

# Guidelines for Handling Abuse Allegations Against a Ministry Leader

## 1. Definitions

- a. Church Leader: Member churches and classes should be allowed some freedom in defining *church leader*. A member church or classis may use the definition of church leader that is consistent with its general liability policy or other insurance coverage.
- b. Misconduct: The Canadian provinces and each of the fifty United States have legal definitions of child abuse, child sexual abuse and exploitation, and physical abuse as well as a host of definitions of crimes committed against adults, including assault and battery, rape, and sexual harassment. Ecclesiastical procedures such as those outlined in sections 2-4 that follow cannot measure a person's guilt by a legal standard; only civil authorities are entitled to hold a person accountable for violation of a civil or criminal code. For that reason, an ecclesiastical procedure cannot judge a person to be guilty of child abuse or rape as defined by law. An ecclesiastical procedure can, however, judge someone to be guilty of ungodly conduct, misuse of power, misuse of spiritual authority, sexually inappropriate behavior, and neglect and abuse of office. These behaviors are not violations of civil or criminal code and therefore are not subject to criminal prosecution or civil redress. They are, instead, behaviors that violate the trust and well-being of individuals and the community of believers, and they taint the office held by the offender.

The following definitions are given to further assist the churches in understanding the types of behaviors that might constitute ungodly conduct, misuse of power, sexually inappropriate behavior, and so forth:

1. Physical misconduct: Physical misconduct means
  - threatened harm or nonaccidental injury inflicted on a minor or legally protected adult, or
  - offensive or harmful contact by an adult.

Physical misconduct is sometimes a single event, but more often a chronic pattern of interacting with a minor or an adult.

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2. Sexual misconduct: Sexual misconduct means
  - exploiting or grooming (preparing) a minor or an adult—regardless of consent or circumstances—for the purpose of sexual touch, sexual activity, or emotional intimacy, with the result of either sexual gratification or power and control over the minor or adult;
  - unwelcome touch, sexual activity, or emotional intimacy between coworkers, or volunteers; or
  - sexual touch, sexual activity, or emotional intimacy between a supervisor and a subordinate who serve together in a church program or church ministry.
  
3. Emotional abuse: Emotional abuse is a pattern of behavior in which a person insults, humiliates, and manipulates an individual or group in order to establish or maintain control over them. Emotional abuse includes
  - threatening a person’s safety, property, or loved ones;
  - isolating a person from family, friends, and acquaintances;
  - demeaning, bullying, belittling, shaming, or humiliating a person;
  - delivering constant criticism; or
  - emotionally blackmailing or harassing a person.

## 2. Responding to abuse by a church leader when the claimant is an adult

The guidelines in this section describe the process to be followed (1) when the claimant is an adult or (2) when the claimant comes forward as an adult with an allegation of abuse that took place during childhood or adolescence.

- a. The claimant contacts the office of Safe Church Ministry or a classis safe church team for an advocate. The advocate will assist the claimant with her or his allegation by helping to compile witnesses and testimony, by attending the panel session with the claimant, and by advocating for the claimant before other ecclesiastical bodies.
- b. The advocate should contact a member of the executive committee or similar committee (executive) of the accused person’s church or the chairperson of the safe church team (team) with the allegation of abuse. The contact should include the allegation in writing with the names of the claimant and the accused person.
- c. The executive notifies the safe church team chairperson (or the chairperson notifies the executive) of the advocate’s contact. The executive (or chairperson) will identify the claimant, the accused person, and the allegation known at that time.
- d. The executive calls a meeting with the executive committee or the council, the claimant’s advocate, the church’s safe church leader or the classis safe church coordinator, and the church visitors to develop a plan for exploring the veracity of the allegations.<sup>1</sup> Ordinarily, the plan will involve

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<sup>1</sup> Before handling situations involving abuse allegations against a church leader, members of a council along with the church visitors will participate in a 60-minute Safe Church Ministry orientation and training on due process, abuse awareness, and response. Training will be made available through Safe Church Ministry.

