

**AN ECCLESIASTICAL PROCESS FOR REVIEW OF
MINISTERIAL STANDING
REGARDING ALLEGATIONS OF
MISCONDUCT**

PREAMBLE: In the context of the ongoing care for the churches and their professional church leaders, there are occasions in which allegations may be raised about a professional church leader. Frequently these allegations are handled within the ongoing service and care of the Region. In those rare instances in which a satisfactory resolution cannot be reached, it may be necessary to have a more formal process of review of recognition of ordination with professional church leaders. This review must be seen as part of an ongoing process of care in which a concern for justice, reconciliation, and healing, for both the congregation and the individual(s), as well as affected families, is a primary goal of the process. For this reason all participants shall exercise great care to assure that the allegations and the process shall remain confidential unless some decision is reached which requires notification.

One of the reasons for which a Region exists is to strengthen the spiritual health and vitality of its constituent churches and their professional leaders. Programs, services and pastoral care are ways in which this central concern is expressed for local churches and their professional leadership. Personal, professional and pastoral care for professional church leaders is an ongoing process. One aspect of that process is the whole area of recognition of ordination, by which the whole denominational family gives affirmation and support to clergy.

The Commission on the Ministry of the Region has both the responsibility for the recognition of ordination and for the church's review of the recognition of ordination. This process is guided by the biblical mandate of Matthew 18:15-17. The goals are, first of all, to deal directly with the person (verse 15), then with a small, more informal group (verse 16), and only when the process has failed to bring a resolution to move before the church, represented by the Commission on the Ministry (verse 17).

It must be stressed that this is an ecclesiastical process conducted within the confines of the church's structure and polity. It is NOT a legal process. Hence, parties involved in this ecclesiastical process are not bound by the dictates of the judicial system. We are, however, bound by our commitment to justice and fairness for all concerned. As an ecclesiastical process there is no official role or place for attorneys in this review process. If any involved parties wish to seek legal counsel, they must do so outside the official review process. Attorneys are not permitted to participate in the preliminary exploration, the review hearing or the appeal process.

1. Initial Informal Efforts: Thorough efforts should be made to resolve allegations and potential allegations informally through the existing process of service and care of the Region. This may include the ongoing relationships and assignments of the Area Ministers and Executive Minister, as well as other relationships that are a part of the church and church leadership interaction in the Region. This step may include a clarifying, mediating and defining role. It

also should include an interpretation of what is involved in this "Process for Review of Ministerial Standing" for both the person making the allegation and the professional church leader against whom the allegations or potential allegations may be made. Although it is very desirable to resolve such matters informally whenever possible, this step should not become a means for blocking action or preventing an allegation from being dealt with as quickly as possible.

2. Written Allegations: When allegations about a particular professional church leader have not been resolved in the ongoing process of service and care of the Region, formal allegations are to be addressed to the Chair of the Commission on the Ministry, with a copy to the Executive Minister of the Region. The allegations must be specific in content, made in writing, and signed. These allegations, which may come from Region staff, other professional church leaders or from lay persons, are to be related to violation of the expectation the church has for ethical behavior for its professional church leaders, as articulated in the Covenant and Code of Ethics for Professional Church Leaders of the ABCUSA.

These allegations do not include issues of compatibility between a professional church leader and congregation.

3. Pastoral Intervention: When the normal processes have failed to bring a resolution, and formal charges have been developed, there is an ongoing need for pastoral intervention for the person making the charge, professional church leader in question, the families, and the congregation being served. These pastoral interventions may be done by members of the Region staff, by members of the Commission, or by the Region's Ministers Council. The Executive or Area Ministers will take initiative to assure that members of one of these bodies provide pastoral assistance.

4. Informing the Person of the Allegations: The Commission on the Ministry shall inform the person in writing of the allegations, providing him or her with information about the process of review, and requesting a meeting with the person for a preliminary exploration of the allegations.

5. Preliminary Exploration: The Commission on the Ministry, through delegated representatives, shall meet with the person in question to explore the allegations and to determine what steps to take. (If a person fails to appear, the Commission may proceed.) There are five possible courses of action. They are:

- a. The Commission may discover that there is no warrant for a review hearing and exonerate the person.
- b. The person may acknowledge the truth of the allegations and work with the Commission in deciding which of the actions listed under #7, c, below will be followed.
- c. The Commission may, in the event of an unusually grave or emergency situation, temporarily suspend recognition of ordination for a period of not more than ninety (90) days. During this period of temporary suspension, the Commission shall convene a review hearing to consider the matter fully. Full notice of this decision shall be given to the person in question and to the appropriate denominational bodies.

- d. The person may dispute the allegations in full or in part, and yet work out with the Commission a plan to deal with the situation without utilizing the full process of the review hearing.
- e. The person may dispute the allegations and the Commission may decide to utilize the review hearing process to investigate and make a decision about the allegations.

6. Review Hearing Notice: When a review hearing is scheduled, all parties involved are to be notified and informed about the process and how to prepare for it. The hearing should be not less than thirty (30) days nor more than ninety (90) days following notification. With the assent of all parties, this could be reduced to less than thirty (30) days.

The professional church leader is to be supplied with a written copy of the allegations, a description of the review hearing procedure, and a notification of his or her rights. These include the right to be present, the right to present evidence including witnesses on his or her behalf, and the right to have an advocate present. This advocate may be clergy or lay.

7. The Review Hearing: The hearing is held to investigate thoroughly the allegations. The Chair of the Commission on the Ministry will appoint a Commission Review Hearing Team of at least five from the membership of the Commission on the Ministry.

