

**Prevention and Accountability Resource**  
**Mennonite Church USA**  
**May 2, 2025**

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# Introduction

Welcome to the Mennonite Church USA (MC USA) **Prevention and Accountability** resource. The purpose of this document is to provide resources for MC USA congregations and conferences as they seek to prevent abuse in the church and to respond effectively in the event abuse does occur.

This resource works in conjunction with ***A Shared Understanding of Ministerial Leadership*** which is the current polity manual for MC USA. ***A Shared Understanding*** provides a theological background for ministry, qualifications for ministry, calling, covenants and credentials in ministry, and ethics in ministry. ***A Shared Understanding*** provides “...a common understanding of how we do things in the church...” “The intent of the content is not to be a rule book, nor is there any assumption that every possible ministry question is addressed in [the] pages. It is, however, [the writers’] effort to build lasting relationships of respect and integrity between congregations and conferences, and their credentialed leaders.”<sup>1</sup>

As the introduction to ***A Shared Understanding*** indicates, there are gaps in the content that we believe requires further input – especially in abuse prevention and response. This is where the ***Prevention and Accountability*** resource comes in. ***Prevention and Accountability*** seeks to provide content that assists congregations and conferences as they navigate the complex realities if abuse occurs in the church.

The glossary in this resource provides definition for all ethical violations listed in the “When Covenant Relationships are Broken” section, page 68 – 70, in ***A Shared Understanding of Ministerial Leadership***.

This resource is organized in two sections. The first section addresses ***abuse prevention***. The second section addresses ***accountability***, including structures and processes for responding to abuse allegations. There is a glossary of definitions at the end of the resource. Forms that support the accountability process and additional resources are available online.

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<sup>1</sup> ***A Shared Understanding of Ministerial Leadership***, pg. 7

There are additional resources available at: <https://www.mennoniteusa.org/ministry/church-vitality/safe-church/safe-church-resources/>

Pastors, congregations and conferences can also get assistance by contacting the Denominational Minister for Church Safety, MC USA or by calling their area conference office.

Grace and peace,

A handwritten signature in grey ink, appearing to read "MD", followed by a horizontal line.

Michael Danner, Associate Executive Director for Church Vitality, MC USA

## A Word about MC USA Polity

As we consider the responsibilities and opportunities present in abuse prevention and accountability, it is important to orient ourselves to MC USA polity. Polity is the structure of relationships within MC USA that all parties have agreed to. MC USA polity is outlined in the bylaws of Mennonite Church USA available [here](#).

MC USA observes a congregational polity. That means that the power and authority rests at the congregational level – as opposed to the national level. Congregations have autonomy when determining membership criteria in the local congregation, programming, personnel, property, and so on. Congregation members are accountable to their local congregations as defined by the membership covenant of that congregation (which varies from congregation to congregation).

The area conference is a group of congregations that gather for mutual support and mission. Area conferences also have autonomy when determining membership criteria for the conference, programming, personnel, property, and so on. Congregations are accountable to the area conference as defined by the membership criteria of that conference (which varies from conference to conference).

MC USA consists of all area conferences that are member conferences of MC USA. Congregations derive membership in MC USA by nature of being a member of an MC USA conference.

At each level of the church – congregation, conference, and denomination – delegates, who are representatives of congregations and conferences, hold decision making authority. For example, decision making in the local congregation belongs to the members of that congregation. The conference and denomination have no decision-making authority in the congregation. Likewise, decision making in area conferences belongs to the delegates of that conference – appointed by each congregation. Decision making authority in the denomination

belongs to the delegate body – appointed by each congregation and each conference (see bylaws for how this works).

**Why is this important?** When it comes to abuse prevention and accountability, our polity matters. Congregations are responsible for some things, conferences are accountable for other things, and the denomination is accountable for other things, still.

The **local congregation** is responsible for abuse prevention by creating and following good abuse prevention policies and practices. The local congregation is responsible for accountability in the instance that a *congregation member* steps outside of those policies and practices. The area conference and the Safe Church ministry of MC USA provide support and guidance for best practices. Our polity does not allow the conference or national office to have direct authority over congregation members.

At the same time, the **local congregation** is the employer of their staff. That means the congregation has oversight and accountability responsibilities for the pastor unique to their role as employer. They also have HR responsibilities and limits relative to their employee(s). Again, the area conference and the Safe Church ministry of MC USA provide support and guidance for best practices.

However, there is a key exception. When a person **serves in the role of pastor** in a congregation and/or that person **is credentialed** by the conference, it creates an accountability relationship between that person and the area conference. In those cases, the area conference is responsible for abuse prevention – including education and accompaniment – and response, if a pastor or credentialed leader is accused of misconduct. The area conference partners with the Safe Church ministry of MC USA to ensure that abuse prevention and accountability processes are thorough and consistent with the goals and values of MC USA.

As you engage this resource, keep these polity considerations in mind. Please reach out to MC USA Church Vitality office with any questions.

## **Part 1: ABUSE PREVENTION**

### **Section 1: Introduction**

God is a refuge for those who are abused, and God does not ignore the cry of the one who is abused (Psalm 9:9, 12). Therefore, Mennonite Church USA is called to be a place of refuge for those who are abused. We will do all we can to protect the vulnerable, care for those who are survivors, and hold abusers accountable. Abuse in various forms is prevalent in the US, including in churches. As followers of Jesus, we cannot face abuse if we are in denial about the reality of abuse. Many offenders know that some Christians are “easy to fool,” and some Christian communities are trusting to the point of being vulnerable to the exploitation of their members. Instead, Jesus calls us to be as wise as serpents and as harmless as doves (Matthew 10:16) and warns us of pastors who come “in sheep’s clothing, but inwardly they are ferocious wolves.” (Matthew 7:15). At the same time, sometimes abuse happens, not because someone is a wolf seeking to do harm or use others for their own ends, but because persons are ignorant of power dynamics and/or have difficulty managing boundaries. While rooted in the love, grace, and mercy of Jesus, Mennonite Church USA is committed to educating all within our churches on the reality of abuse and developing resources, guidelines, and process that assist in preventing abuse and holding those who abuse others accountable for their actions.

### **Section 2: Code of Conduct**

This code of conduct defines healthy boundaries that all credentialed and non-credentialed leaders are accountable to as they engage in ministerial leadership at the congregational, conference, or denominational levels. Violations of these ethical guidelines will trigger a

credential review for credentialed leaders, and/or a formal misconduct process for credentialed and non-credentialed leaders.

**IMPORTANT:** Non-credentialed leaders serving in ministerial leadership roles in an MC USA congregation or area conference are subject to the misconduct policies of MC USA. If a person serves in a role that enjoys the power of the office of pastor, they are accountable for how they exercise that power. One cannot avoid accountability for one's functioning in a ministerial role by avoiding credentialing.

See **glossary** for a list of definitions.

## **Credentialed Leaders Code of Conduct**

### **Healthy Boundaries with Children and Minors**

Because most child abuse happens in isolated situations and because most adults seeking to harm children/minors prefer to do so in private, Mennonite Church USA prohibits all credentialed leaders from spending time with children/minors alone, even with a caregiver's consent or a supervisor's knowledge, including off the property of the congregation. This applies to situations such as giving rides, private interactions on social media, texting, or other forms of messaging or online engagement.

All interactions between clergy and children/minors must be observable or transparent with others, and as a rule, a pastor should not be alone with a child/minor in the congregation who is not their relative. These policy boundaries always apply in person, online, and in any act of communication.

Clergy should always understand and respect that children/minors do not always welcome touch. Mennonite Church USA requires that all touch between clergy and a child/minor is welcome and accountable to another adult.

Mennonite Church USA prohibits the following:

- Sexually or physically abusive touch
- Any touch that is unwanted by a child
- Touching a child's/minor's thighs, stomach or back
- Corporal punishment
- Shaming or shouting at children/minors
- Lap-sitting
- Tickling, piggyback rides, or other games involving high levels of touch with children/minors
- Playing with hair
- Massages
- Full frontal hugs

This list is non-exhaustive, and any other forms or derivations of such touch are also prohibited.

Mennonite Church USA desires to show children/minors appropriate displays of affection that are welcome and observable by another adult such as high-fives, pats on the shoulder, and brief hugs.

Clergy are prohibited from displaying favoritism toward a child/minor or group of children/minors. **Clergy are not permitted to give gifts to individual children/minors, unless the gifts are:**

- Able to be given to other children/minors at other times for similar reasons (e.g., gifts for graduating seniors; a new Bible for a developmental milestone; end of the year thank you gifts for older children who volunteered; etc.).
- Signed from the church, not the individual clergy.
- Given together with another staff or church member.



Mennonite Church USA acknowledges that sexual language is a serious boundary violation. As such, it prohibits these types of language and behaviors with children/minors:

- Sexually suggestive language, racy jokes, sexual innuendo, descriptions of sexual experiences/habits.
- Uploading, downloading, sharing, or viewing of pornography or any sexualized images.
- Sharing with minors music, video games, and movies with sexual themes.

This list is non-exhaustive and any other forms or derivations of such language or behaviors are also prohibited.

If a credentialed or non-credentialed leader working with children or youth wants to teach or organize a program to help people understand age-appropriate questions about their body or sexuality, the event must be planned with church leadership and parents notified at least one month in advance. These conversations should always happen with more than one adult present.

### **Healthy Boundaries with Adults**

It is **always** the responsibility of the person in the position of greater power to maintain appropriate boundaries with others (e.g., a pastor or other church leader with any congregant, any adult with a child, an older teen with a younger child, etc.). It is never justifiable for a pastor or other church leader to cross boundaries with a child or another adult who is in a position of spiritual and emotional dependence.

### *Physical Interaction*

Guidelines for healthy physical boundaries between clergy and congregants:

- Appropriate touch is welcomed by the other person, whether an adult or a child.
- If in doubt ask and respect the answer (e.g., Can I give you a hug?). Pay attention to body language as some adults and children will communicate clearly with their body language rather than verbally.

- In a community, healthy touch is within appropriate boundaries and visible and accountable to others.
- Recognize that consent for sexual contact is not possible between those in positions of trust and authority over others (e.g., adults with children, pastors with congregants, supervisors with subordinates, etc.).

**Touch that causes concern** from a pastor, leader, or other adult in a position of authority or trust would include:

- Physical touch with a congregant that is not welcomed, done in private (especially initiated by the person in greater power), or is kept secret from others.
- Any caressing, sensual, or intimate touch (touching face, hair, or giving a massage).<sup>2</sup>
- Notice any progressive touch (e.g., holding hands longer, hugging longer, back/shoulder touch to lower on the back or rubbing the back, progressively more intimate touch).
- Any romantic or sexual touch.

This list is non-exhaustive, and any other forms or derivations of such touch are also prohibited.

### *Isolation*

Those in positions of power should be careful about spending time in isolation with those who are more vulnerable. There are times where privacy is needed for counseling and pastoral care. Yet, this should be done in ways that provide accountability. Pastors should refrain from touch at times where the contact is not observable and accountable to others.

**Behavior related to isolation that causes concern** from a pastor, leader, or other adult in a position of authority or trust would include:

- Requests to spend frequent time in isolation or increasing time in isolation without a specific purpose.

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<sup>2</sup> Touching of the face and/or hand as part of a recognized, public ritual in the context of worship, such as anointing with oil or imposition of ashes is not, in and of itself, caressing, sensual or intimate touch.

- Time in isolation that involves physical contact.
- Isolation in times or situations that seem unusual or are extremely isolated (e.g., on a trip or in a home without anyone else present).
- Isolation is suddenly injected into a situation that the pastor/leader controls or they had claimed to arrange in another way (e.g., “unexpectedly” you are the only one there or there is only one room at the hotel or one bed in the room, etc.).

This list is non-exhaustive, and any other forms or derivations of such isolation are also prohibited.

### *Healthy Communication*

Words can be used to build up or to tear down, manipulate, or deceive. Pastors especially must use words with care, recognizing the responsibility that comes with the power and impact of their words.

**Behavior that causes concern** related to words or communication from a pastor, leader, or other adult in a position of authority or trust would include:

- Any language that objectifies (e.g., commenting on a congregant’s body or sexual attractiveness).
- Words spoken to a congregant designed to arouse or harass or degrade or intimidate or threaten.
- Any romantic or sexual communication directed at an individual, whether spoken or written (e.g., texting or interaction on social media, including sexual conversation, even jokes or in the name of education, or sending or requesting sensual or explicit photographs or content)
- Any attempts to spiritualize or justify physical or sexual contact or interaction using God, the Bible, theology, or spirituality.

This list is non-exhaustive, and any other forms or derivations of such communications are also prohibited.

### *Respecting Agency and Emotional Boundaries*

Healthy communities respect appropriate relational and emotional boundaries. As much as leaders are called to impart and embody wisdom, godly leaders do not domineer, control, or usurp agency from congregants. Healthy leaders focus on setting an example, equipping, and empowering others instead of making decisions for, or ordering the lives of, congregants.

Pastors, leaders, and adults should respect the privacy of others and not press for information that others are not yet ready to share or seek an undue place of influence or control in the lives of others no matter how well-intentioned the motives. All in the community should respect any personal boundaries another member asks to be respected.

**Behavior that causes concern** related to emotional boundaries from a pastor, leader, or other adult in a position of authority or trust would include:

- Expressing, sharing, or seeking an emotionally intimate relationship.
- Seeking undue control in a person's life (e.g., making decisions for someone or taking control of an aspect of their life such as directing their finances or career or social life).<sup>3</sup>
- Volunteering personal information or asking someone to reveal intimate details or personal information when the person is not ready or comfortable doing so.
- Using personal information to threaten or control or in a way that does not respect one's privacy.
- Focusing inordinate attention or favor on a particular congregant (particularly in a way where they feel unable to say no).

This list is non-exhaustive, and any other forms or derivations of such concerning behavior related to emotion boundaries are also prohibited.

