

**AN ECCLESIASTICAL POLICY AND A PROCESS
FOR REVIEW OF MINISTERIAL STANDING
of the
AMERICAN BAPTIST CHURCHES OF RHODE ISLAND**

DEFINITIONS:

Certification of Ordination: In our tradition, ordination is granted by the local congregation working with the partner churches. The denomination does not ordain; it certifies (also referred to as, recognizes) ordinations of a local church, or from other denominations. A person may voluntarily give up the certification (recognition) of his or her ordination. The denomination may choose to withdraw certification (recognition) of ordination either for cause or after a period of inactivity.

Professional Church Leader: All employees or former employees (whether full-time or part-time – lay, licensed, ordained, or non-ordained) of the American Baptist Churches of Rhode Island currently residing in Rhode Island who are or were professionally engaged in local church, regional or national ministries (including but not limited to: Pastoral Ministry, Directors of Christian Education, Worship Leaders, Music Ministry, Youth Ministry, Family Ministry, and other specialized ministries) are understood to be Professional Church Leaders (PCL's).

Restoration: Restoration is the process of supervision and evaluation that returns a PCL to certified ordained ministry. SCOM designs the process for each situation and individual. The PCL must willingly cooperate and successfully complete the process for his/her ordination to be certified again.

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

Standing Committee on Ordained Ministry (SCOM) is that part of the Region structure which is charged with the responsibility for certification (and withdrawal of certification) of ordination. They may also censure Professional Church Leaders in cases which do not involve ordained PCLs.

Review Hearing is 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; rather, it is a church process by which the churches are seeking to order their life together under the leading of God's spirit.

Censure is an official written statement of SCOM's disapproval of a behavior as unbecoming one who is serving or who has served as a PCL of the American Baptist

Churches/USA. It is offered as an indication that further similar conduct is unacceptable and, where applicable, could lead to suspension or withdrawal of his/her certification of ordination.

PREAMBLE:

The American Baptist Churches of Rhode Island, seeking to be faithful disciples of Jesus Christ, acknowledge that professional misconduct may occur within our churches. As clergy and lay persons, we have a responsibility to minister to the needs for justice, forgiveness and reconciliation of persons who are involved in situations of misconduct. This concern extends to the person(s) and congregation who has been harmed by the misconduct.

We seek to do this as faithful followers of Christ who acknowledge that PCL's play a role in the lives of others which carries with it a high degree of trust placed in them by those with whom they minister. This responsibility implies that PCL's are trusted to not intentionally use another person in ways that harm the other and benefit the PCL. This involves setting appropriate boundaries and seeking help to deal with the temptation to cross those boundaries. This responsibility also implies that PCL's who have been involved in sexual misconduct have an obligation to acknowledge that misconduct and to accept the consequences of their actions.

Civil authorities have created statutes that directly impact all churches, PCL's and denominational bodies. Every attempt will be made to cooperate with criminal and civil investigations that involve a PCL. However, churches have the right and the obligation to protect themselves from excessive interference by civil authorities.

We hope that any professional misconduct by a PCL will be reported to the Region. We are particularly mindful that all sexual misconduct, including any unwelcome sexual advance, request for sexual favor, sexually motivated physical contact, or other verbal or physical contact or communication of a sexual nature will also be reported.

We encourage anyone who knows or suspects that a PCL has been involved in sexual misconduct to report that information to the Region Executive Minister, who will attempt to resolve the situation promptly.

PROCESS:

In the ongoing care for churches and their ministerial leaders, there are occasions in which allegations may be raised about a PCL. Frequently, these allegations are handled within the ongoing service of 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 for review of the certification (also referred to as "recognition") of ordination with PCL's or a process of censure. This review must be seen as part of an ongoing process of care. Its primary goal ought to be concern for justice, reconciliation, and healing for both the congregation and the individual(s). For this reason, all participants

must exercise great care to assure that the allegations and the process remain confidential unless some decision is reached which requires notification.