- suspending the accused from their duties without prejudice until the allegations have been investigated.
- participating in a 60-minute Safe Church Ministry orientation and training on due process, abuse awareness, and response.<sup>2</sup>
- at least one of the following processes:
  1. an advisory panel process assessing the gravity and probability of the allegations of abuse (the denominational Safe Church Ministry office is available to convene the panel)
  2. an independent investigation into the allegations of abuse (the denominational Safe Church Ministry office will keep a list of reputable investigators). It is strongly recommended that councils make use of an independent investigator in the following situations:
    - a. The accused or claimant is a prominent leader in the community or region such that impartiality is especially elusive.
    - b. The accusations consist of multiple victims or multiple jurisdictions.
    - c. Real or perceived conflicts of interest make impartiality especially elusive.
  3. an internal investigation led by a designated investigation team
- e. Denominational Safe Church Ministry staff are available to help the council execute the agreed-upon plan for responding to abuse (i.e., providing a list of independent investigators, initiating an advisory panel, providing training and counsel, and/or providing resources regarding how to conduct a church investigation).

### 3. Convening an Advisory Panel

- a. If the executive committee or the council decides to respond to an allegation of abuse against a church leader through the advisory panel process, the chair of council contacts the classis safe church team to convene the panel.
- b. If a classis does not yet have a safe church team, then the advocate or the executive should contact the nearest team to convene an advisory panel (panel). A panel should be convened as soon as possible after it receives a request to convene. If the accused person is an employee of the CRCNA or an agency of the CRCNA, the panel shall include an observer who is a representative of the employer to be named by the executive director of the CRCNA in consultation with any agency involved. If the accused person is an officebearer, the panel shall include two church visitors from the classis of the accused's church as observers. The observers shall not participate in the panel but shall simply observe the proceedings.
- c. The chairperson of the panel contacts the advocate to schedule the claimant's meeting. The panel chooses the location and the time. The claimant and witnesses should be

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<sup>2</sup> This training might be fulfilled through watching and discussing a Safe Church Ministry training video, participating in an in-person training by a Safe Church representative or mental health professional, engaging in a live online training with Safe Church staff, or taking part in some combination of these options.

available for the meeting. The panelists, executive committee members, claimant, advocate, observers, and witnesses should not publicly mention the meeting.

*Note:* The advisory panel will notify the accused person of the allegation only after it has evaluated the testimony of the claimant to be both probable and serious.

- d. The panel chairperson brings the panelists under a pledge of confidentiality regarding the name of the claimant, the accused person, and the details of the allegation brought forward. The claimant and witnesses may waive confidentiality of their own testimony at the conclusion of the panel process so the advocate, the panelists, and the observers (see section 3, e below) may report on the matter when it is presented to the executive, the council, and other ecclesiastical bodies.
- e. If the executive chooses, it may appoint two representatives to observe both the claimant's and the accused person's meeting with the panel. A representative observer must adhere to confidentiality during the panel process.
- f. The panel receives the information presented to it by the claimant, examines the contents of written materials, questions the witnesses, and consults with experts as needed.

Testimony may be in the form of written material, witnesses, notarized statements, depositions (statements taken under oath), email and other electronic communications, and personal property. When distance would make travel difficult, costly, or cause an undesirable delay in convening the panel, teleconferencing and other secure methods of communication are permissible.

- g. Following the meeting with the claimant, if the panel evaluates the allegation as both serious and probable, then the panel notifies the claimant of their evaluation, and the panel moves to the next step in the advisory panel process. If, however, the allegation is not evaluated as serious or probable, then the panel ends its work. If the panel ends, it notifies the claimant and the executive. The executive may dismiss the matter or continue contact with the claimant.