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<sup>3</sup> There may be times when credentialed leaders are asked, as a point of care, to become a power of attorney for a congregant lacking close family, or other persons suited for this role. Please consider this request carefully, with legal counsel and counsel from church leaders. This is an unusual request that generally requires a "no."

### *Deception, Manipulation, and Secrecy*

Any type of deception, manipulation, or secrecy is concerning, and especially in relation to the areas above.

- Any attempts to cross the boundaries of the church's policy or a person's personal boundaries (e.g., ignoring a person who says "no," or they persist in convincing a person to come to an isolated place or somewhere at an unusual time).
- Manipulating or coercing a person into crossing boundaries (e.g., using charm or spirituality to deceive or using their position as a boss to coerce).
- Asking for secrecy or manipulating a person into keeping their behavior secret (e.g., through guilt or focusing on consequences or shame that will keep a person silent).
- Begging for forgiveness and secrecy in response to misconduct or abuse.
- Acting distraught or threatening suicide in response to a person's desire to bring something into the light.
- Any attempts to blame others or justify crossing boundaries or abuse.

This list is non-exhaustive, and any other forms or derivations of such manipulation are also prohibited.

Abusers are often skilled at explaining away concerning behavior. Targets of abuse often report feeling flattered and then later confused, upset, guilty, ashamed, and like it is all their fault.

**Victims should know that although these feelings are normal; abuse is not their fault.** Those in positions of power and trust are responsible and able to respect appropriate boundaries.

Victims should be encouraged to document any boundary violations or other concerning behavior if possible and speak up as soon as possible. Victims can report misconduct that they experience, discover, is disclosed to them, or they suspect to their area conference or the Denominational Minister of Church Safety. In event that the possible abuse is being perpetrated by a conference or denominational leader, please contact the Denominational Minister of Church Safety. In the event the abuse concerning the Denominational Minister of Church Safety, please contact the Associate Executive Director of Church Vitality.

## **Section 3: Ethical Practice**

### **Ethics related to the task of clergy**

The role of clergy is demanding, which requires ethical accountability, sensitivity, and integrity. What follows are some of the ethical issues and questions that may arise for clergy, and the expectations for how they will behave and respond. This section works in conjunction with Section IV: Ethics in Ministry found in ***A Shared Understanding of Ministerial Leadership***.

#### **Power and authority**

The Anabaptist theological framework and the Mennonite faith tradition understand the church as a “priesthood of all believers,” meaning that everyone is empowered with gifts by the Holy Spirit and that the church strives to embody egalitarianism and mutuality among its many members. At the same time, people are called to specific leadership roles, including pastoral ministry. These roles carry with them spiritual and community authority and responsibilities for ethical behavior. Pastors are to understand and use the trust and authority given to them in ways that follow Christ’s example of building others up, recognizing power differences and dynamics, and advocating for the marginalized. Shared power and compassion (power-with) are to be fostered rather than dominating or authoritarian power held over others. Factors such as age, gender identity, racial or ethnic identity, sexual orientation, marital status, ability, etc. affect how a pastor’s spiritual authority is perceived in the church, whether consciously or unconsciously. It is important for congregational and pastoral leadership to be aware of this.

The pastor avoids favoritism and micro-managing behavior, working respectfully and collaboratively with other pastors, staff, and congregational leaders. Where the pastor is in a supervisory role over other pastors or church staff, they are to model healthy communication, including giving proper credit for ideas and work, and respect for the boundaries, time, and well-being of co-workers. In administrative work, the pastor passes on information in a timely way, offers advice and support, and maintains a stance of care, accuracy, and competence. The pastor works with other staff and congregational leadership in a collaborative and accountable way. The pastor trusts the congregation's decision-making ability and brings an appropriate theological perspective to that process. The role is that of both guide and facilitator. The pastor takes responsibility to ensure that the congregation remains connected and involved with the Area Conference and nationwide church.

### **Conflict**

While the pastor holds a position of trust and authority, they are also a person with economic, social, spiritual, and positional power in the congregation. In times of conflict or controversy, the pastor receives counsel both within and outside the congregation to discern and take responsibility for their own part in the conflict as well as seek to address the harms and underlying causes of the conflict. The pastor should consult with their church governing body, the area conference staff, and the Pastoral Congregation Relations Committee (if one is in place) in times of conflict. Church leadership should seek professional mediation or conflict resolution/transformation services when necessary.

### **Confidentiality**

Confidentiality is about respect and care for the sensitive and personal information received through the work of the office of pastor. It is not secret keeping. Pastors may not share information about an individual's life, situation, health, or family without explicit permission from the individual.

As mandatory reporters<sup>4</sup>, credentialed leaders, those in ministerial leadership roles and those working with children and minors, must share information with the proper authorities in the following circumstances:

- An individual is at imminent risk of self-harm.
- An individual is at imminent risk of harming others.
- There are reasonable grounds to believe that others in the community/church may be at risk of harm.
- When any situation involves allegations of abuse of a minor, vulnerable adult, or elder, in which case reports are required – by statute or moral obligation – to government agencies or child protection services.
- When the church is ordered by a legal entity to release confidential or privileged information.<sup>5</sup>
  - PLEASE CHECK WITH YOUR LOCAL AND STATE AUTHORITIES FOR ADDITIONAL GUIDANCE AND RESPONSIBILITIES IN YOUR JURISDICTION.

Beyond these special circumstances, a pastor works with individuals to receive their consent when additional resources and people would be helpful to the situation and ministry.

Pastors may seek professional counsel when dealing with a situation that is new or beyond their depth. Such consultation is confidential, only involves sharing pertinent details to gain counsel, and is done with a peer or professional with expertise and/or experience in the area of concern.

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<sup>4</sup> In areas where clergy are not mandated reporters, explicitly or by role, MC USA consider credentialed leaders moral reporters, meaning they have an obligation, morally, to function as mandated reporters. See your conference leaders for guidance in your geographical location.

<sup>5</sup> This only pertains to information involving the potential abuse of a child, vulnerable person, or elder. This does not apply broadly to confidentiality in the pastor-congregant relationship. Consult legal counsel when unsure.



Pastors are careful to avoid gossip in the context of “prayer requests” with staff, congregational leaders, or others in the congregation or community.

Pastors also model and share their understanding of confidentiality and information sharing with the congregation. This helps the congregation to follow safe and healthy practices for respecting personal information, whether in face-to-face settings or through electronic or social media.

As a function of a pastor’s self-care, they may need to process particularly troubling or stress-inducing information in a professional, confidential setting with a counselor or therapist.<sup>6</sup> This is not a violation of confidentiality.

### **Preaching and teaching**

The goal of preaching and Bible teaching is to build up the church and equip followers of Jesus to live lives of faithful service. Pastors need to be aware of the privilege and authority of the preaching act, and guard against misuses of that privilege and authority—including preaching that is self-righteous or manipulative, that plagiarizes, or that reveals confidential information.

To do this well, pastors build on a foundation of deep personal faith, informed engagement with Scripture, theological education, regular devotional Bible reading, living a Christian life, engagement with the church, community, and world, regular reading, self-care, and spiritual practices. As Anabaptists, pastors are to read all of Scripture through the lens of Jesus.

Pastors are also encouraged to exercise prophetic freedom, fostering awareness of peace and justice issues in their local context and beyond. At the same time, they are to recognize that the congregation’s ability to receive the message comes from a relationship of trust and

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<sup>6</sup> Spiritual directors are often considered for this role. However, they may lack the professional credentials necessary to defend against accusations of breach of confidentiality.

respect. The pastor will respect and be guided by the beliefs and practices of the Mennonite church. The pastor will also recognize their own limitations, inviting and nurturing others for preaching and teaching so that the congregation is equipped through the many voices of the church.

### **Pastoral and spiritual care**

Pastors are called to love and care for their congregation. This is demonstrated in many ways, but especially through pastoral care. In pastoral care pastors must be aware of the power they have based on their training, pastoral role, position of trust, and authority. Pastoral or spiritual care is primarily a ministry of presence or accompaniment, including hospital and home visitation and crisis care. The pastor is to share in the suffering and joys of congregants (1 Corinthians 12:26; Romans 12:15) and offer encouragement and prayer, as well as speak to spiritual or theological questions if requested. ***Unless a pastor is a licensed mental health practitioner, they are to refrain from offering counseling related to disclosed or suspected mental health challenges and instead refer congregants to a professional licensed counselor when needed.***

Pastors seek to serve all persons from the congregation with impartiality, recognizing that one cannot pastor everyone. Pastors work confidentially, making sure to seek consent before sharing personal information (see Confidentiality section). The pastor is always responsible for the safety and appropriateness of the relationships to those under their spiritual care. Peer accountability and professional boundaries training can support the pastor in maintaining healthy boundaries in relationships of pastoral and spiritual care.

### **Financial Ethics**

While ministers may not be the primary agents managing the church's finances, they often have access to some or all of the church's financial resources. It is important that pastors comply with ethical and legal standards regarding congregational finances. Best practices should be followed when collaborating with church finance officers/treasurers regarding spending,

financial transparency and accountability, fair compensation, receiving gifts, legal responsibilities, etc.

### **Relationship to the Community**

Pastors represent the congregation in the community and give leadership in equipping individuals and the congregation to witness to the presence and peace of Christ in the community.

The congregation's theology guides its public witness and action and its support for church and community organizations that care for the "least of these" (Matt. 25). The pastor acts as an advocate for ecumenical and interfaith relationships and common causes and projects and shapes the congregation's understandings of God's redeeming work in the world. Pastors seek to enhance relationships among congregations in the local community, sharing resources as appropriate and assisting the congregation's self-understanding as part of God's diverse church and world.



## **Section 4: Best Practices for Congregations in Support of Abuse Prevention**

Congregations have **a key role** to play in the prevention of harm by creating a healthy ministry environment for clergy and congregants alike. The church is invited to consider the following understandings and policies to encourage respectful, encouraging and safe spaces for everyone. In addition, congregations are employers who have a responsibility, through policies and agreements, for their employees who may be clergy. Clergy also can take initiatives that will support their health as persons and thereby also prevent harm.

### **Best Practices for Congregational Life**

#### **Use a congregational Behavioral Covenant**

We all desire healthy congregations! Healthy congregations are places where people have mutual relationships with one another, decision-making power is shared, ministry is gifts-driven, leadership is multi-vocal, and congregants and pastors work collaboratively to accomplish the church's mission. A Behavioral or Community Covenant is a helpful tool for helping congregations live into their values and intentions.

A behavioral or community covenant is an agreed upon list of practices that congregants agree to live out in their relationships with each other. Some churches refer to these as member covenants or membership expectations. The practices lead people toward healthy ways of relating in community and help to put community values into practice in congregational life. This covenant may also include processes for addressing violations of the covenant.

### **Adopt a conflict resolution process**

Conflict, disagreement, and mistakes are normal and to be expected within the congregation. Developing or adopting processes for working through conflict is necessary for handling these circumstances well. These processes are the first step in addressing conflict between pastors, church leaders, and congregants. A ***conflict resolution process*** helps parties in conflict know what steps they can take to work to resolve the conflict. This is different than a misconduct policy meant to investigate and make determinations about misconduct by clergy or lay-members of the church, conference, or denomination. **Conflict resolution processes are not appropriate for investigating and responding to claims of abuse.**

### [Agreeing and Disagreeing in Love](#)

### **Adopt a Misconduct or Grievance Process**

Congregation members need to know what to do when they experience abuse, witness misconduct, or suspect misconduct within the congregation. These processes need to focus on three areas. First, what is the process for handling abuse or misconduct complaints between congregants? Who do they inform? How do they inform? What if they are afraid of reprisals?

Second, what are pastors to do when they feel threatened, demeaned, or intimidated by congregants? “So while pastors may use their power to mistreat others, many pastors caring for folks from all walks of life find themselves on the receiving end of mistreatment and crossed boundaries. This is true for any pastor, but the risk of mistreatment is compounded for those who represent historically marginalized groups, such as women in ministry, BIPOC pastors, pastors with disabilities, etc.” (Amy Zimbelman)

Third, how do congregants or community members address abuse and misconduct they experience at the hands of pastors or credentialed ministry leaders? This process is external to

the congregation, but congregation members and lay leaders should be familiar with this process, communicate the availability of this process, and help people access this process in times of need.

### **Create a church safety policy and follow it!**

Every congregation should develop and visibly display a congregational safety policy that includes best practices for the prevention of abuse of children, youth, and vulnerable adults and how to respond to allegations of abuse. In the event of discovered, disclosed, or suspected abuse, follow the congregational safety policy.

<https://www.mennoniteusa.org/ministry/church-vitality/safe-church/protection-policies-guidelines/>

### **Establish Financial Practices that are consistent with generally accepted accounting principles**

It is good practice to review financial policies, procedures, and internal controls regularly. Engaging an independent professional organization to conduct a periodic independent external review of financial statements is the best practice. These policies should include guidance on the authority to release funds, approval processes with clear guidance on when it is appropriate or inappropriate for leaders to spend funds, a clear policy on reimbursement, checks and balances when counting offerings and processing deposits, and guidelines on credit card use (if applicable). In addition, good financial policies should clearly define behaviors that are considered financial misconduct by the church, conference, or denomination and are consistent with applicable state and federal laws relative to 501(c)3 religious non-profits.

### **Talk openly about abuse prevention**

Abuse is hard to talk about. When abuse occurs, people do not want to talk about it. Abuse is often hidden through coded language, whispered conversations, or deafening silence. Those

instincts are understandable. They also amplify the guilt and shame persons often feel and work against an open and transparent approach that helps prevent abuse.

Congregations need to talk openly, transparently, and appropriately about abuse prevention and accountability. This includes regular teaching and preaching about God's nature, God's acts of justice for the oppressed, God's care for the marginalized and similar themes. A theology that moves quickly to forgiveness and reconciliation amid wrongdoing short-circuits the Bible's teaching on repentance and the hard work of restoration amid brokenness.