One reason Regions exist is to strengthen the spiritual health and vitality of its constituent churches and their ministerial leaders. Programs, services, and pastoral care are ways in which this central concern is expressed for local churches and their ministerial leadership. Personal, professional, and pastoral care for PCL's is an ongoing process. One aspect of that process is the certification of ordination by which the whole denominational family gives affirmation and support to PCL's.

The Standing Committee on Ordained Ministry (SCOM) has the responsibility for the certification of ordination as well as responsibility for the Region's review of the certification of ordination in the event of misconduct by a PCL. This process is guided by the biblical mandate of Matthew 18:15-17. According to this passage, the goals are: first, to deal directly with the person (verse 15), second, to deal with a small, more informal group (verse 16); third, only when the process has failed, to bring resolution to move before the Region represented by SCOM. (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. Consequently, parties involved are not bound by the dictates of the judicial system. We are, however, bound by our commitment to justice and fairness for all concerned. Being 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. This process was recommended to American Baptist Regions acknowledging the autonomy of the local church and the extremely limited authority of the denominational judicatories in matters of ordination and certification of ordination.

In every misconduct case, the Executive Minister and his/her staff will attempt to make pastoral care available to the person making the allegations of misconduct, the family of the person making the allegations, the PCL who allegedly committed the misconduct, the PCL's family, the members of the PCL's congregation, the PCL's colleagues, and others. However, the Executive Minister and his/her staff cannot themselves function as pastor, counselor, advocate, attorney, or other "fiduciary" of any of these individuals or groups. The ultimate responsibility of the Executive Minister and his/her staff is to the Region and not to any individual within the Region. If a conflict arises between what is in the Region's best interests and what is in the interest of someone else, the Executive Minister and his/her staff are obliged to act on the Region's behalf.

Every report of misconduct by a PCL involves unique people and unique circumstances. The Process of Review describes a general approach that the Region will follow in responding to reports of misconduct by a PCL. It will not be appropriate, or even possible, for the Region to follow this approach in every case. The Region reserves the right to depart from this Process for Review to assure a fair and just process for all persons involved.

1. Written Allegations: When allegations about a particular PCL 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 SCOM 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 ministerial leaders, or from lay persons, are to be related to the following categories:

- Delinquency of a moral, ethical, or financial nature that brings the church into disrepute.
- Violation of expectations the church has about ethical behavior for its PCL as articulated in the Covenant and Code of Ethics for Professional Church Leaders of the ABC/USA.
- Any court action that would bring the church into disrepute.

These allegations do not include issues of compatibility between a PCL and congregation.

2. Pastoral Intervention: When the normal processes have failed to bring resolution, and formal charges have been developed, there is an ongoing need for pastoral intervention for the persons making the allegations, the PCL in question, their families, if any, and the congregation being served. These pastoral interventions may be done by members of the Region staff, by members of SCOM, or by members of the Region's Ministers Council who are not directly involved in the process.

3. Informing the Person about the Allegations: SCOM shall inform the person in writing of the allegations. It shall provide him or her with information about the process of review and request a meeting with this person for a preliminary exploration of the allegations. SCOM will request written acknowledgement that the allegation was received and the review process understood.

4. Preliminary Exploration: The Preliminary Exploration begins within thirty (30) days after formal allegations have been brought to SCOM. SCOM, either as a body or through delegated representatives, shall meet with the person making the allegations to clarify the allegations or respond to any questions. In a separate meeting, SCOM, either as a body or through delegated representatives, shall meet with the person in question to explore the allegations and determine what steps to take. (If either person fails to appear, SCOM may proceed.) There are five possible courses of action:

- a. SCOM 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 SCOM deciding which of the actions listed under #6c below will be followed.
- c. SCOM may, in the event of an unusually grave or emergency situation, temporarily suspend certification of ordination for a period of not more than

ninety (90) days. During this period SCOM shall convene a review hearing to consider the matter fully. Notice of this decision shall be given to the person in question and the appropriate denominational bodies.

- d. The person may dispute the allegations in full or in part, and yet work out with SCOM 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 Department may decide to utilize the review hearing process to investigate and make a decision about the allegations.

