

Adopted by the National Commission on the Ministry, January 18, 1991

Revised: January 21, 1993

* Revised by the Ministerial Leadership Commission, January 20, 1995

AN ECCLESIASTICAL PROCESS FOR REVIEW OF MINISTERIAL STANDING

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

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

The Department of Ministry of the Region has responsibility for the recognition of ordination as well as responsibility for the church's review of the recognition of ordination. This process is guided by the biblical mandate of Matthew 18:15-17. According to this passage, the goals are: first, to deal directly with the person (verse 15); second, to deal with a small, more informal group (verse 16); third, only when the process has failed, to bring resolution to move before the church represented by the Department of Ministry (verse 17).

It must be stressed that this is an ecclesiastical process conducted within the confines of the church's structure and polity. It is NOT a legal process. Consequently, parties involved are not bound by the dictates of the judicial system. We are, however, bound by our commitment to justice and fairness for all concerned. Being an ecclesiastical process, there is no official role or place for attorneys in this review process. If any involved parties wish to seek legal counsel, they must do so outside the official review process. Attorneys are not permitted to participate in the preliminary exploration, the review hearing, or the appeal process. This process is recommended to Regions acknowledging the autonomy of the local church and the extremely limited authority of the ABC/USA in matters of ordination and recognition of ordination.

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

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

For allegations of sexual misconduct or harassment, this document is supplemented by the "PASTORAL MISCONDUCT WORKBOOK: DEALING WITH CHARGES OF SEXUAL CONTACT OR HARASSMENT WITHIN THE PASTORAL RELATIONSHIP." (The workbook can be obtained from the office of the Ministerial Leadership Commission.)

1. Written Allegations: When allegations about a particular ministerial leader have not been resolved in the ongoing process of service and care of a Region, formal allegations are to be addressed to the Chair of the Department of Ministry with a copy to the Executive Minister of the Region. The allegations must be specific in content, made in writing, and signed. These allegations, which may come from Region staff, other ministerial leaders, or from lay persons, are to be related to the following categories:

- Delinquency of a moral, ethical, or financial nature which brings the church into disrepute.
- Violation of expectations the church has about ethical behavior for its ministerial leaders as articulated in the Covenant and Code of Ethics for Professional Church Leaders of the ABC/USA.

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

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

3. Informing the Person about the Allegations: The Department of Ministry shall inform the person in writing of the allegations. It shall provide him or her with information about the process of review and request a meeting with this person for a preliminary exploration of the allegations.

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

- a. The Department may discover that there is no warrant for a review hearing and exonerate the person.
- b. The person may acknowledge the truth of the allegations and work with the Department deciding which of the actions listed under #6c below will be followed.
- c. The Department may, in the event of an unusually grave or emergency situation, temporarily suspend recognition of ordination for a period of not more than ninety (90) days. During this period the Department shall convene a review hearing to consider the matter fully. Notice of this decision shall be given to the person in question and to the appropriate denominational bodies.
- d. The person may dispute the allegations in full or in part, and yet work out with the Department a plan to deal with the situation without utilizing the full process of the review hearing.

- e. The person may dispute the allegations and the Department may decide to utilize the review hearing process to investigate and make a decision about the allegations.

All persons are allowed to seek whatever counsel is appropriate, including legal counsel, in preparation for the preliminary exploration. However, attorneys are not allowed to act as legal counsel in the preliminary exploration process.

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

The ministerial leader in question is to be supplied with a written copy of the allegations, a description of the review hearing procedure, and a notification of his or her rights. These include the right to be present, the right to present evidence including witnesses on his or her behalf, and the right to have an advocate present. This advocate may be clergy or lay and is intended to provide support and assistance to the person throughout the process.

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

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

All persons involved in the review hearing process are allowed to seek whatever counsel is appropriate, including legal counsel, in preparation for the hearing. However, attorneys are not allowed to act as legal counsel in the review hearing process. It is not necessary for the person making the allegations to personally confront the person in question. The Review Hearing is an opportunity for the Department to hear all relevant information in order that it may reach a decision.

- b. The following is a guide for how the hearing may progress:

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

(13) Prayer for continuing guidance and comfort for those involved in this situation and for those who are given the responsibility to come to a decision.