If a congregation speaks early and often about themes related to abuse prevention, and not only when abuse occurs, the people there are better equipped to deal with abuse when it occurs.

Contact the Denominational Minister for Church Safety or the Conference Safety Liaison for resources in talking about abuse. Staff are also available for teaching and consultation.

## **Section 5: Best Practices for Congregations as Employers**

### **Maintain clear job descriptions for all employees**

Clear job descriptions allow employees, governance bodies and congregations to have a healthy relationship based on clear and reasonable expectations. Job descriptions serve as the primary reference for understanding expectations, evaluating performance, and ensuring accountability. A job description helps protect employees from unreasonable demands – which is especially important for pastors.



### **Utilize signed employment agreements**

Congregations often function as informal organizations. This is why many people like working for congregations, but it can also lead to problems if conditions of employment are not clear. An *employment agreement* or *covenant of understanding* differs from a job description. The employment agreement is a document signed by both the congregation and clergy or employee that defines the relationship between employer and employee in regard to remuneration, entitlements, benefits, renewal, and termination. Mennonite Church USA has sample employment agreements or covenants of understanding. Check with your area conference to see if there are any specific requirements for your locality.

Click [here](#) to download a sample Covenant of Understanding.

### **Follow the MC USA Salary Guidelines**

Pastors should be fairly compensated for their work through both salary and benefits. MC USA provides Pastoral Salary Guidelines, updated annually each April, which represent a fair labor standard for pastoral salary and benefits. These guidelines are a starting point for salary negotiations but are also flexible relative to the needs of congregations and their employees. Ultimately, it is up to the congregation and the clergy to negotiate a suitable salary relative to work expectations, cost of living, student debt, housing expense, and other considerations.

Click [here](#) to go to the MC USA Salary Guidelines page.

### **Form a Pastor-Congregation Relations Committee (PCRC)**

A pastor-congregation relations committee is a dedicated group that tends to the relationship between the pastor and the congregation. The PCRC is not a supervisory or evaluative body but exist as a safe space for pastors/credentialed leaders to speak openly about their experience in

the congregation and to provide a place for feedback from the congregation to the pastor/credentialed leader in order to improve relationship and effectiveness in ministry. A healthy pastor-congregation relations committee can assist in clergy vitality and longevity in their role.

If your congregation chooses not to use a standing committee for this work, you need to ensure that the functions of the PCRC are happening through another structure in the church.

Click [here](#) for information on pastor congregation relations.

### **Conduct Effective and Healthy Pastoral Evaluations:**

Effective evaluations create space for the congregation and clergy to communicate about congregational vision and mission as well as pastoral effectiveness relative to the job description. Healthy evaluations encourage open and transparent communication while simultaneously shutting down inappropriate communication (like gossip) to or about clergy. Effective and healthy evaluations do not create a context for personal attack, unaccountable allegations, or the expression of personal agendas.

Click [here](#) for information about pastor/congregation evaluations.

### **External Pastoral Support:**

Pastors need a community of support to thrive in ministry. This includes having safe people and places where they can seek consultation or personal counseling to make sense of and wisely navigate their role. These supports are necessary for anyone engaged in pastoral ministry. External supports can be pastoral colleagues, pastor peer groups offered by the area conference, conference ministers, spiritual directors, and/or professional therapists. Congregations can support pastors in connecting with external resources by ensuring they have time in their schedules to engage in such activities as part of their work.

Some area conferences offer Employee Assistance Programs that provide support for pastors and their families as they navigate various challenges of life and ministry.

Click [here](#) to go to MC USA's Well-being in ministry page. This landing page links to other resources mentioned above.

## **Section 6: Best practices for Clergy in Support of their own Health**

### **Self-care**

Self-care is necessary for all people if they wish to remain healthy. For ministers, it is not possible to engage in healthy ministry long-term without taking care of oneself. This means paying attention to one's spiritual, cognitive, emotional, social/relational, physical, and sexual health. When a person is aware of how they are doing in these areas, and they are proactive in engaging in practices that lead to wholeness they have a better chance of remaining healthy and well-balanced in ministry.

Contact your area conference or the Church Vitality office of MC USA for more information about self-care.

### **Work/Life Balance**

Many pastors have been formed in a context that says to love and serve others, one must sacrifice one's own wellbeing – this is especially true of marginalized populations like women and BIPOC persons. This is not a healthy approach, rather it is important to be intentional about the rhythm of one's life – where energy is being expended and where restoration occurs. This includes the importance of tending to one's relationships outside of the congregation. Learning to set limits that allow one to prioritize time for family and friendships is key. Setting aside time

to nurture and deepen significant relationships is central to ongoing wellbeing of both the relationship and oneself. Giving oneself away, by neglecting one's needs and relationships will not allow for sustained and life-giving engagement of the pastoral role.

### **Leaders Are Learners**

MC USA identifies 6 core competencies for ministerial leaders. It is not assumed that every person will be competent in every area when they begin ministry. It is expected that ministerial leaders will create an intentional plan to grow in each of these six areas.

While degrees, like the MDiv, are not required in order to be ordained in most area conferences, formal education is an excellent way to grow in understanding and skill. At the same time, the MDiv is the standard for educational training for pastors and we strongly encourage people to pursue such degrees when possible. In the event that engaging in an MDiv program is not possible, we encourage pastors to engage in educational programs that are accessible, including certificate programs, conferences, webinars, online short-courses, and other forms of education offered by both [Anabaptist Mennonite Biblical Seminary](#) and [Eastern Mennonite Seminary](#). These opportunities can help anchor an intentional pathway toward growth.

### **Embrace Healthy Boundary Required Trainings**

Mandated training can feel like an inconvenience amid the multiple demands of ministry. However, leaning into required healthy boundary training can provide an opportunity for growth and reflection with ministry peers. Pastors minister in a complex and ever-changing context – especially with the advent of smart phones and social media. Healthy boundary training creates a context for pastors to explore emerging issues and to reflect on how the values of being a healthy, well-balanced pastor shape how we engage others.

## Section 7: Key policies in support of abuse prevention

### Are Policies Needed?

Congregations are often informal organizations that are stretched for time and resources. Investing the time and energy to create policies and procedures might not rise to the top of the to-do list. However, developing clear policies and procedures can help congregations avoid potential problems through clear guidance and expectations regarding key areas. Good policy and procedures are always welcome when problems or questions arise. Congregations cannot anticipate every circumstance, but there is enough predictability in congregational life that basic policies that cover most of the bases are possible.

**Please consider the following areas when determining the policies needed for your context:**

**Non-discrimination policy:** Every congregation, area conference, and denominational office should have a non-discrimination policy that outlines the classes that have protected status in the organization.

**Harassment and abuse policy:** Harassment and abuse policies help communities define harassment and abuse and provide clear processes for addressing harassment and abuse claims that are disclosed, discovered, or suspected.

**Safe Church Policy:** Every congregation should have an updated safe church policy for the prevention of abuse toward children, youth, and vulnerable adults, including the steps required to respond to allegations of abuse.

Contact the Denominational Minister for Safe Church for help creating or reviewing your safe church policy.

**Computer and internet acceptable use policy:** The purpose of this policy is to clearly define the expectations of acceptable use of church, conference, or denominational computer and internet resources for any persons, both staff and non-staff. This includes accessing Wi-Fi on the church property.

**Social media policy:** The purpose of this policy is to direct the use of social media channels associated with the church, conference, or denominational office. It provides clear guidance for persons posting to social media channels on behalf of the church.

**Intellectual property policy:** Intellectual property policies ensure that the church is following all relevant copyright laws, as well as provide appropriate copyright protections for persons creating or posting their original content in the context of congregational life (i.e., a musician performing an original song in worship, sermons, newsletter articles, etc.)

**Conflict of Interest Policy:** The purpose of a conflict-of-interest policy is to ensure that no potential or actual conflicts of interest exist among persons in key decision-making roles. **The IRS requires all 501(c)3 organizations to have a written conflict of interest policy to prevent situations where individuals in leadership positions might prioritize personal gain over the organization's mission.**

**Whistle blower protection policy:** This policy protects individuals who share concerns, report an incident, make a complaint about discrimination, harassment or violence, or participate in an investigation of alleged misconduct, from retaliation. Retaliation may include, but is not limited to, intimidation, imposing a penalty, denying a right or benefit, suspending, or firing.

**Confidentiality policy:** This policy area identifies expectations about what information is kept confidential and under what conditions it may be shared. For a congregation, area conference,

or denomination, it may include, but is not limited to, provisions for employee records, personal information for members and staff, information obtained in the context of pastoral counseling, etc.

**Misconduct File Sharing Policy:** This is a specific policy that dictates when the contents of a misconduct file may be shared, for what purpose, and with whom.

Click [here](#) to view MC USA's misconduct file sharing policy and protocol.

## Part 2: Accountability

### Section 1: Introduction

Credentialed leaders in MC USA are accountable to their local congregation, the conference that holds their credential, and Mennonite Church USA for the ways in which they speak and act as credentialed leaders (i.e., pastors, oversight ministers, chaplains, Spiritual directors, etc.).

When allegations of abuse or misconduct are **discovered**, **disclosed**, or **suspected**, the following reporting and accountability processes will be followed to ensure that reports are followed up in a consistent and timely manner.

The goals of this process are to (1) create a safe space for persons to report potential abuse and misconduct without fear of reprisal or re-traumatization, (2) provide a consistent response to misconduct complaints throughout MC USA, (3) to provide professional and trained church safety leaders, (4) to minimize the potential for covering up abuse by individual leaders, and (5) to tend to the needs of both complainants and respondents in the midst of misconduct processes.

### Section 2: Administrative Structure

The following administrative structure is in place to help MC USA and MC USA area conferences respond to reports of abuse and/or misconduct in a timely and effective manner, through a combination of national and area conference staff working together.

There are two key positions in the administrative structure as follows:



### **Denominational Minister for Church Safety (DMCS)**

The DMCS is a staff position within the Mennonite Church USA Executive Board staff. The DMCS reports to the Executive Conference Minister of Church Vitality.

#### **Duties:**

- Implement and ensure compliance with the Prevention & Accountability resource and A Shared Understanding of Ministerial Leadership.
- Create and update abuse prevention training modules for Area Conferences and congregations.
- Track attendance and completion of training modules for credentialed leaders in MC USA.
- Supervise, train, and maintain a rapport with all Conference Safety Liaisons.
- Conduct and oversee Response Prong of the Clergy Abuse Policy.
- Update and Maintain *Ineligible Clergy File*.
- Lead annual review and refinement of Prevention & Accountability resource.
- Conduct oral screening of certain Executive Board Staff Member candidates and support Conference Safety Liaisons with clergy screening at the area conference level when asked.
- Consult with congregational and conference leaders on questions involving the prevention of abuse, responding to reports, and discerning proper accountability.
- Maintain abuse prevention resources on the MC USA website, ensuring they are up to date with best practices in this area.
- Maintain pastoral misconduct files, including following the MC USA policy and protocol for sharing misconduct files when requested.
- Keep up with best practices from other denominations and religious non-profits for the purpose of expanding/enhancing MC USA's Prevention & Accountability resources.
- Complete a total of 20 hours of outside abuse prevention and response training on an annual basis.

### **Conference Safety Liaisons (CSLs)**

In each MC USA area conference, there must be an identified Conference Safety Liaison. The CSL is designated by the area conference, reports to area conference leadership, works in partnership with the DMCS and is accountable to this policy.

#### **Duties:**

- Attend regular abuse prevention and response trainings with the DMCS
- Facilitate abuse prevention and response training with new and existing clergy in their area conference
- Facilitate abuse prevention and response training for congregations
- Submit training attendance and completion reports to DMCS
- Ensure clergy candidates for hire and/or credentialing have completed the MLI, including full background checks consistent with local and state laws.
- Conduct screening of potential clergy candidates in the area conference
- Ensure compliance with clergy abuse policy at the area conference level
- Maintain a deep working knowledge of the clergy abuse policy
- Understand and execute the Liaison role of the response prong of the clergy abuse policy
- Complete a total of 10 hours of outside abuse prevention and response training on an annual basis

**Persons in these key positions are responsible for enacting the response prong of this policy when a formal misconduct complaint is received.**

### **Complaint Response Team**

Upon receiving a complaint alleging abuse or misconduct, the DMCS will form a response team composed of the DMCS, the CSL from the area conference where the report originated, and at least two other CSLs from regions other than the conference where the report originated, ensuring all persons on the response team are free from any conflicts of interest.

The responsibilities of the Response Team shall include:

- Ensuring all potential crimes have been reported to local authorities, consulting with legal counsel for clarity when necessary.
- Discerning if an independent investigation is needed.
- Facilitating the abuse/misconduct process (report, investigation, hearing, judgment and sanctions, appeal), including adjudication of the complaint.
- Facilitating cooperation with any independent investigations including helping investigators assess the possibility of other victims and communicating in appropriate ways with the congregation.
- Compassionate care for the reported victim(s) including helping them connect with professional and qualified trauma informed care if desired.
- Maintaining contact with the respondent in a misconduct complaint to ensure proper supervision and accountability, especially regarding retaliation.
- Caring for and communicating with the congregation as needed.
- Documenting relevant actions and information related to the case.
- Making a recommendation to the area conference following a determination that the respondent, more likely than not, did engage in the alleged misconduct.

There are multiple scenarios that **require** the response team of MC USA to initiate an independent investigation in response to allegations of clergy abuse:

1. All reports of **sexual abuse** require an independent investigation.
2. All reports of abuse or misconduct that, in all likelihood, would result in the termination of a credential if proved to be true.