5. 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 not be less than thirty (30) days nor more than ninety (90) days following notification.

The PCL in question 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 and is intended to provide support and assistance to the person throughout the process.

6. The Review Hearing: The hearing is held to thoroughly investigate the allegations.

- a. The hearing shall be fair, impartial, and confidential for the person in question, the persons making the allegations, and the wider church family. SCOM may specify the amount of time allowed for presentation of the allegations, for the defense, and for summary statements. (If a person fails to appear, SCOM may proceed.)

It is not necessary for the person making the allegations to personally confront the person in question. The Review Hearing is an opportunity for SCOM to hear all relevant information in order that it may reach a decision.

Both the claimant and respondent have the right to have an advocate throughout the review process. This advocate may be clergy or lay, and is intended to provide support to the individuals through the process.

SCOM may invite an independent resource person, an individual who has training and/or expertise concerning specific area(s) related to the hearing, to join SCOM in the hearing process. This independent resource person will not have voting rights within SCOM.

- b. The following is a guide for how the hearing may progress:
 - (1) Opening statement

- (2) Introduction.
- (3) Statement about how the hearing will be conducted.
- (4) Prayer
- (5) Reading of the allegations
- (6) Presentation of the information or testimony supporting the allegations.
- (7) Presentation of information or testimony refuting the allegations.
- (8) An opportunity will be given for those making 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.
- (10) Questions by SCOM to any of those offering information, testimony, refutation, or response.
- (11) Closing statement by those making allegations or his/her designated representative.
- (12) Closing statement by the person in question or 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 SCOM.

c. Following the hearing the Department 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 a finding that upholds the allegations.

- (3) Develop a plan for addressing the issues short of censure, suspension of certification of ordination or withdrawal of certification of ordination.
- (4) Allow the person to voluntarily relinquish certification of ordination.
- (5) Censure the person.
- (6) Suspend the certification of the person's ordination.
- (7) Withdraw the certification of the person's ordination.

The decision of SCOM shall be based upon a "preponderance of evidence" presented at the hearing.

7. Notification of decision: SCOM shall notify all parties of its decision within fifteen (15) days of the review hearing. In the event a person is exonerated, that individual

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 his/her certification of ordination, the American Baptist Personnel Services, the Regional Executive Ministers Council, the Ministers and Missionaries Benefit Board, the Ministers Council, the originating 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 certification shall also be notified.

- 8. Appeal:** A person whose certification of ordination has been suspended or withdrawn may appeal to the Board of Ministries of the American Baptist Churches of Rhode Island. All appeals will be conducted to determine the appropriateness of the process used by SCOM to reach its final decision. An appeal is not to determine an individual's fitness for ministry; rather, it is to determine if a fair and just process was used by SCOM. The decision of the Board of Ministries shall be final.
- 9. Pastoral Follow-up:** There is a need for pastoral care throughout the process, but particularly following a review hearing. Once the hearing is complete, decision made, and actions taken, there needs to be intentional effort made at reconciliation and healing. The Region will assist the local church in its ongoing care 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.
- 10. Reinstatement:** A person's ordination may be subsequently certified again, if there is a desire to be reinstated. SCOM will meet with the person to review the original action, subsequent history and present qualifications for ministry. In the event that the certification (recognition) was withdrawn by the decision of a region other than the American Baptist Churches of Rhode Island, SCOM will request appropriate documentation be secured about the prior action so that full information will be available to SCOM considering reinstatement.

Care for the Claimant: The process of care for the claimant will include: careful consideration of requests; prompt response to requests, and referrals for advocacy. The Region cannot take responsibility for any costs incurred.

Records: A written summary of SCOM's proceedings and a statement of findings will be maintained permanently in the minutes of SCOM and in the personnel files of the Region office. Any decision to remove or clear such a file of SCOM's proceedings is to be made with the consent of SCOM. These files will be maintained to respond to requests for information regarding sexual misconduct from future employers of persons who are ministers of the Region.

Civil or Criminal Lawsuits: A claimant's decision to use the above policy and procedures for handling complaints of misconduct in no way precludes a simultaneous use of the civil or criminal legal justice system.