(14) Executive session of the Department of Ministry.

c. Following the hearing the Department deliberates and makes its decision from the following options:

Make a finding that does not uphold the allegations.

(1) Exonerate the person.

(2) Exonerate the person and take steps to stop continued allegations.

Make a finding that upholds the allegations.

(3) Develop a plan for addressing the issues short of censure, suspension of recognition of ordination or withdrawal of recognition of ordination.

(4) Allow the person to voluntarily relinquish recognition of ordination.

(5) Censure the person, but allow the recognition of ordination to stand.

(6) Suspend the recognition of the person's ordination.

(7) Withdraw the recognition of the person's ordination.

The decision of the Region shall be based upon a "predominance of evidence" presented at the hearing.

7. Notification of Decision: The Department of Ministry shall notify all parties of its decision within fifteen (15) days of the review hearing. In the event a person is exonerated, that individual shall receive a letter acknowledging this action, a copy of which shall be sent to those making the allegations. In the event of suspension or withdrawal of his/her recognition of ordination, the Ministerial Leadership Commission, the American Baptist Personnel Services, the Regional Executive Ministers Council, the Ministers and Missionaries Benefit Board, the Ministers Council, the originating church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition shall also be notified.

8. Appeal: A person whose recognition of ordination has been suspended or withdrawn may appeal the decision to the Executive Committee of the Region Board. If there is no action by the Executive Committee of the Region Board within sixty (60) days, the person may appeal to the Executive Committee of the Ministerial Leadership Commission, provided that the appeal is filed within one hundred twenty (120) days of the receipt of the notice of the decision. All appeals will be conducted to determine the appropriateness of the process used by the region to reach its final decision. An appeal is not to determine an individual's fitness for ministry; rather, it is to determine if a fair and just process was used by the Region. The decision of the Executive Committee of the Region Board or the Executive Committee of the Ministerial Leadership Commission shall be final.

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

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

DEFINITIONS

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

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

Department of Ministry: In this document Department of Ministry is a generic term for that part of the structure of a particular Region which is charged with the responsibility for recognition (and withdrawal of recognition) of ordination.

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

Censure is an official written statement of the Department of Ministry's disapproval of a behavior as unbecoming one who has been recognized to practice as an ordained minister of the American Baptist Churches/USA. It is offered as a warning indicating that further similar conduct is unacceptable and could lead to suspension or withdrawal of his/her recognition of ordination.

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

Suspension of Recognition of Ordination is a withdrawal of recognition of ordination for a specific period of time in order to implement a program prescribed by the Department of Ministry. The conditions of the suspension must be clearly stated. Notice of a suspension will be given to the Ministerial Leadership Commission, the American Baptist Personnel Services, the Regional Executive Ministers Council, the original ordaining church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, the Ministers and Missionaries Benefit Board, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

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Withdrawal of Recognition of Ordination means that the American Baptist Churches/USA no longer recognized the validity of an ordination. Notice of the withdrawal of recognition shall be given to the Ministerial Leadership Commission, the American Baptist Personnel Services, the Ministers and Missionaries Benefit Board, the Regional Executive Ministers Council, the original ordaining church, the church (or church organization) being served at the time of the allegations, the church (or church organization) now being served, and any other bodies which have relied on American Baptist recognition for endorsement, approval, or recognition.

IMPLICATIONS

There are different kinds of implications of a decision by the Department of Ministry to suspend or withdraw the recognition of a person's ordination. It will mean:

- that a person's name will be deleted from the Directory of Ministerial Leaders of the ABC/USA,
- that the American Baptist Personnel Services will seek to deactivate any use of a person's profile, and
- that all ABC Regions will be notified of the action.

Depending on the requirements of other bodies, this decision may directly effect an endorsement, approval, or recognition which was predicated on ABC action; in some instances this may mean termination of employment. Depending on the laws of the state, this decision may mean that a person will no longer be authorized to perform pastoral functions such as weddings, funerals, and/or pastoral counseling.

ADOPTED ON _____ BY _____ OF _____
Date Board/Commission/Department Region

*Effective January 1, 1994, the National Commission on the Ministry was renamed the Ministerial Leadership Commission.

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