3. The legal authorities decline to investigate or prosecute a report of abuse even though there is evidence of wrongdoing.
4. The respondent is cleared of criminal wrongdoing by the authorities, but sufficient concerns remain whether the respondent engaged in conduct that may disqualify them from continued pastoral ministry or credentialing from an area conference. (see definitions of abuse, the clergy covenant, and A Shared Understanding of Ministerial Leadership)
5. The respondent is either the DMCS or a CSL.
6. The complainant request(s) an independent investigation.
7. The church wants to investigate and assess how it responded to the allegations of abuse to better understand how it could have responded more effectively and to improve for the future.

**When the Response Team declines to engage an independent investigation, the Response Team shall document all related information along with their reasons (Form F17).** The Response Team shall have this material reviewed by an independent law enforcement official, prosecutor, advocate, therapist, counselor, lawyer or other persons with professional expertise with the type of abuse alleged to determine if the decision was warranted, consistent with best practices, or in error for the purpose of improving future processes. The written review shall be delivered to the Executive Director of MC USA and the area conference minister with jurisdiction over the case for the purpose of accountability. A summary of this report will be available to any member of the denomination upon request and for the purpose of transparency.

This report will not include any details concerning people involved in the case (complainant, respondent, witnesses) but focus solely on the rationale of the Response Team in determining the form of investigation in the case.

### **Independent Investigations**

To ensure investigations are credible and free from bias, MC USA shall retain an independent investigator(s) to investigate allegations of abuse as defined by this resource (see glossary, abuse). The investigator must be experienced in investigating cases of the specific form of alleged abuse and must have access to current or past law enforcement officers, prosecutors, and/or mental health experts who are current on the literature pertaining to type of alleged abuse, and who have significant experience in the specific handling of these types of abuse cases.

Upon completion of each independent investigation, the investigator will deliver to the Response Team a Final Report that will consist of its investigative findings, analysis, and recommendations. This report will be used as the investigation piece of the abuse/misconduct process. If sufficient evidence exists in support of the charge, the process will move forward.

### **Investigation Team**

In cases of a misconduct complaint not involving allegations of abuse, it is up to the discretion of the Response Team to determine the form used to gather and evaluate evidence (investigation). This can include forming a three-person Investigation Team with experience and training in misconduct investigations, or, conversely, the Response Team may conduct the investigation itself. In cases where the allegations are such that, even if the respondent is determined to have engaged in the alleged behavior, they would not be subject to termination of credential, and the evidence is straightforward and clear, the Response Team can investigate and adjudicate the complaint.

## **Section 3: Screening Procedures**

In keeping with our values of protecting the children and other vulnerable persons, MC USA requires the following screening procedures for all credentialed leaders, including as part of transfers:

- The completion of the Ministerial Leadership Information process. The MLI process requires:
  - At least three references, supplied directly by the reference to the National office, which includes:
    - An area conference minister
    - Current Employer
    - Personal reference
  - A background check that includes the following information:
    - Confirmation of education and employment
    - Local criminal record check
    - State criminal record check
    - FBI criminal record check
    - State central child/dependent adult abuse registry check
    - State sex offender registry check
    - Motor vehicle record check
    - Professional disciplinary board background check
  - A psychological assessment (form to be determined)
  - An internet and social media search
  - An interview that explores a candidate's written application and includes questions related to abuse, protecting the vulnerable, and the policy related to protecting children and other vulnerable persons by conference or national staff.

## **Section 4: Training and Local Church Policies**

The DMCS shall work with each CSL to ensure high standards of training and abuse policies in all area conference bodies and congregations that are consistent with the denominational policy and best practices in abuse prevention and response.

Periodic training is required for all credentialed leaders and for all congregations, including lay leaders in governance and supervisory roles and any persons working with children, youth, and vulnerable adults. Denominational and conference staff will work together to determine the timing and content of such training. Such training shall include, but not be limited to, updated education on the denominational and local church policy, issues relating to recognizing and responding to abuse, healthy boundary training, and reporting procedures and protocols.

The CSL will document attendance at the training sessions in local congregations and submit an annual training report to the DMCS to ensure compliance. Through such training, MC USA is equipping its pastors and churches with the knowledge and resources needed to prevent abuse before it occurs, and respond to abuse when disclosed, discovered, or suspected.

## **Section 5: Responding to Clergy Abuse and Misconduct**

Mennonite Church USA is committed to providing an effective and timely response to any allegations and findings of abuse by credentialed leaders. MC USA will work to create an environment where all persons feel comfortable raising questions and concerns, coming forward, reporting, and being proactive about preventing and responding to abuse. ***In responding to abuse, MC USA will prioritize the needs of the victim and other vulnerable persons.***

**All congregants should be directed to call 911 if they have a reasonable suspicion that someone is in immediate danger.**

**MC USA prohibits any form of retaliation** against any individual or group who are involved in a protected activity under this policy such as reporting concerns or potential evidence of alleged abuse or cooperating in a criminal or independent investigation.

**MC USA prohibits any form of retaliation** against investigators, the Response Team, congregational leaders, conference leaders, and denominational leaders who are involved in administering, adjudicating, or enforcing sanctions.

**Retaliation** can take many forms, including, but not limited to, adverse action or violence, threats, and intimidation, or the appearance of any of these, that would discourage a reasonable person (under similar circumstances and with similar identities to the complainant) from engaging in protected activity.

Actions in response to a good faith report or response under this policy are considered retaliatory if they have an adverse effect on the health of an individual, if they impact their ability to fully participate in church activities (or work activities if they work at the church), if they hinder or prevent the individual from participating in proceedings under this policy, or if they have an appearance of any of these.

Concerns or questions about retaliation should be immediately reported to DMCS.

### ***Responding to Clergy Abuse against a Child***

Action is required when there is Disclosure, Discovery, or Suspicion of Child Abuse. All credentialed leaders are either mandated reporters by law or have a moral and ethical requirement to act “as if” they are mandated reporters when responding to potential abuse.

#### ***When a Report is Required: Disclosure, Discovery, and Suspicion***

A report is required when child abuse is disclosed, discovered, or suspected.

- **Disclosure:** A disclosure can be made by alleged victims, witnesses, or anyone else with reported knowledge of alleged abuse.
- **Discovery** consists of;



- Direct observation of child abuse by staff member or third party
- Physical injuries to a child consistent with abuse.
- Sexually Transmitted Disease or Pregnancy in Child
- Child abuse images, videos, or chats are discovered (child pornography)
- **Suspicion:** Adults must make decisions about what potential signs of abuse would constitute a reasonable suspicion meriting a report to the appropriate authorities. Not all cases of child abuse have obvious signs. Please consult with child abuse prevention professionals or law enforcement officials, with a knowledge of local reporting laws, when considering appropriate responses. When in doubt it is best to report or at a minimum consult with child abuse prevention specialists or law enforcement officers.

The following list includes common signs of Child Abuse.

- **Signs of Physical Abuse**
  - Injuries not consistent with the explanation given for them.
  - Injuries that occur in places not normally exposed to falls, rough games, etc.
  - Injuries that have not received medical attention.
  - Reluctance to change for, or participate in, games or swimming.
  - Repeated urinary infections or unexplained stomach pains.
  - Bruises on babies, bites, burns, fractures, etc., which do not have an accidental explanation.
  - Cuts/scratches/substance abuse.
- **Signs of Neglect** (Poverty can also lead to some of these issues, which also would necessitate responsible follow up.)
  - Is obviously malnourished, listless, or fatigued.
  - Begs, steals, or hoards food or complains frequently of hunger.
  - Is consistently dirty or has severe body odor (not dirty because they played outside, but rather dirty because no adult is ensuring they attend to basic hygiene).

- Lacks sufficient clothing for the weather.
- Untreated illness, injuries, health (e.g., unfilled cavities), or serious educational needs.
- Has an untreated need for glasses, dental care, or other medical attention.
- Stays at school outside of school hours.
- Frequently absent or significant academic struggles.
- Is inappropriately left unsupervised.
- Abuses alcohol or other drugs.
- **Signs of Child Sexual Abuse**
  - Physical Signs:
    - Unusual lacerations and bruises.
    - Irritation, pain, or injury to the genital area.
    - Difficulty with urination.
    - Discomfort when sitting.
    - Torn or bloody underclothing.
    - Sexually transmitted disease.
  - Behavioral Signs:
    - A sudden change in behavior.
    - Nervous or hostile behavior toward adults.
    - Avoiding a person or situation the child would normally have been involved in.
    - Sexual self-consciousness.
    - “Acting out” of sexual behavior.
  - Verbal Signs – Comments such as:
    - “\_\_\_\_\_ does things to me when we’re alone.”
    - “I don’t like to be with \_\_\_\_\_.”
    - “\_\_\_\_\_ fooled around with me.”
    - “\_\_\_\_\_ says mean things to me.”

### ***Child Abuse Response Procedures***

1. Immediately report the alleged child abuse to the appropriate authorities and cooperate fully.
  - a. Contact the local police and/or the department of child welfare in your jurisdiction.
  - b. DO NOT try to investigate the matter. It is critical to report the information to the appropriate authorities so they can carry out any investigation and take appropriate action.
  - c. Any delay in reporting could result in a loss of critical evidence, potentially be a violation of the law, and worst of all, enable the continued abuse of a vulnerable person.
2. If the alleged abuser is a parent, caregiver, or any other individual living in the same home with the child, that person shall **NOT** be notified of the disclosure or subsequent report to the authorities. This will put the child at potential risk.
3. If a child needs urgent medical attention, an ambulance should be called, or they should be taken to a hospital.
  - a. The parents/caregivers should be notified afterwards of the action that was taken. The hospital staff should be informed of any child protection concerns. The hospital staff has a responsibility to pass these concerns on to the authorities.
4. Make a note of what the child alleges and the circumstances surrounding the allegation because of the possibility of being called to give evidence at court.
  - a. **Do not touch or tamper with any evidence**, such as clothing, and dissuade the child from cleansing themselves.
5. Notify the CSL after making the report to the authorities. The CSL shall immediately notify the DMCS.

- a. If the abuse allegations involve the CSL or the CSL has a personal relationship with the reported offender, the reporter should make the report directly to the DMCS.
  - b. If the abuse allegations involve the DMCS or the DMCS has a personal relationship with the reported offender, the reporter should make the report directly to the Associate Executive Director of Church Vitality, Mennonite Church USA.
- 6. Upon notification from the CSL, the DMCS shall work with the congregation to place the reported offender on administrative leave until the completion of all investigations and the area conference and MC USA has sufficient information to make a determination concerning the personnel and/or denominational credentials of the reported offender.
- 7. The DMCS will gather the Response Team to discern next steps in facilitating the abuse/misconduct response process (report, investigation, hearing, judgment/sanctions, appeal)
  - a. The child has a right for their privacy to be respected. The congregation, conference, and denomination also need to share certain information in order to safeguard other vulnerable persons and allow for any other potential victims to come forward. ***Disclosures for public benefit must also maintain the child's privacy.***

## ***Responding to Clergy Abuse against an Adult***

Action is required when there is disclosure, discovery, or suspicion of abuse perpetrated against an adult. (see above)

1. When there is a reasonable suspicion that an adult is in immediate danger call 911.
2. Report any suspected Elder Abuse to the local authorities immediately. **Do not** attempt to investigate the situation.
  - a. All staff, credentialed leaders, and members of Mennonite Church USA are required to report abuse allegations against an adult by a credentialed leader to the CSL as soon as it comes to their attention.
    - i. The CSL shall report immediately to the DMCS.
    - ii. If the abuse allegations involve the CSL or the CSL has a personal relationship with the reported offender, the reporter shall report directly to the DMCS.
    - iii. If the abuse allegations involve the DMCS or the DMCS has a personal relationship with the reported offender, the reporter shall directly report to the Associate Executive Director for Church Vitality, MC USA.
3. The CSL and DMCS shall work with the reported adult victim to report all suspected abuse allegations to the local authorities. **The decision to report to local authorities is ultimately up to the alleged victim.** However, the CSL and/or DMCS should work to encourage and support the reported victim to make that report. The CSL and DMCS shall also consult with national or local experts and the victim to make a safety plan when there is any potential of exposing the victim to danger by reporting.
4. Upon notification from the CSL, the DMCS shall work with the congregation to place the reported offender on administrative leave until the completion of all investigations and MC USA has sufficient information to make a determination concerning the personnel and denominational credentials of the reported offender.

5. The DMCS will gather the Response Team to discern next steps in facilitating the abuse/misconduct response process (report, investigation, hearing, judgment/sanctions, appeal)
  - a. Whenever possible the CSL and DMCS should refer the victim to national or local expert help.

## **Section 6: Abuse/Misconduct Response Process**

When the Response Team receives a report of misconduct, they will utilize the following process to investigate and adjudicate the case. The abuse/misconduct process involves six steps: Receive a report, investigate complaint, hold a hearing, adjudicate a judgment, determine sanctions, if applicable, and facilitate any appeal.

### **General Guidelines**

1. When a report contains allegations of abuse against an adult and/or a child, begin with the **Child Abuse** or **Adult Abuse Response** protocol above.
2. In instances where a criminal investigation is ongoing in response to alleged abuse, the respondent will be placed on administrative leave and the response team will pause the MC USA response process and cooperate fully with law enforcement.
  - a. If a person is found criminally liable for the abuse, the response team can move directly to the judgment and sanctions phase of the response process.
  - b. If a person is found not guilty or charges are dismissed on technicalities, the response team will proceed with the response process. At times, persons can be found not guilty of criminal charges while still having engaged in conduct that requires the attention of the congregation, conference, and denomination relative to pastoral ministry.
3. When a report contains allegations of sexual abuse against a child or an adult, an independent investigation is required.