*Note:* If the panel does not find evidence to support the allegations, this does not mean that the claimant has not been hurt or harmed by inappropriate uses of power by the accused. It only means that the allegations did not meet the standard of evaluation as serious and probable. As such, it is important that the council continue to ensure pastoral support and care for the claimant in ways that lead to healing and health.

- h. If the panel process continues, a panelist notifies the accused person that a claimant's advisory panel meeting took place. The panelist submits the allegations in writing to the accused person. The allegation must include specific incidents, the dates of those incidents when possible, and an indication of witnesses or corroborating evidence.

The accused person has at least five (5) days after receiving the written allegation to prepare for his or her meeting with the panel. The accused person should be accompanied by a support person who is not a current or former practicing lawyer.

The accused person presents his or her testimony before the same panel at a time and location chosen by the panel. The panelists, executive committee, accused person, support person, observers, and witnesses should not publicly mention the meeting.

- i. The panel receives the information presented to it by the accused person. They examine the contents of written material, notarized statements, or depositions. They interview the accused person and witnesses, and they consult with experts as needed. When distance would make travel difficult, costly, or cause an undesirable delay in convening the panel, teleconferencing and other secure methods of communication are permissible.

The accused person and witnesses may waive confidentiality of their own testimony at the conclusion of the panel process so that the panelists and the representatives may report to the executive, the council, and other ecclesiastical bodies.

- j. The panel convenes to consider the seriousness and the probability of the allegation along with the testimonies offered by the claimant and the accused person. The panelists sign a report of their findings. If the panel hears the accused person's admission of misconduct, or if the claimant's testimony is more likely to have occurred than that of the accused person's testimony, the panel may offer specific recommendations for pastoral care and church discipline. The panel may send a summary of their report to the claimant and the accused person.
- k. The executive must convene the council to bring the panel's report. At this meeting, the chairperson first presents the panel's report. Second, the council should meet with the claimant (or advocate) and the accused person individually, one after the other. Neither the claimant (advocate) nor the accused person should meet with the council prior to this meeting. Third, the representatives meet with the council. Fourth, the church visitors meet with the council.
- l. If the situation involves any form of sexual misconduct and the accused person acknowledges his or her guilt at the council meeting, the council should initiate steps of discipline by following Church Order Articles 82 and 83. When the council exercises discipline over an ordained minister, it should inform the neighboring council for its concurrence, if necessary, and the congregation as well.

If the situation involves emotional misconduct or abuse, the advisory panel shall make recommendations for disciplining the officebearer in ways that are appropriate to the harm done and that prioritize both justice and, if possible, rehabilitation and restoration of the offender (this could include such recommendations as suspension for a period of time, counseling, abuse of power training, mentoring, restorative practices, oversight and accountability, or, in cases where the officebearer is determined unfit for ministry, deposition). Please note that this recommendation in no way seeks to diminish the weightiness of emotional abuse. In fact, studies show that emotional abuse can be equally as damaging as other forms of abuse. However, because of the range of gravity and impact of behaviors that constitute emotional abuse, what is required for justice,

the healing of the victim(s), and the welfare of the church is not always best served by deposition.

- m. The council has thirty days from receipt of the report to adjudicate the allegation and decide the next course of action. The council will notify in writing the claimant and the accused person of its adjudication and its next course of action. The council may conduct its own hearing into the matter, and if so, the claimant and the accused person may have legal counsel present at the council's expense. Guidance on hearing procedures can be found in the Supplement to Article 30-c of the Church Order, "Judicial Code of Rights and Procedures," Articles 2-14.
- n. The church visitors shall be present at all deliberations regarding the council's response to the allegations of abuse. At the end of the deliberations, the church visitors will prepare a report detailing their observations of the advisory panel proceedings and the council's response. The report is to be kept confidential and will be given only to the church council and, if requested, to the claimant, the claimant's advocate, the accused, and the support person for the accused. The report may be submitted to classis only if there is an appeal of the council's decision.
- o. The advocate, the claimant, and the church visitors may attend any subsequent ecclesiastical meetings where the allegations are discussed, including classis, the denominational Judicial Code Committee, or the advisory committee of synod.
- p. The claimant and the accused person may appeal the decision of the council. Such appeals should be addressed to the classis, where standard appeal procedures are applied as outlined in Article 30 of the Church Order and Its Supplements. When an Article 30-a appeal involving allegations of abuse against a church leader comes before classis, the synodical deputies will advise the classis in order to ensure that fair process and proper respect and care for all involved are maintained (per Church Order Art. 48-c)<sup>3</sup>.