- a. The hearing shall be fair, impartial and confidential for the sake of the person in question, the persons making the allegations, and the wider church family. The Commission Review Hearing Team may specify the amount of time allowed for presentation of the allegations, for the defense, and for the summary statements. (If a person fails to appear, the Commission Review Hearing Team may proceed.)
- b. The hearing shall follow this outline:
 - (1) Opening statement.
 - (2) Introduction.
 - (3) Statement about how the hearing will be conducted.
 - (4) Prayer.
 - (5) Reading of the allegations.
 - (6) Presentation of information or testimony supporting the allegations.
 - (7) Presentation of information or testimony refuting the allegations.
 - (8) An opportunity will be given for those making the allegations to respond to the presentation of refutation.
 - (9) An opportunity will be given for the person in question, or by his/her representatives, to respond to this response.
 - (10) Questions by the Commission Review Hearing Team to any of those offering information, testimony, refutation, or response.
 - (11) Closing statement by those making the allegations.
 - (12) Closing statement by the person in question or by his/her designated representative.

- (13) Prayer for continuing guidance and comfort for those involved in this situation, and for those who are given the responsibility to come to a decision.
- (14) Executive Session of the Commission Review Hearing Team.

c. Following the hearing, the Commission Review Hearing Team deliberates and makes its decision from the following options:

- Make a finding that does not uphold the allegations.
 - (1) Exonerate the person.
 - (2) Exonerate the person and take steps to stop continued allegations.
- Make no finding but take steps to address the issues raised.
 - (3) Develop a plan for addressing the issues short of censure, suspension of recognition of ordination or withdrawal of recognition of ordination.
 - (4) Allow the person to voluntarily relinquish recognition of ordination.
- Make a finding that upholds the allegations.
 - (5) Censure the person, but allow the recognition of ordination to stand.
 - (6) Suspend the recognition of the person's ordination.
 - (7) Withdraw the recognition of the person's ordination.
 - (8) If the person is a non-ordained Professional Church Leader,
 - (a) censure, and/or (b) remove support as Professional Church Leader and from the American Baptist Personnel Services.

8. Notification of the Decision: The Commission Review Hearing Team shall notify all parties of the decision within fifteen (15) days of the review hearing. In the event a person is exonerated, that person shall receive a letter acknowledging this action, a copy of which shall be sent to those making the allegations. In the event of suspension or withdrawal of recognition of ordination, the National Commission on the Ministry, The American Baptist Personnel Services, the Regional Executive Ministers Council, the Ministers and Missionaries Benefit Board, the Ministers Council, the original ordaining church, the church or church organization being served or in which membership is held, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition shall also be notified.

9. Appeal: A person whose recognition of ordination has been suspended or withdrawn may appeal the decision to the Executive Committee of the Region Board. If there is no action by the Executive Committee of the Region Board within sixty (60) days, the person may appeal to the Executive Committee of the National Commission on the Ministry, provided that the appeal is filed within one hundred twenty (120) days of the receipt of the decision. The decision of the Executive Committee of the Region Board or the Executive Committee of the National Commission on the Ministry shall be final.

10. Pastoral Follow-up: There is a need for pastoral care throughout the process, but particularly following a review hearing. Once the hearing is complete, decisions made and actions taken, there needs to be intentional effort made at reconciliation and healing. The Church needs to offer ongoing support and concern to those who made the allegations or who were wronged, and find ways to express forgiveness and grace to those who have been disciplined.

11. Reinstatement: A person's ordination may be subsequently recognized again, if there is a desire to be reinstated. The Commission on the Ministry will meet with the person to review the original action, subsequent history, and present qualifications for ministry. In the event that the Commission on the Ministry is not the one which withdrew the recognition, appropriate documentation will be secured about the prior action so that full information will be available to the Commission considering reinstatement.

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) ordinations 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.

Emergency Suspension of Recognition of Ordination is intended to interrupt the ministry and pastoral selection process while the investigative and decision-making process proceeds. The recognition of ordination may be suspended for a period not to exceed ninety (90) days in the event of an unusually grave or emergency situation. Written notice of an Emergency Suspension shall be sent to the National Commission on the Ministry, American Baptist Personnel Services, Regional Executive Ministers Council, the church (or church organization) being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval or recognition.

Suspension of Recognition: The recognition of ordination may be suspended for a specific period of time in order to implement a program prescribed by the Commission on the Ministry, or in the event of an unusually grave or emergency situation. The conditions of the suspension must be clearly stated. Suspension is intended to interrupt the pastoral selection process while severe allegations are being explored or while a prescribed program is being implemented. Notice of a suspension will be given to the National Commission on the Ministry, American Baptist Personnel Services, the M&M Board, and the Regional Executive Ministers Council, the church (or church organization) now being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition shall also be notified.

Withdrawal of Recognition of Ordination means that the American Baptist Churches, USA no longer recognizes the validity of an ordination. Notice of the withdrawal of recognition shall be given to the National Commission on the Ministry, the Regional Executive Ministers Council, the American Baptist Personnel Services, the M&M Board, 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.

The Region: The process of recognition of ordination in the denomination is decentralized; a Region acts on behalf of the whole denomination in recognizing, failing to recognize, allowing a recognition to lapse, or withdrawing a recognition of ordination. There is reciprocity among ABC bodies, with all Regions and National Boards agreeing to accept the process as applied in other partner Regions.

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

Review Hearing: The process by which allegations against an individual are reviewed and a decision is rendered either for or against the individual. This is not a criminal or civil process, but is rather a church process by which the churches are seeking to order their life together under the leading of God's Spirit.

IMPLICATIONS:

There are different kinds of implications of a decision by the Commission on the Ministry to suspend or withdraw the recognition of a person's ordination. 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 the person's profile,
- that all ABC Regions will be notified of the action, and
- that M&M will be notified of the action.

Depending on the requirements of the 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.