4. When a report contains allegations of misconduct that do not include abuse allegations, the response team may explore an alternative path. Any such decision must be documented as to the reasons for the decision and reported to the MC USA Executive Director and area conference minister.
5. A complaint of abuse/misconduct will be investigated with or without the co-operation of the accused. ***Offering to resign their position or give up credentials does not stop the complaint response process.*** The *Area Conference* has a duty of care to discover whether harm was done by a credentialed leader in the course of their work.
6. A report of abuse/misconduct may be filed against someone who is deceased. In some cases, victims of abuse disclose after their abuser is deceased because they do not feel safe disclosing while they are still living. In such cases, the response team will engage in a modified process with the goal of truth-telling, as much as is possible, noting that a determination of guilt or innocence is not possible due to the inability of the accused to respond to the allegations. In such cases, the goal is to provide healing for the victim while also creating space for other potential victims to come forward.
7. There is no “statute of limitations” on pursuing allegations of pastoral abuse or misconduct in the church. Allegations of long-ago abuse or misconduct will be handled using the misconduct processes – depending on the nature of the allegation. This process may be limited relative to a determination of guilt or innocence due to the length of time passed, the availability of witnesses, difficulty in remembering, etc.
8. Complaints of misconduct can be filed anonymously. For integrity within the process, allegations of abuse/misconduct must contain enough information to allow the accused to provide a reasonable opportunity to respond to the specific allegations. In cases where the complainant has a reasonable fear of retaliation, as determined by the response team, the response team can take steps to ensure anonymity through the entire process. The interest of the church in these cases is to ensure that congregations are safe by taking reasonable steps to ensure credentialed leaders are not engaging in abuse or misconduct.
9. At no point will those filing a complaint of misconduct be required to engage the respondent directly or indirectly. In the past, persons accused of misconduct have misused

Bible texts such as Matthew 18:15 – 20 to insist any church misconduct process must involve face-to-face interaction. This is a misapplication of that text and direct interaction poses a significant risk of retraumatizing the complainant.

10. Jurisdiction of a given report will be discerned in this way. If the accused is a congregation member, the congregation will utilize their Safe Church policies to handle the report. If the accused is a credentialed leader or non-credentialed leader serving in a pastoral role, the area conference and MC USA staff response team will handle the report. If the accused is a CSL or the DMCS, the report will be handled by the Associate Director of Church Vitality and an independent response team.
11. The congregation and/or area conference is responsible for using all available tools in managing conflict, addressing work performance issues, personality conflicts, differences in fit or style, etc. There are many issues that arise within a congregation that can be resolved using mediation and conflict transformation processes before they become misconduct complaints. Once a formal complaint of abuse/misconduct is received by the area conference or national body, conference and denominational staff will utilize the abuse/misconduct process to respond to the complaint.
12. It is important that *investigations* be done promptly and without delay, because prolonging the process is painful for both the *person who filed the misconduct complaint*, the *respondent* and their families. Timelines provided here are a guideline and may sometimes not be achievable. If delays occur, the *person who made the misconduct complaint* and the *respondent* should be kept apprised of the new revised timelines and the reasons for the delay.

## **Steps in the Abuse/Misconduct Process**

1. Complaint of misconduct
  - a. A person who believes that a credentialed leader or non-credentialed pastor has engaged in misconduct or abuse should contact the Conference Safety Liaison (CSL) to file a written complaint. The CSL may receive the complaint, or the CSL may designate another professional to receive the complaint.



- i. Alternatively, a person can also file a written complaint with the Denominational Minister of Church Safety (DMCS). The DMCS may receive the complaint, or the DMCS may designate another professional to receive the complaint.
- b. The CSL and DMCS will talk as soon as is possible to begin the response process.
- c. Upon receiving the complaint, the CSL or DMCS will:
  - i. Thank the person who made the misconduct complaint.
  - ii. If the person who is alleged to have been hurt by the misconduct is a minor, follow the Child Abuse Response process above.
  - iii. If the person who is alleged to have been hurt by the misconduct is an adult, follow the adult abuse response process above.
  - iv. Give the person who made the *report of misconduct* this resource and a pdf copy of *A Shared Understanding of Ministerial Leadership*. Explain the abuse/misconduct response process to them.
  - v. Explain confidentiality. The *response team* will make every reasonable effort to maintain confidentiality of the identity of *the person who made the misconduct complaint* and will limit disclosure of information to those who need to know for the purposes of addressing or investigating the situation; specifically, the *investigator(s)*, and the members of the response team. These people are also required to keep this confidential.
    - 1. Confidentiality cannot be assured in the following circumstances:
      - a. An individual is at imminent risk of self-harm.
      - b. An individual is at imminent risk of harming another.
      - c. There are reasonable grounds to believe that others in the community/church may be at risk of harm.
      - d. When the situation involves the abuse of a minor, in which case reports must be made to legal authorities or child protection services.

- e. When the church is ordered by a court to release confidential or privileged information.
  2. In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the complainant would not be released to the public.
  3. The *person who has made the misconduct complaint* should be told the names of people who will know their identity, when these names become available, and the names of people who have heard their story without the name attached. The rationale for this is that *trauma-informed* practice should always treat stories of abuse with respect, and not share them beyond the bounds of what is absolutely necessary. Breaches of confidentiality about the identity of *the person who filed the misconduct complaint* can have long-lasting negative effects on them and their family.
- vi. Assign a *process support person* to the *person who has made the complaint* and the *respondent*.
1. The *process support person* should not have conflicts of interest with *the person making the misconduct complaint*, the *respondent*, or the *investigators*; in particular, they must not have any supervisory responsibilities for either party.
  2. The *process support person* should not be a relative of the person they are supporting. Family members can be a *personal supporter*, but best practice has shown that family members should not have the role of *support person* as defined in this policy.
  3. The *process support person* has these duties:
    - a. Provide practical help to *the person who made the misconduct complaint*, assisting with finding support and safe spaces.

- b. Help the person put their *allegations of misconduct* into writing if it is not already in writing, utilizing the Complaint form (F3).
  - c. Make sure that the misconduct complaint is delivered to the CSL or DMCS if this has not already been done.
  - d. Help the *person who made the misconduct complaint* document the harm that was done in preparation for the *investigation*, including writing down conversations and specific actions, collecting *evidence* such as texts, emails or calendars, and making a list of corroborative witnesses who might have witnessed or been told about the alleged actions, along with their contact information. The *person who made the misconduct complaint* should not contact the witnesses themselves, this is the job of the *investigators*.
  - e. Serve as a contact person for communication from the *response team*, the *investigators*, or the *Appeal Panel*, if requested by the *person who made the misconduct complaint*.
  - f. If the *person who made the misconduct complaint* believes the *abuse/misconduct process* is not being fairly administered, the *support person* may be asked to make timely objection on their behalf to the *Response Team*.
- vii. Ensure that pastoral/counselling supports are in place for *the person who made the misconduct complaint* and their family.
- d. If there are multiple misconduct complaints about the same person, the *Response Team* can decide whether there will be one *investigation*, or several *investigations*.
    - i. Multiple investigations are appropriate if the reports of misconduct are varied (e.g., financial misconduct and sexual misconduct).
  - e. If a written misconduct complaint is withdrawn: Sometimes a *person who makes a report of misconduct* asks to withdraw a *written complaint*. Written *misconduct*

*complaints* become the property of the *Area Conference* and cannot be returned, but the *person who made the report* can decide not to participate in an investigation. Pressure should not be exerted on any person who has chosen to withdraw a written report. Any identifying details about *the person who made the (original) misconduct complaint* would be removed before proceeding with the investigation.

- f. If area conference leaders become aware of potential misconduct through disclosure, discovery, or suspicion, they may file a third-party misconduct complaint. This complaint must be in writing and follow the guidelines of this process. Pastoral abuse and misconduct are clearly an offense to those abused, but it is also an offense to the office of ministry and a violation of the terms of credentialing. The act of being credentialed creates an obligation to fidelity to the ethical standards of pastoral ministry laid out in *A Shared Understanding of Ministerial Leadership and the Covenant of Conduct* in this resource.
- g. The *misconduct complaint* does not have to be exhaustive of every detail about the alleged misconduct, nor is it a victim impact statement, but it should include information with enough substance that the allegations can be corroborated through information gathering, and assessed as to the veracity of the claims through *investigation*. It should include:
  - i. The name of the *credentialed leader*, the position they held in the church, and the misconduct complaint writer's relation to them (i.e., *minister/congregant, minister/church secretary, etc.*).
  - ii. The name and contact information of the person who made the complaint. The name and contact information will be kept entirely confidential, subject to the limitations described above. In the case of a *third-party misconduct complaint*, they should also include the name of the person who they believe is being harmed.
  - iii. The nature of the alleged misconduct. The *person who made the misconduct complaint* will have a copy of the *Shared Understandings of Ministerial*

*Leadership* and the definitions of abuse in this resource to help determine what is considered misconduct or abuse. It is not sufficient to say that misconduct happened. There needs to be specific *allegations* that include the nature of the action, as well as dates, times, places, and circumstances. Multiple incidents of alleged misconduct should be recorded in separately numbered paragraphs.

- iv. In most cases, the name of the *person who made the misconduct complaint* can be shared with the *respondent*. At the discretion of the response team, the name of the person who made the report may be confidential if there is credible fear of reprisal (e.g., the respondent has made threats to the person or others in similar circumstances).

## 2. Investigation

- a. Upon receiving a report that alleges misconduct by a *credentialed leader*, the DMCS will:
  - i. Search for any related records of misconduct relative to the respondent.
  - ii. Gather a Response Team, ensuring that there are no conflicts of interest for the DMCS or CSLs, appointing alternatives if conflicts of interest are present.
  - iii. Ensure confidentiality, subject to the limitations described above.
  - iv. Assist the congregation in determining if a leave of absence is needed and help them make an appropriate announcement.
  - v. If law enforcement is involved, the Area Conference will immediately *suspend credentials, place the respondent on administrative leave, and cooperate with the authorities.*
- b. The DCMS or another member of the Response Team will notify the *respondent* that a written report alleging abuse and/or misconduct has been filed and an *investigation* will be conducted. Give the *respondent* this *process document*.
- c. Normally, the *allegations* will be shared with the *respondent* at this time, so they have a reasonable amount of time to prepare for the interview. The entire *report of misconduct* may not be entirely shared with the *respondent* if it contains personal information, victim impact statements, or other confidential personal information.

- d. Sometimes additional *allegations* will arise from the first interview the *investigators* have with *the person who made the misconduct complaint*. The *respondent* should be informed of these additional *allegations* a least 24 hours before their interview.
- e. The *respondent will not be* informed of the identity of the *person who made the report*, to the reasonable extent possible, but this shall not prevent the disclosure of the *allegations and evidence*, which could cause the *respondent* to discern the identity of complainant,. If the identity of the person who made the report is disclosed or discerned, the *respondent* may not share this information with others – except their spouse or professional counselor, and the *respondent* may not retaliate against the person. Disclosing this information to others or any form of retaliation or retribution amounts to non-compliance with this process and will impact the *respondent’s credential status*.
- f. The DMCS will notify the leaders of the organization in which the *credentialed leader* is serving and any other *ministers* that work there that a *misconduct complaint* has been received and name the *respondent*. Direct the leaders and other staff to this *Policy and Procedure*. If the *respondent* works in an organization other than the church, the *respondent’s* supervisor will be told out of courtesy.
- g. Following consultation with the *DMCS and area conference CSL*, the leadership of the organization’s governing board may choose to make an announcement such as: “(The named *credentialed leader*) has been granted a leave of absence from all responsibilities as *minister* while a misconduct complaint is being investigated. The fact that a report is being investigated does not mean that misconduct has occurred, but the *Area Conference* takes reports of (abuse and/or misconduct) seriously and requires an *investigation*.”
- h. Best practice is that this ***non-disciplinary leave of absence*** should be with pay and benefits because it is without prejudice. If the *respondent* is a congregational pastor, the best practice is that while they are on this *non-disciplinary leave of absence*, the *respondent* should refrain from attending the congregation even as a participant, even if the alleged abuse is historical and took place in another congregation. The

rationale for this is that congregations generally show support to their *minister*, and exhibit disbelief about *reports of misconduct* and skepticism toward those who have reported misconduct. Witnessing public support of someone accused of abuse or misconduct can be very painful for survivors. The congregation needs space to process their own reaction to this investigation.

- i. Take steps to prevent interactions between the *person who made the misconduct complaint* and the *respondent*. The *respondent* shall be directed not to communicate with the *person who made (if disclosed), or whom they believe made, the misconduct complaint* or their family for any reason either directly in-person, verbally, electronically, or indirectly through a third party.
- j. Identify a *personal support person* to the *respondent* – *a distinct role, not to be confused with the process support person*. The *personal support person* is chosen by the respondent and should not have conflicts of interest with the person making the misconduct complaint, the *respondent* or the *response team*; in particular, they must not have any supervisory responsibilities for above person. The *personal support person* should not be a relative of the person they are supporting. Family members are additional supports, but best practice has shown that family members should not have the role of *personal support person* as defined in this policy.
  - i. The *personal support person* has these duties:
    1. Provide practical support and ensure that the *respondent* understands the process.
    2. Walk with the *respondent* through the investigation and appeal process. Accompany them as an observer to meetings required by this *process*.
    3. Serve as a contact person for communication from the *response team*, the *investigators*, or the *Appeal Panel*, if requested by the *respondent*.
    4. If requested by the *respondent*, help them organize their response to *charges*.