#### 4. Five important footnotes

- a. These are *suggested* guidelines. The circumstances of abuse may dictate that church officials deviate from them. In addition, state and provincial laws vary somewhat in terms of the manner in which abuse is defined and how it should be reported. The presumption should be in favor of following the guidelines in the case of each allegation of abuse; however, the church is best served by retaining legal counsel with expertise in the area to define the legal standards relevant to a particular jurisdiction. Furthermore, the director of Safe Church Ministry can be consulted regarding the application of the guidelines.
- b. The guidelines anticipate that the claimant's allegations will be disclosed to certain entities or individuals at certain times. At each stage of the proceedings outlined in the guidelines, those individuals who disclose and/or receive information relating to the

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<sup>3</sup> "Besides the duties elsewhere stipulated, the deputies shall, upon request, extend help to the classes in the event of difficulties in order that proper unity, order, and sound doctrine may be maintained" (Church Order Art. 48-c).

allegations should use extensive precautions to ensure that the allegations and surrounding circumstances are not shared with any entities or individuals other than those expressly described under these guidelines or required by law. Accuracy is of the utmost importance in the disclosure of allegations or surrounding circumstances to those individuals or entities named in these guidelines. Wrongful or inaccurate dissemination of information can lead to adverse legal consequences.

- c. Whenever a disclosure of allegations of child abuse or assault is warranted, the disclosure must include the language of the criminal code along with the indication that criminal authorities have made the charges and will follow them up to the full extent of their capabilities. If the allegations are ungodly conduct, abuse of office, and so forth, then the disclosure must include the language of the Church Order along with the indication that church officials will follow up to the full extent of their capabilities. After a judgment on the matter is rendered, subsequent disclosure must include the language of the Church Order; an explanation of the violation(s) may be given but only with care so as to protect the identity of the person who was victimized. Failure to explain the nature of the violation enables the offender to continue a pattern of denial or minimization and promotes the perception that the matter is being covered up somehow.
- d. Member churches and classes that adopt these guidelines should check with their own legal counsel about potential liability that arises from the guidelines. By adopting the guidelines, the member church and its classis may be assuming legal obligations not dictated under the laws of their jurisdiction. The liability of the advisory panel that serves the member church or classis should also be discussed with legal counsel. A classis that appoints a safe church coordinator who forms an advisory panel should be incorporated and should obtain legal protection for the volunteers serving on *it*. Finally, member churches and classes that adopt the guidelines should follow the procedures specified. Negligent failure to follow the guidelines as adopted could be a basis for potential liability.
- e. Denominational personnel should not serve on an advisory panel.

*—Revisions adopted by Synod 2022*

## 5. Guidelines When the Claimant Is a Minor or Is a Vulnerable Adult

- a. A person who has knowledge of any circumstances, or receives a report of allegations, of abuse against a minor or a vulnerable adult perpetrated by a church leader and concludes that the allegations create a reasonable suspicion that abuse has occurred, must report the matter to local police or to child-protection authorities within twenty-four hours of receiving the information.

Further, even if the person who is suspected of committing abuse is not a church leader, the matter should still be reported to local police or child-protection authorities within twenty-four hours.

