General Commission on Ministry. If the General Minister and the Chair of the General Commission on Ministry are divided in their judgement as to whether there is sufficient cause to continue the investigation, the investigation will be continued. In the case that an investigation is continued, the Chair of the General Commission on Ministry will inform the full Commission that an investigation is underway but need not include details of the investigation.

- v. If it is decided to continue the investigation, the Chair of the Response Team will notify the appropriate leadership of the employing or calling body that this matter is under investigation.

- vi. Emergency Suspension of Ministerial Standing. In the event of an unusually grave or emergency situation, the General Commission on Ministry may temporarily suspend ministerial Standing. Acting on behalf of the General Commission, the Chair of the General Commission on Ministry or the General Minister and President may temporarily suspend Standing. If a Regional Minister's Standing is removed as an emergency suspension of ministerial Standing, this suspension would automatically suspend the Regional Minister's Standing in the Region in which they serve. The Chair of GCOM has the responsibility to be certain that both the General Minister and President and the Chair of the Regional Commission/Committee on Ministry of the Region, where the Regional Minister serves, has been contacted. This emergency suspension is intended to interrupt the ministry and ministerial search and call process while severe allegations are being explored. During this period of emergency suspension, the investigation and decision-making process continue. Full written notice of this decision for emergency suspension shall be given to the minister against whom allegations have been made and to Disciples Home Missions, the ministry site being served, and any other bodies which have relied on the Christian Church (Disciples of Christ) Standing for endorsement, approval, or recognition.
- vii. In the event the accused minister resigns or retires but does not voluntarily forfeits Standing before the investigation process is complete, the investigation will continue until a determination is reached. The final determination will become a part of the minister's permanent file and be communicated to the appropriate parties. If the minister voluntarily forfeits Standing before the completion of the investigation, the investigation will cease and be noted in their permanent file. If at any time the minister seeks reinstatement, the investigation will resume.

#### D. Pre-Hearing Process

- i. The Chair of the Response Team and the two members of the Response Team will meet with the minister. If the minister admits culpability for the substance of the charge in the complaint, an agreement may be reached at this stage.
- ii. Such an agreement will include one or more of the following: (1) resignation of his or her position;<sup>2</sup> (2) treatment by a therapist specializing in pastoral sexual/ethical misconduct; (3) supervised probation; (4) removal of Standing with cause; (5) reimbursement of all costs associated with counseling or therapy of the victim; (6) restitution.
- iii. The agreement will be forwarded to the Chair of the General Commission on Ministry. If the General Commission on Ministry approves, the agreement will be reported in writing to the Disciples Home Missions, and the appropriate executive if previously notified.

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<sup>2</sup> Resignation of a position by a commissioned minister automatically results in loss of Standing

- iv. If the minister does not admit culpability or if negotiation fails to reach a mutually satisfactory resolution, then the General Commission on Ministry will proceed to conduct a formal hearing.

E. Formal Hearing:

- i. A formal hearing may be required by the General Commission on Ministry or requested by the minister against whom the complainant has been filed.
- ii. The Hearing Board shall be comprised of five members of the General Commission on Ministry.
- iii. The hearing will seek to be fair to all concerned, but it is not held to strict legal procedures. The General Commission on Ministry will establish particular rules for the hearing. The Hearing Board will demonstrate sensitivity in selecting the hearing meeting place.
- iv. Since this is an ecclesial and not a legal proceeding, neither the minister who is charged nor the complainant (nor the victim if the complainant is not the victim) may be represented by legal counsel. Attorneys and officers of the secular court have no role within an ecclesial proceeding. However, both the minister and the complainant (and the victim if the complainant is not the victim) may select an advocate to provide support, care and procedural guidance, but may not speak on behalf of the complainant or the accused.
- v. At least thirty (30) days prior to the formal hearing, a written statement of charges will be provided to the minister and written notice given to all parties of the time and place of the hearing.
- vi. At the hearing, the Response Team Chair or designee is responsible for presenting the case against the minister. The minister may request others to appear before the Formal Hearing Board if relevance is determined by the Board. Once the hearing is requested, all materials and requests for witnesses must be submitted to the Chair of the Formal Hearing Board within two weeks. Only the Formal Hearing Board may ask questions of those who appear before the Board.
- vii. In a situation where the complainant is also a victim of the alleged misconduct, the minister who is charged has a right to have access to the complainant's testimony.
- viii. The Hearing Board will make a recommendation to General Commission on Ministry.