5. If the *respondent* believes the *process* is not being fairly administered, the process support person may be asked to make timely objection on the *respondent's* behalf to the *investigators* or the response team if the *respondent* does not want to do this themselves.
- k. The DMCS should also advise the governing board of the organization/congregation to give the response teams contact information to everyone in their organization/congregation in case anyone has information about misconduct they would like to share. If the alleged misconduct took place in a different organization, both governing bodies should be advised to make this announcement and be given contact information. The current organization can announce that the misconduct is alleged from a previous assignment.
- l. The Response Team will ensure that pastoral/counselling supports are in place for the *respondent* and their family.
- m. If the complaint contains allegations of abuse in any form, the Response Team will engage an independent investigator with training and expertise in investigating the types of abuse alleged.
- n. If the complaint contains allegations of misconduct, the Response Team will appoint three independent *investigators* who are known to be fair, objective, honest, of mature Christian character, and not from the *respondent's* congregation or area conference.
- i. Attention should be paid to a gender balance, as well as racial or cultural diversity, particularly if the *person who made the misconduct complaint* or the *respondent* is Black, Indigenous, or a person of color.
  - ii. Investigators should have training in investigative techniques, be *trauma-informed*, and familiar with the power dynamics of *ministerial misconduct*.
- o. If the complaint contains allegations of misconduct that, even if found to be true would not result in the suspension or termination of a credential, and the evidence is straightforward and clear, the Response Team may decide to investigate and



adjudicate the claim as a team, providing a summary of the reasons for their decision through the form F17.

- p. The Response Team will treat all parties equally, ensuring all parties to the abuse/misconduct process receive timely reports and information. This includes notifying the *person who made the misconduct complaint* and the *respondent* about the timeline of the upcoming *investigation*. It also includes informing all parties of any changes to the timeline and the reasons for those changes in a timely manner.
- q. The person who made the report and the respondent will be given the name(s) of the investigator(s). Either party has the right to object to a particular investigator(s), if there is a demonstrable conflict of interest based on past relationships or history of interactions. The Response Team will determine the validity of the claims and replace any investigator that has a conflict of interest.
- r. The DMCS will locate any personnel files including any *ministerial misconduct file* that the current *Area Conference*, former *Area Conference*, and/or *National Office* maintain concerning the *respondent* and share these files with the *investigator(s)*.
- s. The Area Conference should notify their insurance carrier about the investigation and follow required procedures while keeping the integrity to the process outlined. The Area Conference will encourage the congregation or organization to contact their insurance carrier.
- t. *Investigators* will conduct an *investigation*, with the following mandate: to gather and evaluate the nature of the evidence relative to the complaint to determine if the respondent more likely than not engaged in the misconduct alleged in the report. They should follow these steps:
  - i. Review the written *misconduct complaint*.
  - ii. Interview the *person who made the misconduct complaint* to hear their story more completely and ask questions specifically about each allegation.
    - 1. They should view any *evidence* such as letters, texts, calendars, and receive names and contact information of corroborating witnesses.

- a. The *person who made the misconduct complaint* should be directed not to contact witnesses themselves. *Investigators* will be alert to whether *grooming behavior* was present as part of the misconduct.
    - b. The *person who made the misconduct complaint* can always have their appointed *support person* present, and/or others personal supporters, including legal representation if desired.
  2. If in the course of the interview, new *allegations* surface, they should be written down and a signature obtained from the *person making the misconduct complaint* acknowledging that they are making these additional *allegations*.
  3. Any new *allegations* should be shared with the *respondent* at least 24 hours before their interview.
- iii. Interview the *respondent*, asking them to respond to the *allegations*.
1. The respondent should be given a written list of allegations if they did not receive the *misconduct complaint*.
  2. The *investigators* may, at their discretion, decline to show the complete *misconduct complaint* if there is personal information such as victim impact comments, if there is a concern for safety, or if law enforcement or other civil authorities request that this not occur. If there are no such compelling reasons to not share the written report, the *respondent* should receive a copy which they can keep. The respondent cannot duplicate the report or circulate it.
  3. Investigators will inform the *respondent* that within five days of receiving the *allegations* or the *misconduct complaint*, the *respondent* shall deliver to the *investigators* a statement, responding to each numbered allegation in the report stating:
    - a. That the *minister* agrees with the allegation, or

- b. That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged.
- 4. The *respondent* can provide material *evidence* that they believe refutes the *allegations*, and a list of witnesses who can corroborate the *respondent's* claims and their contact information. Witnesses are people who have material *evidence* or corroborating stories; these are not character references.
- 5. The *respondent* should be directed not to contact witnesses themselves.
- iv. Interview possible corroborating witnesses or any person who has relevant information.
  - 1. The identity of witnesses is kept strictly confidential, neither the *person who made the misconduct complaint* nor the *respondent* should be told the names of the witnesses, unless the witnesses choose to tell them themselves. The witnesses also must maintain confidentiality about the interview.
- v. Review any relevant material *evidence* offered by the *person who made the misconduct complaint* and the *respondent* or the witnesses.
- vi. Keep accurate records of interviews, including the date, parties present, and name of the recorder. A best practice is to record all investigative interviews, so that notes can be corroborated later.
- vii. If necessary, ask the Response Team to extend the time to conclude the investigation and to complete the *investigators'* written report.
- viii. *Investigators* will make their recommendations based on the criteria of a civil court proceeding. In a civil proceeding, the standard is "a *preponderance of evidence*," which means just more than 50% of the *evidence* supports the *person who made the report of misconduct*. This is standard in workplace

misconduct *investigations*. It is not based on criminal court proceedings, “beyond the shadow of a doubt.”

ix. *Investigators will prepare a written investigation report to the Response Team.*

1. This is the final work of the investigative team, that they write after interviewing *the person who made the misconduct complaint*, the *respondent*, any other witnesses and after viewing any *evidence*.
2. This report makes a recommendation on whether to *charge* or not *charge* a *minister* with misconduct. The *investigation report* shall be based, as much as feasible, on statements of witnesses with direct knowledge, rather than on secondhand sources or circumstantial *evidence*.
3. The *investigation report* shall include:
  - a. *Evidence* that the *investigators* believe supports the allegation that the *minister*, more likely than not, **did** engage in the alleged abuse or misconduct.
  - b. The *evidence* that shows that the *minister* more than likely than not **did not** engage in the alleged abuse or misconduct.
  - c. Any reasons why the *investigators* believe they cannot present such *evidence in either direction*.

### 3. Charge

- a. Upon receipt of the *investigation report* with recommendation from the *investigators*, the DMCS will convene the Response Team who will either:
  - i. Decline to *Charge*.
    1. When the *Response Team* receives the *investigation report* and accepts the recommendation from the *investigators* to drop the misconduct complaint because there does not seem to be *probable grounds* to support any allegation of misconduct or *abuse*, the DMCS will:

- a. Inform the *respondent* in writing and deliver this in person when possible.
    - i. Explain that the *misconduct complaint* and supporting documents will be kept on file at the *National Office*, but that they will only be accessed if another *misconduct complaint* comes forward.
    - ii. Thank them for cooperating with this process, which is so important for the integrity of ministerial *credentials*.
  - b. Inform the *person who made the misconduct complaint* in writing and deliver this in person when possible.
    - i. They should inform the *person who made the misconduct complaint* (and their *support person* if present) that it will be kept in a confidential file, and if other people come forward with complaints, it will be re-opened.
    - ii. The *Area Conference* is appreciative of people who come forward with good faith reports, because a high standard of behavior is expected of all *credentialed leaders*.
- 2. The DMCS will ensure that the complete file with names is properly stored at the national office.
  - a. A note shall be placed in the “status notes” of respondents MLI file citing the existence of a past misconduct or abuse complaint and the outcome of the process.
  - b. Make appropriate communications to those involved and announce as widely as the earlier announcement about the original misconduct complaint.
- ii. Bring a *Charge*.

1. If the *Response Team* believes that *investigators* have presented *evidence* that the *respondent*, more likely than not, engaged in the *alleged abuse or misconduct*, the Response Team will:
  - a. Work with the congregation to determine if a leave of absence and/or a change of credential status is warranted given the nature of the allegations and make the necessary changes in MennoData, if any.
  - b. File a *charge* with the *Area Conference*, including:
    - i. The name of the *minister*.
    - ii. The name of the *person who made the misconduct complaint (unless redacted for safety reasons)*.
    - iii. The official report of *ministerial sexual misconduct*.
    - iv. Sufficient information about date, time, place, and circumstance to specifically provide information about each incident of report. Describe multiple incidents of alleged misconduct in separately numbered paragraphs.
  - c. Deliver the *charge* to the *respondent*, preferably with the *personal support person* present.
    - i. Personal delivery of the *charge* is preferred, but if this is not practical, then it should be sent by certified mail to the last known address with return receipt requested.
    - ii. Electronic mail may be used to facilitate the speed of receipt of the documents upon request. This is in addition to, not instead of, certified mail.
    - iii. The *charge* will include direction that within five days of the *respondent's* receipt of the *charge*, the *minister* will deliver to the DMCS, a written statement

responding to each numbered allegation in the report, stating:

1. That the *minister* agrees with the allegation, or
  2. That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged in the *charge*.
- d. Inform the *person who made the misconduct complaint* in writing that a *charge* has been filed by the *Area Conference* and a hearing may take place.
- e. Upon receiving the *respondent's* signed statement responding to the *allegations*, the Response Team will determine next steps.
- i. If the *minister* agrees with the *allegations*, the Response Team will determine *judgment* and *sanctions* as outlined (insert here)
  - ii. If the *minister* disputes the *allegations*, the *Response Team* will give notice to the respondent that a hearing will be scheduled to begin within seven days.

#### 4. Hearing

- a. If a hearing is called for, the DMCS will notify the *respondent*, the *person who made the report* and the *investigators* of the date, time, and location for the hearing.
  - i. At least two members of the *investigation* team should attend the hearing, or the hired investigator, if they were working alone.
- b. The *Response Team* will hear the testimony of the *investigator(s)*, and the accounts of their interviews with the *person who made the misconduct complaint*, the *respondent*, and any witnesses they interviewed.
- c. It is the job of the investigator(s) to present their findings.

- d. The *person who made the misconduct complaint* may be present at the hearing if they choose (including their personal support person). They should be invited to the hearing to deliver a victim impact statement themselves, or have it read for them in their absence, with or without a name attached, as they wish.
- e. The *respondent* and/or their *personal support person* are present throughout the hearing where the report of the investigative team is being shared.
  - i. However, they will not be present for the victim impact statement, unless the *person who made the misconduct complaint* expressly wants them to be present.
- f. The hearing may proceed without the *respondent* if the *respondent* chooses to be absent, but every effort should be made to accommodate their presence within a reasonable timeframe.
  - i. The *respondent* can choose not to listen to the victim impact statement.
- g. The response team directs the hearing, including asking follow-up questions, setting limits on the duration of testimony, removing persons who are disrespectful or disruptive, and generally administering the hearing.
  - i. The contents of all hearings are confidential. No party in the hearing may share the contents of the hearing with others.
- h. The *Response Team* deliberates to decide concerning *judgment*.
- i. A written record of the hearing will be kept in the *minister's ministerial misconduct file* and will include the investigator's report, the testimonies and any additional information that came to light. This summary is provided by the Response Team.

## 5. Judgment and Sanctions

- a. Following the conclusion of the hearing, the *Response Team* will:
  - i. Determine a *judgment* stating whether they believe the respondent did or did not engage in the alleged abuse and/or misconduct.
    - 1. If it is determined that the *minister* likely **did not** engage in alleged abuse and/or misconduct, the Response Team, in its sole discretion, and depending on the circumstances, may:
      - a. Identify concerns regarding fitness for ministry and required steps.



- b. Notify the *respondent* of *judgment* and any requirements if needed.
  - c. If the *reported allegation* was deemed to be a false, thank the *respondent* for their cooperation with the due diligence that the church followed.
  - d. Affirm, support, and recommend how congregational leaders may affirm and support the *minister* and the *minister's* continued ministry.
- 2. If it is determined that the *minister likely did* engage in the alleged abuse and/or misconduct, the Response Team will:
  - a. Inform the credentialing body of the area conference that holds the respondent's credential, and the area conference minister, of the determination of the *Response Team* and the recommendation concerning any resulting sanctions.
  - b. When possible, the *respondent* will be given a letter in person which contains the *judgment* and resulting *sanctions* recommended by the Response Team.
  - c. The Response Team, and the language of the letter, should communicate compassion and concern for the *respondent*, encouraging them to take responsibility for what they have done, outlining support that the conference is willing to offer.
  - d. The respondent must sign that the letter has been received.
  - e. If it is not possible to deliver this letter in person, the letter can be sent by registered mail, with a receipt required.
- b. A *sanction* that results in a *credential* status of *terminated* is a permanent *sanction*.
- c. When the *credential* status related to the *judgment* is *suspended* or *placed on probation*, the letter will identify if this *credential* status will continue for a stated period of time or until further notice and include the details of each *sanction*.
- d. The letter will also include steps for determining, with external verification, that the *respondent* is in compliance with all *sanctions* imposed by the area conference.
  - i. The sanctioned *respondent's* word will not determine compliance.
  - ii. The *minister* continues to be prohibited from contacting the *person who made the misconduct complaint*, or their families, either personally or through a third party.
- e. The Response Team will report to:
  - i. The *person who made the misconduct complaint* about the *judgment* *immediately*.

1. This is preferably done in person, outlining the status of the *credential* (revoked, *suspended*, *probation*), the *sanctions* imposed, and when that status might be reviewed.
- ii. The *Area Conference Leadership* regarding the *judgment* and *sanctions* immediately, including a complete file to be maintained in a *ministerial misconduct file*.
- iii. After the period for the possibility of appeal has passed, or after an appeal, the following people and organizations are contacted with the findings, and the *judgment* about *credentials* and *sanctions*:
  1. The *person who made the report of misconduct* will be told the final *judgment* and *sanctions*.
    - a. When possible, this should be delivered in person.
  2. The organization where the misconduct took place, and every organization where the *respondent* served, should be informed of the *judgment* and *sanctions*.
- iv. If the respondent is a pastor;
  1. *other pastors* within the *Area Conference* where the *respondent* served will be informed of the *judgment* and *sanctions*.
  2. all *Area Conference Ministers* will be informed of the *judgment* and *sanctions*.
- f. The Response Team should complete form F 16, which is a publicly available summary of the resolution of the misconduct complaint.
  - i. This form is made available to anyone who requests it.
- g. The Response Team is responsible for saving records of all correspondence, relevant forms, and documents related to the misconduct complaint, to be stored in the National Office of MC USA – a copy may also be stored in the area conference that holds the respondents credential at the time of the complaint.
- h. The Conference Safety Liaison in the conference holding the respondent's credential will monitor compliance with all sanctions.
- i. The CSL, in coordination with the area conference credentialing body, will set the times and guidelines for determining compliance with the *sanctions*.
  - i. External verification such as direct reports from a counselor, accountability group and/or another compliance entity will be used to determine the *minister's* compliance.
    1. Taking responsibility and understanding the harm done will often takes months or years of counselling, and experience has shown that respondents often feel they finished the work long before external experts feel they have accomplished that work.