IMPLICATIONS:

There are different kinds of implications of a decision by SCOM to either censure a PCL, suspend Certification of Ordination, or withdraw Certification of Ordination. It may mean:

- That person's name will be deleted from any listing of Professional Ministers of the ABC/USA,
- 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.

Censure is an official written statement of disapproval of a behavior as unbecoming a PCL. The statement of censure will be entered into the PCL's file at the regional office and communicated to the affected congregation as well as to other appropriate congregations within or outside the region. In the case of a PCL who has a certified ordination, a censure indicates that if the behavior continues it may lead to a suspension or withdrawal of certification.

Emergency Suspension of Certification of Ordination is intended to interrupt the ministry and pastoral selection process while the investigative and decision-making process proceeds. The certification 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 American Baptist Personnel Services, the Region Executive Ministers Council, the church (or church organization) being served, the Ministers and Missionaries Benefit Board, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

Suspension of Certification of Ordination is a withdrawal of certification of ordination for a specific period of time in order to implement a program prescribed by the SCOM. The conditions of the suspension must be clearly stated. Notice of a suspension will be given to the American Baptist Personnel Services, 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, the

Ministers and Missionaries Benefit Board, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

Withdrawal of Certification 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 American Baptist Personnel Services, the Ministers and Missionaries Benefit Board, 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.

APPENDIX A

PROCEDURES IN CASE OF A PROFESSIONAL CHURCH LEADER SELF REFERRAL IN MATTERS OF SEXUAL MISCONDUCT

There are times when PCL's, under the conviction of the Holy Spirit, acknowledge that they have crossed boundaries and participated in sexual misconduct and now seek restoration.

In these cases, the self-referring PCL should meet with the Executive Minister to begin the process of restoration.

It is assumed that these cases will enter the Ecclesiastical Process at paragraph 4b and will continue according to the Ecclesiastical Process.

In step 4b of the Ecclesiastical Process, the self-referring PCL will provide SCOM with the names(s) of the victim(s) and enough information about the nature of the misconduct, to ensure that SCOM has sufficient information on which to base its decision required in paragraph 6c of the Ecclesiastical Process.

If the self-referring PCL has chosen to inform his/her spouse of the misconduct, the SCOM will ensure that the pastoral care needs of the spouse are addressed.

As part of SCOM's decision in paragraph 6c, the SCOM will also make a determination concerning the need to communicate the results of the process to the victims(s) and the need to provide pastoral care to the victim(s).

If SCOM has chosen not to communicate with the victim(s), and at a later time the victim(s) brings an allegation that is in substantial agreement with the self-disclosure of the PCL, the victim(s) will be informed of the process already followed, and the finding already made. If the actions taken up to this point are acceptable to the victim(s) then they will continue in force. If the victim(s) is not satisfied, then the allegation will be processed according to the Ecclesiastical Process beginning at paragraph 1. Care should be taken to provide for pastoral care for the victim(s)

APPENDIX B

PROCEDURES IN CASE OF A PROFESSIONAL CHURCH LEADER SELF REFERRAL IN MATTERS OF ETHICAL MISCONDUCT

There are times when PCL's, under the conviction of the Holy Spirit, acknowledge that they have crossed ethical boundaries and now seek restoration.

In these cases, the self-referring PCL should meet with the Executive Minister to begin the process of restoration.

It is assumed that these cases will enter the Ecclesiastical Process at paragraph 4b and will continue according to the Ecclesiastical Process.