- ix. The General Commission on Ministry will make a decision regarding the charges and recommend actions. Among the possible actions the General Commission may take are:
- Dismissal of all charges against the minister.
  - Requiring the minister to 1) pay for, receive treatment by a therapist specializing in pastoral sexual/ethical misconduct, and sign a release to allow the therapist to report to General Commission on Ministry; 2) confess wrongdoing and seek forgiveness from the victim and all those affected by the misconduct; 3) if appropriate, make restitution
  - Requiring the minister to pay for counseling for the victim.
  - Removal of the minister's Standing with possibility of reinstatement (see section VII)
  - Permanent removal of Standing.
- x. All decisions and rationale of the General Commission will be recorded in the minister's investigative file. This file will be secured in the Office of the General Minister and President for a minimum of fifty years. The General Minister and President of the Christian Church (Disciples of Christ), the Disciples Home Missions, the appropriate employer, and all regional ministers will be notified in writing of the action taken.
- xi. All decisions and rationale of the General Commission on Ministry will be reported in writing to the complainant (and the victim if the complainant is not the victim.)
- xii. If Standing is not removed but the charges are not dismissed, and other action is taken, this action must be disclosed in all future Search and Call Profiles of the minister.
- xiii. If the allegations prove false, all records will be sealed, only to be opened for civil or criminal proceedings. The General Commission on Ministry will negotiate professional pastoral care and counseling for the minister.

## **VI. Right of Appeal**

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

*the Christian Church (Disciples of Christ).*

## **VII. Restoration of Standing**

- A. Persons whose Standing has been removed with possibility of reinstatement may apply in writing to the General Commission on Ministry after a period of no less than thirty-six months, requesting restoration of Standing. The General Commission on Ministry will consider the request at its next regularly scheduled meeting.
  - i. The applicant will provide all available necessary documents and information pertaining to the Standing request.
  - ii. The General Commission on Ministry will gather further information from the files of the process that resulted in removal of Standing about the circumstances that resulted in the removal of Standing and the basis for the decision for removal of Standing. When possible, a member of the General Commission on Ministry involved in the original decision will be consulted.
  - iii. The complainant (and the victim if the complainant is not the victim) must be notified in writing that they may make a written statement to the Commission about the applicant's request for reinstatement of Standing.
- B. The General Commission on Ministry will determine if restitution, rehabilitation, and preparation for return to ministry have occurred in the intervening time since the loss of Standing.
  - i. The General Commission on Ministry may require documentation of professional assessment.
  - ii. The General Commission on Ministry may require the minister to demonstrate strategies for long-term treatment, monitoring of behavior, and supervision.
- C. If Standing is restored, this will be communicated to the Office of Search and Call. Records of any disciplinary action and restoration, if applicable, remain in the minister's investigative file and, upon written request to the General Commission on Ministry, may be available to future employers.
- D. Any minister whose Standing has been restored after removal must disclose that Standing was removed for cause and restored in all Search and Call disclosure forms from that time forward. Failure to disclose will be cause for termination of Standing [*Theological Foundations and Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ), F. 4. d.*]

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

**Adopted, August 2002; amended, August 2005, August 2007, August 2010, August 2011, and August 2012; reviewed, August 2013; amended, August 2014, August 2015, August 2016, and August 2017, January 2019.**

## **ADDENDUM**

### **Guidelines for Inter-Regional Cooperation On Matters of Fitness for Ministry**

In the Christian Church (Disciples of Christ) the authority to grant and remove ministerial standing rests with the Region or General Commission on Ministry that certifies the minister's standing. While other Regions and ecclesiastical bodies may have interest and influence, the final authority to remove standing rests solely with the body where standing is certified.

However, at times, more than one Region of the Christian Church (Disciples of Christ), United Church of Christ Association, or other ecclesiastical body of another denomination may have an interest in or concern about the ministerial standing of a particular person. It is recommended that when more than one Region or ecclesiastical body is involved, the Region certifying the standing invite the other Region or ecclesiastical body to cooperate in appropriate ways. Such cooperation is often sought when a student in one Region is attending seminary located within a different Region. The authorizing Region may request the Region where the seminary is located to include the person in Regional events, offer support, and take under courtesy care.

Cooperation is essential when a minister whose fitness is questioned currently has ministerial standing in a Region other than the Region where the misconduct or situation in question occurred. The Region certifying the ministerial standing may ask the Region where the situation in question occurred to gather information on its behalf and/or provide pastoral support for the person raising the question of fitness. Only the Region certifying ministerial standing can make decisions regarding the minister whose fitness is in question. This Region is also responsible for providing pastoral care of the accused. Similar types of cooperation also may occur between a Christian Church (Disciples of Christ) Region and a United Church of Christ Association when a situation involves a person with ordained ministerial partner standing.

In all cases where Regions work together, all need to be aware of the policies operating in each. Before initiating a review of standing, it is helpful if the Regions reach an agreement on the way to proceed and clarify roles and procedures to be followed.