- j. The CSL and/or the area conference credentialing body may require the *respondent* to appear before the credentialing body at any time and may require additional *sanctions* if it finds that the *respondent* is not in full compliance.
  - i. If the respondent remains noncompliant, the *credential* will be *terminated*, recorded in MennoData and the committee will report the *termination of credentials* to all those who were earlier informed of the *judgment*.
- k. The area conference credentialing body, or other support group assigned by conference leadership, will assure follow-up care for the *person who made the misconduct complaint*, and their family, the *respondent*, and, if the respondent served in pastoral ministry, the congregation.

## 6. Appeal

- a. A *respondent* or the *person who made the misconduct complaint* may appeal the *judgment* directing the appeal to the *Response Team*.
  - i. Each party has a right to appeal, and neither should be pressured not to appeal.
  - ii. If either party appeals, the imposition of sanctions will be delayed until the appeal process is complete.
  - iii. Any administrative leave will remain until the end of the appeal process.
- b. **Notice of appeal.** The *appellant* shall give written notice of any appeal using form F12 within five days after the *judgment* by the *Response Team*. The notice of appeal shall be signed by the *appellant* and state all grounds for appeal of the *judgment*.
- c. **Grounds for appeal.** The *appellant*, in writing, shall state facts and reasons that demonstrate why there are not probable grounds to support the *judgment*.
- d. **Appointment of Appeal Panel.** Upon receipt of an appeal, the *Response Team* shall appoint an *Appeal Panel* consisting of three persons, with experience with misconduct complaint processes, with at least one member with expertise in the area of alleged misconduct (financial, emotional, spiritual, physical, sexual abuse).
- e. All members of the panel should reside outside of the Area Conference where the respondent serves or served. They shall have no conflicts of interest relative to the respondent, complainant, Response team, or any familial connections to above persons.
- f. The *person who made the misconduct complaint* and the *respondent* should be told the names of the *Appeal Panel*. They have two days to notify the *Response Team* in writing if they have an objection to anyone on the Panel.
- g. The *Appeal Panel* shall:

- i. Inform the respondent, the *person who made the misconduct complaint*, and the credentialing body that there will be an appeal hearing on the *judgment*; including the date, time and location of hearing.
- h. Convene the appeal hearing with the *appellant* and *Response Team* and:
  - i. Read or otherwise identify the notice of appeal.
  - ii. Allow the *appellant* to explain why the *appellant* believes there are not *probable grounds* to support the *judgment*. “Probable” means more likely than not.
  - iii. Have one or more members of the *Response Team* review the *judgment* and the *evidence* supporting the *judgment*.
  - iv. The three-person panel shall deliberate in private and determine *judgment* by consensus (but in the absence of consensus, by majority vote). If the *Appeal Panel* is leaning toward overturning the *judgment*, they should give opportunity to the party that is not the *appellant* to speak to the *Appeal Panel* before they make their decision.
  - v. **Affirm** the *judgment*, if the *appellant* was **unable to demonstrate** that there were not probable grounds to support the *judgment*.
  - vi. **Change** the *judgment*, if the *appellant* was **able to demonstrate** that there were not probable grounds to support the *judgment*.
  - vii. The Appeal Panel should give written notice of the *Appeal Panel's judgment* to the *respondent*, the *person who made the misconduct complaint*, the Response Team and the credentialing body of the area conference. Give appropriate notice to all others informed of the earlier *judgment*.
  - viii. If the judgment is affirmed, the CSL and misconduct complaint will move forward with the judgment and sanctions.
  - ix. The Appeal Panel will provide a summary of their decision to the Response Team, which will be added to the misconduct complaint file.
- i. *Credential Status of a Sanctioned Minister*
  - i. When a credentialed leader is found to have committed abuse as defined in this document, the credential status is terminated. The credentialed leader cannot serve as a credentialed leader in MC USA from that date forward. They cannot be credentialed in MC USA going forward. This does not preclude forgiveness by others or restoration to community, but it does mean the respondent has forfeited their right to serve as a credentialed leader.
  - ii. When the *credential* has been suspended due to a *judgment* of misconduct for a specified period of time, the *conference credentialing body* will

determine whether the *credential* will move to either *probation* or *terminated*.

- iii. The CSL, in coordination with the conference credentialing body, will determine the status of the *credential* through external verification such as reports from an accountability group, counselor and other pertinent information. They shall determine whether contents of the reports are adequate to change the *credential*.
- iv. The *misconduct complaint* will notify the *minister* that the *credential* status has been changed from suspended to either *probation* or *terminated*. If they determine that *probation status* is a possibility, *sanctions* and accountability will continue for a specified period of time. The *Area Conference credentialing body* will continue to use external verification to assess whether the *minister* has, as a result of the *sanctions*, altered beliefs, attitudes and behavior before a final determination of *credential* status is made.
- v. *Termination of credentials* will occur if the *conference credentialing body* determines that the respondent is no longer fit for ministry or if the *respondent* refuses to comply with the *sanctions*.
  - 1. Noncompliance will be determined through external verification.
  - 2. Noncompliance will also be determined by the respondent's refusal to comply with the sanctions.
- vi. If a suspended credential is restored or a probationary status is lifted, *the CSL* should inform the *person who made the misconduct complaint* about this decision.

**Credentialed Leaders who are found guilty of using their pastoral or leadership position to abuse anyone who is vulnerable can never again serve in any role of authority in the church, even if they are judged to be repentant. Credentialed leaders who have their credentials terminated will be listed in an "ineligible clergy file."**

**Policy Disclaimer:** Any error or omissions to the implementation of the process outlined here does not invalidate the process. Corrective action will be taken where possible. In addition, if any aspect of this Policy and Procedure is found to violate the law in the legal jurisdiction in which the investigation is being implemented, that illegal action will not invalidate the rest of the protocol or the determination/outcome of the investigation. This Policy and Procedure should not be considered the sole source of redress for anyone who believes they are the victim of sexual harassment or abuse.

**Forms (note: these forms are in the process of being uploaded to MC USA website. Once that is complete, they will be linked to this document)**

- **F1** – Sample Resolution Adopting the Prevention & Accountability Resource by Area Conference
- **F2** – Statement of Arrangement between Area Conference and MC USA
- **F3** – Complaint Form for Misconduct Complaint Against a Credentialed Leader
- **F4** – Notice to Respondent that a Misconduct Complaint has been Received
- **F5** – Notice to Respondent’s employer that a Misconduct Complaint has been Received
- **F6** – Official Report of Misconduct Complaint of Adjudication Process
- **F7** – Notice of Decision to not Charge the Respondent
- **F8** – Notice of Decision to Charge the Respondent
- **F9** – Respondent’s Response to Charge
- **F10** – Notice of Hearing
- **F11** – Notice of Judgment
- **F12** – Appeal Form
- **F13** – Notice of Appointment of Appeal Panel
- **F14** – Notice of Appeal Hearing
- **F15** – Notice of Appeal Panel’s Judgment
- **F16** – Public Report of Resolution of Misconduct Complaint
- **F17** – Summary of Response Team’s Decision Regarding the form of Investigation
- **F18** – Misconduct Hearing Summary

**Additional Resources (these will be lodged online and also linked to this document. Some are complete, others are currently being developed by the Safe Church Team).**

- Quick Guide: Filing an abuse or misconduct complaint
- Quick Guide: Process overview
- Quick Guide: A member of my congregation has been arrested/charged with a crime, what do we do?
- Quick Guide: When is a leave of absence necessary? What are other options?
- What is the difference between abuse, misconduct and work performance issues?
- When a pastor is abused by a congregant.
- When the respondent to an abuse or misconduct complaint is deceased
- Walking with the congregation when a report is filed against their pastor?
- After care following a misconduct or abuse response process
- Guidelines for interpretation for ESL persons
- Guidelines for communication following misconduct process
- Guidelines for engaging the media.
- Maintaining Misconduct Files
- When a past process was done poorly
- Guide for including advocates in abuse or misconduct processes
- When the misconduct happens overseas
- When a pastor comes from another denomination?
- When misconduct happens in another institution?



## Glossary

For the purpose of clarity, some definitions use medically appropriate language of sexual acts. All definitions seek to provide a baseline understanding of what terms mean for the purpose of identifying boundaries and boundary violations.

- **Abuse:** When a person in a position of power or trust uses that position to exploit or violate someone more vulnerable. That exploitation or violation can take a variety of forms, including.
- **Abuse of Power:** Abuse involves a misuse of power and occurs when one person or group of persons uses coercive or manipulative actions to impact others. It may be done by persons in positions of authority (e.g., pastors or other church leaders) toward people who are vulnerable or less powerful, or by persons without official positions of power toward credentialed leaders or other congregants. While all abuse includes abuse of power—adult over a child, youth, vulnerable adult, or spouse/partner, this also refers to a leader (pastor, elder, lay leader or boss) who abuses the authority given to them by their title, role, position, or assignment and undercuts, harms, or controls another’s work, career, or wellbeing.
- **Abuse of Power by Congregants:** Persons without official roles or positions of power in the church can also use coercive behaviors to influence or control the pastor or other leaders or congregants. Examples of abuse of power by congregants include, but are not limited to:
  - forming groups, cliques, or alliances of like-minded people who oppose the pastor or the chosen direction of the congregation
  - spreading misinformation, lies, or gossip about the pastor, church leaders, or other participants in the church
  - repeated angry outbursts in church meetings or with pastors, leaders, or other participants in the church
  - abusive, coercive, or intrusive emails to pastors, leaders, or other participants in the church

- threats of any kind, including, but not limited to:
  - threats to withhold financial contributions if the pastor or leader does not comply with the congregant's wishes
  - threats to leave the church if things are not done their way
- **Bullying:** Bullying is a form of abuse involving unwelcomed or unreasonable behavior that demeans, intimidates, shames, or humiliates another person. Such behavior can include offensive language, insults, inappropriate teaching, spreading rumor or innuendo, belittling, setting a person up for failure, unfairly blaming for mistakes, manipulating the work or church environment, and inappropriate criticism. Bullying may be repeated humiliation or intimidation that adversely affects a person's psychological or physical well-being, or it may be a single instance so serious that it has a lasting, harmful effect on a person.
  - *Cyber bullying or online harassment* includes sending cruel and intimidating messages via email, text, or other electronic means including social media sites. Abusers can be emboldened because of the distance and greater anonymity of online abuse and can more easily dehumanize others in the absence of face-to-face contact.
- **Elder Abuse:** Abuse perpetrated against someone who is vulnerable because of their advancing age. There are several common types of Elder Abuse, including:
  - **Physical:** Any injury or physical condition that impairs health or welfare. Some signs of physical abuse may include bruises, cuts, wounds, sudden change in behavior, or caregiver's refusal to allow visitors alone with a senior.
  - **Emotional:** A pattern of ridiculing or using demeaning remarks or making threats to inflict physical or emotional harm. Some signs of emotional abuse may include intimidating, threatening, humiliating, and giving them the silent treatment.
  - **Sexual:** Any type of non-consensual sexual contact with an elderly person. Some signs of sexual abuse may include unexplained depression, fear, or paranoia, discomfort, or anxiety around certain people, or unexplained injuries.
  - **Financial:** The illegal or improper use of a vulnerable adult or his/her financial resources for another's profit or advantage. Some examples of financial abuse may

- include: the taking of money or property; forging a signature; getting a senior to sign a deed, will, or power of attorney through deception; coercion or undue influence; or, illegally or improperly adding names to bank accounts or safety deposit boxes.
- **Neglect:** Deprivation of food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health. Some signs of neglect may include unclean living spaces, lack of hygiene, or no food or water in the house.
  - **Emotional Abuse:** acts toward an adult or a child that cause or have a substantial likelihood of causing harm to the person's physical, psychological, social, or spiritual well-being. Often emotional abuse is a pattern of behaviors such as shaming, insulting, degrading, intimidating, threatening, humiliating, and/or domineering.
  - **Financial Abuse:** The illegal or improper use of a vulnerable person or his/her financial resources for another's profit or advantage. Some examples of financial abuse may include: the taking of money or property; forging a signature; getting a congregant to sign a deed, will, or power of attorney through deception; coercion or undue influence; or, illegally or improperly adding names to bank accounts or safety deposit boxes. The elderly are particularly vulnerable to financial abuse by clergy.
  - **Physical Abuse:** non-accidental physical injury (ranging from minor bruises to severe fractures or death) by way of bodily contact (such as punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting with a hand, stick, strap, or other object, burning, or otherwise causing harm) to a child or adult.
  - **Psychological Abuse:** Psychological abuse is defined as sustained, repetitive, inappropriate behavior which damages or substantially reduces the creative and developmental potential of crucially important mental facilities and mental processes of a person. It includes, but is not limited to, such tactics as convincing a person that they are the problem, are to blame, or are crazy (gaslighting). It can also include isolating a victim, use of fear or scarcity of resources, degrading, guilt, shaming, preying on needs for love and affection, dismissing, put downs, name calling, or invalidating/discounting feelings and beliefs. Psychological

abuse is rooted in power and control, and abusers intentionally create chaos and frustration in a victim or situation.