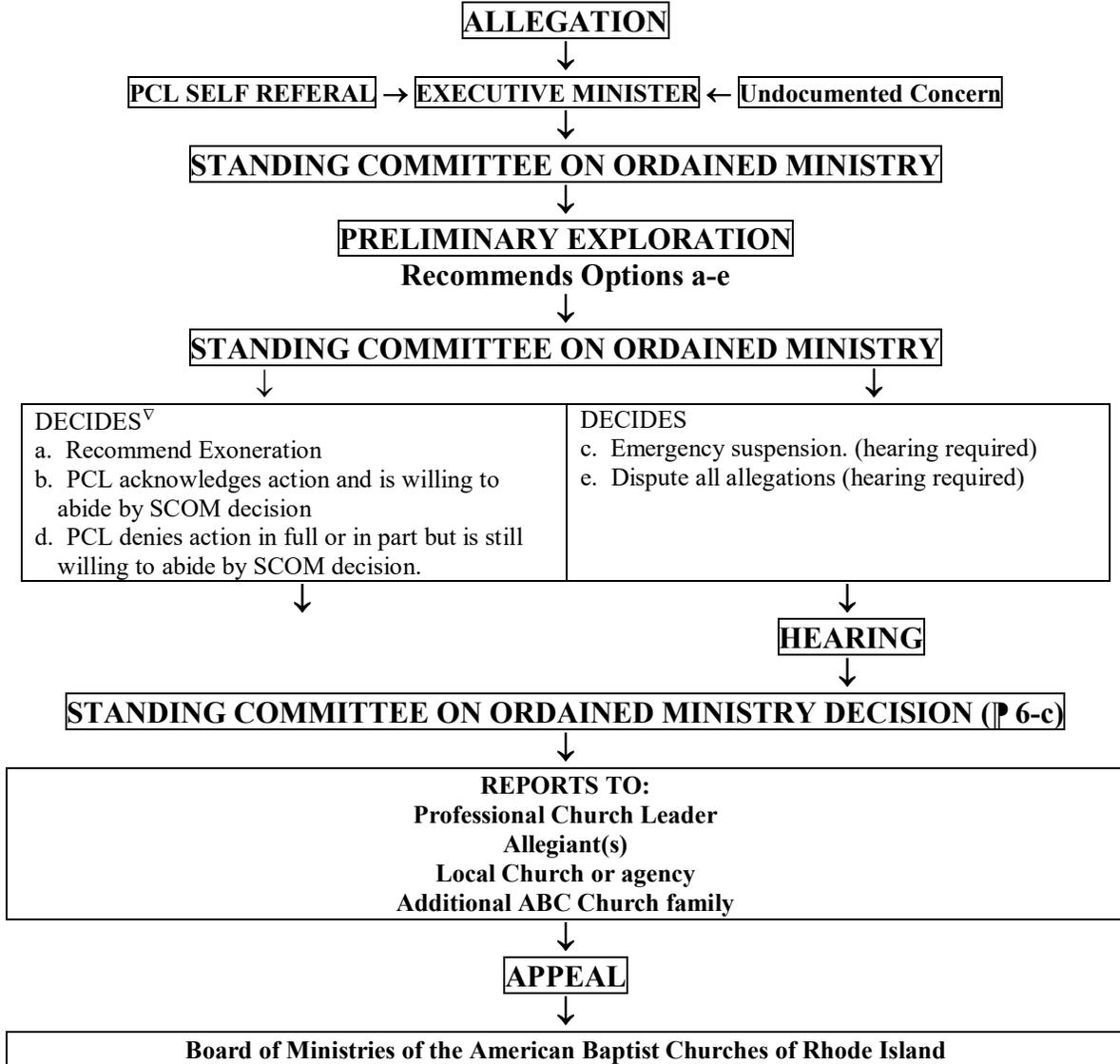
In step 4b of the Ecclesiastical Process, the self-referring PCL will provide SCOM with the names(s) of any victim(s) and enough information about the nature of the misconduct, to ensure that SCOM has sufficient information on which to base its decision required in paragraph 6c of the Ecclesiastical Process.

As part of the department's decision in paragraph 6c, SCOM will also make a determination concerning the need to communicate the results of the process to the victim(s) (if any) and the need to provide pastoral care to the victim(s).

APPENDIX C

GUIDELINES FOR RESPONDING TO ALLEGATIONS OF PROFESSIONAL CHURCH LEADER MISCONDUCT

FLOW CHART



[∇] The letters designating the five options are intentionally not in order. They refer to the sub paragraphs in paragraph 4 dealing with possible findings of the preliminary exploration.