- b. As soon as possible after notifying the appropriate authorities, the person who reports the matter should contact the person (hereafter, designated person) within the accused's church who has been designated to receive any report of alleged abuse. The person who reports the matter should describe the allegations of abuse and/or the circumstances that support the allegations of abuse to the designated person. In addition, the person who reports the matter should inform the designated person if the alleged abuse occurred in the church building or in connection with a church-sponsored program.
- c. The designated person should contact (1) the pastor, if the minor has not implicated the pastor; (2) a member of the church's leadership team, if the minor has not implicated this team member; (3) the classis safe church coordinator; (4) the church's legal counsel; and (5) the church's insurance agent.

If the claimant and accused are not members of the same church, each church should appoint a designated person. Together, the designated persons should maintain contact about the progress of the investigation.

Church officials may conduct their own investigation after civil authorities have begun theirs. However, church officials should not reveal the nature of the allegations to the alleged offender until the civil authorities have met with him or her.

- d. If the accused admits wrongdoing against the person victimized at any stage of this process, the admission of guilt should be brought to the attention of the governing body of the church of the accused. The governing body should deliberate and determine outcomes according to established church polity and procedures.
- e. When the designated person determines (1) that the authorities have concluded that the allegations merit serious investigation, or (2) that there is the possibility of formal charges, the designated person should notify the governing body of the alleged abuser's church.
  1. The designated person should present to the governing body a written document that specifies the nature of the allegations and any information that is known.
  2. The governing body should give the accused an opportunity to respond to the allegations.
  3. In light of the information presented, the governing body should implement one or more of the following actions:
    - supervised contact at church between the accused and any minors;
    - prohibited contact at church between the accused and accuser or between the accused and any minor in the congregation;
    - suspended responsibilities from office, position, or duty with pay, when applicable, and without prejudice pending the outcome of the investigation.
- f. If and when the designated person learns that the authorities have filed criminal charges against the accused, then the designated person should report this information to the governing body of the alleged abuser's church.



1. The designated person should present to the governing body a written document specifying the nature of the allegations and any information that is known.
  2. The governing body should give the accused an opportunity to respond to the allegations.
  3. In light of the information presented, the governing body should implement the following actions:
    - prohibit the accused from contact with minors at church;
    - suspend the accused from office, position, or duty with pay, when applicable, and without prejudice pending the outcome of the charges.
- g. When criminal proceedings have concluded, the governing body should promptly revisit the matter, whether the result is conviction, acquittal, or dropped charges. If the criminal charges are dropped or prosecution does not result in a conviction, the governing body should decide whether or not to rescind its earlier action and/or take additional action.
  - h. If the accused whom the governing body has previously removed or suspended from office is found not guilty of the allegations, the governing body should not reinstate the accused to his or her previous position of leadership until they, in consultation with the police and/or child-protection authorities, legal counsel, and child-abuse experts, deem it safe and proper to do so.
  - i. If the accused is found guilty, the governing body may (1) subject the determined abuser (hereafter, abuser) to further suspension, deposition, or termination of employment, or (2) take such other action against the abuser as the circumstances may dictate.
  - j. A church leader (1) who has made a confession of abuse against a minor or a vulnerable adult, (2) who has been convicted of such abuse in a court of law, or (3) whom the governing body has adjudicated guilty of such abuse, should not be reinstated to the position from which he or she has been removed or suspended without the advice of the church's legal counsel.
  - k. The governing body should notify the congregation when a church leader is removed or suspended from office, position, or duty pending the outcome of an investigation into an allegation of abuse against a minor or a vulnerable adult. This notice should be in writing and should protect the identity and confidentiality of the accuser. This disclosure should be pastoral, objectively factual, and not exceed the scope of the information known about the matter at that time. In addition, the governing body should not attempt to state any legal conclusions about the guilt or innocence of any person unless and until the governing body determines that a church leader is an abuser.
  - l. Subject to the best interest of the survivor of abuse, the governing body should notify the congregation in writing if they conclude that a church leader is an abuser. This notice should protect the identity and confidentiality of any innocent parties, including the abused person. This written communication should be pastoral and objectively factual.