- **Sexual Abuse:** Any type of non-consensual sexual contact, including, but not limited to:
  - *Sexual Penetration* - Any act of vaginal or anal penetration, however slight, by a person's penis, finger, other body part, or an object, or, regardless of whether penetration occurs, and/or any oral-genital contact.
  - *Sexual Contact:* Any intentional touching of a person's breasts, buttocks, groin, genitals, or other intimate parts. Touching may be over or under clothing and may include the touching or making the congregant touch the clergyperson, or the clergyperson making the congregant touch their own body.
  - *Non-Contact Sexual Acts:*
    - observing a congregant's nudity or sexual activity, or allowing a congregant to observe sexual activity;
    - recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information of congregants; or
    - exposing one's genitals or inducing a congregant to expose their own genitals
    - communicating romantic or sexual desire, interest, or content
    - see also *Child sexual abuse, Clergy sexual abuse, Sexual Harassment*
- **Spiritual Abuse:** Spiritual abuse is a form of emotional and psychological abuse in a religious context. It is characterized by the use of Scripture or other religious materials to coerce and control the behavior, thoughts or feelings of others. Spiritual abuse may occur as a systematic pattern of harmful behaviors within the faith community, or as isolated instances of spiritual abuse by an individual.
  - Examples of spiritual abuse include:
    - using religious education to manipulate or gain power over others
    - forcing one's interpretation of the Bible as the only correct one (suggesting the abuser has a "divine" position)

- ridiculing others' beliefs or making personal attacks on their theology (this does not include appropriate representation of theological beliefs that another person does not agree with)
- using a position of church leadership, credentialed or non-credentialed, to control or exploit others
- coerced or non-voluntary accountability (i.e., accountability the person does not consent to)
- censorship of decision making
- coercing others in the church to conform and not ask questions
- requirements for secrecy and silence
- isolation as a means of punishment (i.e., shunning)
- Spiritual abuse can occur in many ways:
  - pastors or other lay leaders can use their power, position, or spiritual authority to manipulate, domineer, bully, coerce, or intimidate entire congregations or specific individuals in the church. This can undermine or destroy a person's sense of self-worth in the eyes of God.
  - congregants can abuse pastors and leaders to demean them personally and destroy their credibility and spiritual authority in the church.
  - congregants can spiritually abuse others in the congregation – by ridiculing their understandings and beliefs or trying to dictate what the whole congregation will believe.
- Spiritual abuse can also include justification for other disrespectful behaviors and forms of abuse such as sexual abuse, abuse of power, and undermining others' faith.

**Appropriate use of power:** When a person in a position of influence or power uses that power in ways for which that trust was given to the best of their abilities within the range of what is reasonable from a person in that position. The use of power is not by definition wrong, but

when the intent, magnitude, or direction is questioned the person must be able to respond with rationale that *reasonable people of good will* would accept.

**Child or Children:** a person or persons under the age of eighteen (18).

### **Child Neglect**

- Physical: failure to provide necessary food or shelter, or lack of appropriate supervision
- Medical: failure to provide necessary medical or mental health treatment
- Educational: failure to educate a child or attend to special education needs
- Emotional: inattention to a child's emotional needs, failure to provide psychological care, or permitting the child to use alcohol or other drugs

**Child Sexual Abuse:** physical contact with a sexual or intimate part of the body, other forms of sexual activity, or any activity engaged in for the purpose of sexual gratification.

- Physical contact includes, but is not limited to:
  - Touching, grabbing, patting, slapping, pinching, rubbing, fondling, groping, poking, or other forms of contact, whether over or under clothing
  - Rubbing one's genitals area up against another person or touching another person with one's genitals, whether over or under clothing. This includes instances when an individual acts as though the rubbing was inadvertent but in fact it was intentional.
  - Sexual intercourse of any kind
- Sexual or intimate body parts include, but are not limited to:
  - Breasts
  - Buttocks
  - Genitals
  - Groin area
  - Upper thighs
- Other forms of sexual activity include, but are not limited to:

- Photographing, videotaping, or making any other visual, descriptive, or auditory recording of sexual activity or the sexual or intimate parts of a person's body
- Displaying to another any writings, photograph, videotape, or other visual or auditory recording of sexual activity or the sexual or intimate parts of a person's body

**Children are unable to consent to any form of sexual activity with an adult.**

**Clergy Abuse:** Clergy abuse is when a pastor uses their position of spiritual power and trust to exploit someone under their spiritual care. Any type of abuse, when engaged in by a person in a pastoral role – credentialed or un-credentialed – is clergy abuse. (see Abuse, types of abuse)

**Clergy Sexual Abuse:** A congregant (adult or child) under the spiritual leadership of a clergy person cannot consent to sexual activity. Even with an adult when the contact is not forcible, sexual contact is not an “affair” or a “relationship” but an egregious abuse of power. Clergy sexual abuse often exploits a congregant’s emotional and spiritual connection to the pastor. When a pastor violates any sexual boundary with a congregant, whether a child or an adult, this is clergy sexual abuse. It is Clergy Sexual Abuse when a pastor engages in sexual behavior with a congregant, including, but not limited to:

- *Sexual Penetration* - Any act of vaginal or anal penetration, however slight, by a person's penis, finger, other body part, or an object, or, regardless of whether penetration occurs, and/or any oral-genital contact.
- *Sexual Contact:* Any intentional touching of a person’s breasts, buttocks, groin, genitals, or other intimate parts. Touching may be over or under clothing and may include the touching or making the congregant touch the clergyperson, or the clergyperson making the congregant touch their own body.
- *Non-Contact Sexual Acts:*

- observing a congregant's nudity or sexual activity or allowing a congregant to observe sexual activity;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information of congregants; or
- exposing one's genitals or inducing a congregant to expose their own genitals
- communicating romantic or sexual desire, interest, or content toward a congregant

**Complainant:** Any person who files a formal misconduct complaint against a credentialed or non-credentialed leader in a ministerial role. They may or may not be the victim of alleged abusive behavior or misconduct. Third parties are able to submit misconduct complaints on the basis of disclosure (someone told them), discovery (they witnessed), or suspicion (the reasonably suspect).

**Congregation/Church Member:** Congregations define membership in different ways. Some congregations do not have formal membership. **For the purpose of safety and abuse prevention policies,** a church or congregation member is anyone who is participating in the active programs of the church at any time and in any place.

**Confidentiality:** Confidentiality is the state of keeping or being kept private. In the context of ministry, confidentiality is about respect and care for the information received through the work of the office of pastor. There are times when a pastor must share confidential information with others: when child abuse is suspected or when people are at risk of hurting themselves or others as mandated by law (see *Mandated Reporter*).

**Conflict of Interest:** A conflict of interest is a situation in which the concerns or aims of two different parties are incompatible and/or a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.



- In the church, a conflict of interest exists when the personal interests of an individual, or a close associate of such a person, are in conflict or appear to conflict with the best interests of the church, Area Conference, or denomination. A conflict of interest may arise when an individual has the opportunity or appears to have the opportunity to influence decisions of that entity in ways that could lead to personal, professional, or financial gain or advantage of any kind.
- Conflicts of interest may also arise in discussions and decision-making regarding funds granted/awarded to another group/entity upon which the person sits.

**Credentialed Leader:** Any leader that has a credential, of any status, from an MC USA area conference. Information about credentialing and the types of credentials granted by area conferences is available in *A Shared Understanding of Ministerial Leadership*.

**Discrimination:** Discrimination is the unjust or prejudicial treatment of various categories of people, especially on the grounds of race, color, gender, religion, national origin, age, disability, sexual orientation, gender identity, family status or any other class protected by discrimination laws in the United States. Individuals and systems can be discriminatory

- *Individual discrimination* includes but is not limited to:
  - making jokes or comments, verbally or in writing, in person or online, about a person's appearance, accent, mannerisms, disability, age, gender, sexual orientation, etc.
  - making decisions based on implicit or explicit bias that are unjust and prejudicial toward persons in protected classes.
- *Systemic discrimination* refers to entrenched and institutional policies, practices, systems, structures, and power dynamics that result in differential and unequal treatment of members of certain groups and limit an individual's or group's rights to participate fully in the church or to gain employment in the church.

- Discrimination can be overt and admitted, or covert and denied. The impact of the behavior, not the intention behind it, determines whether the concerning behavior is discriminatory.

**Domestic Violence/Intimate Partner Violence:** A pattern of behavior where a person in or who has been in an intimate relationship uses tactics of control, belittling, isolation, fear, stalking, and/or intimidation to dominate, harm, degrade, or otherwise undermine the God-given worth and agency of the other person in the relationship. Domestic violence can be physical, verbal, emotional, sexual, social, or financial.

**Evidence:** Evidence is information, facts, observations, or materials that support or indicate the truth of a claim, hypothesis, or conclusion. This can include physical objects, documents, testimony, data, or any other form of verifiable information that helps establish what is true or what occurred.

**Financial Misconduct:** Financial misconduct by church staff, board members, or volunteers may include, but is not limited to, misappropriation of funds, theft of church assets, fraud, embezzlement, accounting misrepresentation, falsification of time records or expense claims, mismanagement, putting congregational assets at risk, etc.

**Grooming:** Grooming is the process by which a person draws a victim into a sexual relationship and maintains that relationship in secrecy. The offender targets a person and uses compliments, gifts, special favors, or privileges to gain the trust of the potential victim, their family and/or friends, and the congregation as a whole. The offender will isolate the victim and control the victim with requirements of secrecy or use threats to maintain secrecy. Grooming of a child/youth may often start with grooming the parent/guardian to gain their trust to gain unquestioned access to the child.

**Harassment:** Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history), or marital status.

Petty slights, annoyances, and isolated incidents (unless extremely serious) do not rise to the level of harassment. To be considered harassment, the conduct must create an environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

**Mandated Reporter:** A Mandated Reporter is a person who, because of his or her profession or position, is legally required to report any suspicion of child abuse or neglect to the relevant authorities. Mandated Reporter designations vary by state. In most states, clergy are mandated reporters. In states where clergy are not enumerated as mandated reporters, MC USA requires all credentialed leaders to act “as if” they are mandated reporters.

**Micro-aggression,** defined as a statement, action or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group, such as a racial or ethnic minority, is a form of harassment. Micro-aggressions may appear to be a compliment or a joke but contain a hidden insult about a group of people. They leave receiver feeling uncomfortable or insulted because of the individual’s biases.

**Misconduct:** In the context of this policy, misconduct is any breach of ethics by a credentialed or non-credentialed church leader that requires an exploration/investigation of the facts, a determination of culpability and, potentially, an accountability process or change in credential status.

**Non-Credentialed Leader in a Ministerial Role:** A non-credentialed leader in a ministerial role is any person in the congregation, conference or denomination that, by title or function, exercises pastoral authority, but does not have a ministerial credential. The key test is do they function as, and are they perceived as, either formally or informally, as persons with pastoral authority, irrespective of their credential status. This can also refer to non-credentialed former pastors or formally credentialed pastors.

**Personal Support Person:** A personal support person accompanies either a complainant or a respondent in a misconduct complaint process. Their role is to provide support to the person by listening, presence, and participation in all meetings required of the person they are supporting (interviews, hearings, appeal hearing). Complainants and respondents choose their personal support person and may share the details of the misconduct complaint with the personal support person. The personal support person is expected to keep all information shared confidential.

**Process Support Person:** A process support person is assigned by the Response Team to both complainants and respondents in misconduct complaint processes. Their role is to help persons understand and navigate the process, answer any questions they may have, and be a source of information. They also serve as a channel for concerns complainants and respondents may have as they go through the misconduct complaint process.

**Respondent:** In this context, a respondent is a person who is alleged to have committed misconduct through a formal complaint. They are required as a condition of their credentialing to respond to such allegations truthfully and transparently through a formal process.

**Sexual Harassment:** is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations; and/or
- Physical conduct that includes improper touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Churches are also workplaces and harassment, sexual or otherwise, can also occur in a church community even when the people involved are not employees of the church. In a Christian ethic, sexual harassment is not restricted to what is defined as sexual harassment under the law. Any sexualized behavior including communication that is directed toward congregants by clergy or toward clergy by congregants is harassment including unwanted touch, sexual attention, or behavior that objectifies or degrades.

**Stalking:** A pattern of unwanted, fixated, and obsessive behavior which is intrusive and causes fear of violence or serious alarm or distress. Stalking is a terrifying reality and is now recognized as a crime in many places. Examples of stalking include but are not limited to:

- Making unwanted phone calls/texts or sending unwanted letters or emails
- Following or spying on the victim
- Showing up or waiting at places without a legitimate reason
- Leaving unwanted items, presents, or flowers
- Posting information or spreading rumors about the victim on the Internet, in a public place, or by word of mouth.

**Vulnerable Adult:** Any adult who is infirmed or diminished in capacity due to age, illness, or disability, and who is wholly or partially dependent upon one or more other persons for emotional, psychological, or physical care or support. Such dependency may be temporary as in the case of an accident, illness, or birth of a child. Also included is any adult who by virtue of a crisis, experiences vulnerability leading to dependency on another, or lacks agency in a pastoral relationship as in the wake of death of a family member or job loss. (“Model Policy for the Protection of Vulnerable Adults,” The Episcopal Church, 2018.) In addition, this definition includes “Any person 18 years of age or older who is unable to legally consent, unable to comprehend the nature of certain actions, or susceptible to coercion or abuse. This may include individuals who are mentally or physically disabled and the elderly” (Child Protection in a Ministry Environment, Brotherhood Mutual, p. 32).

**Workplace Retaliation:** Workplace retaliation occurs when an employer or person in church leadership fires, suspends, intimidates, imposes a penalty, or denies a right or benefit to an individual who shares concerns, reports an incident, makes a complaint about discrimination, harassment, or violence, or participates in an investigation of alleged misconduct.