



## **BYLAWS OF THE UNIVERSAL FELLOWSHIP OF METROPOLITAN COMMUNITY CHURCHES**

### **Addendum 4**

**(Effective 1<sup>st</sup> of January 2012)**

### **MCC POLICY FOR DISCIPLINE OF MINISTRY LEADERS (AS ADOPTED BY THE GOVERNING BOARD)**

Metropolitan Community Churches is a beloved community of justice, compassion, and reconciliation. We also seek to be a community of accountability and restoration. We call ourselves to the highest level of professional ethics, especially among our ministry leaders. We strive to hold each other in graceful accountability to authentic, integrated, and embodied ministry with one another and with and among God's people.

The MCC Director of Formation and Leadership Development has the responsibility for extending nurture to and ensuring accountability by all authorized ministry leaders within MCC. All persons authorized for ministry by MCC are expected to cooperate fully with MCC's accountability and disciplinary policy, processes, and procedures.

It is the policy of Metropolitan Community Churches that all individuals who are authorized by MCC to provide ministry leadership are to abide by and to be held accountable to the Statement of Ethical Guidelines for ministry leaders in MCC and by the MCC Sexual Misconduct Policy.

For the purpose of this policy, those authorized by MCC to provide ministry leadership is defined as those who are:

1. Clergy ordained by MCC;
2. Ordained clergy from another denomination who have been granted a license to practice by MCC;
3. Registered as In Care with MCC;
4. Interim Pastoral Leaders;
5. Lay people elected by General Conference; and
6. Lay people who are appointed to positions by the Governing Board or Council of Elders.

This Policy and Process for Discipline of Ministry Leaders is not intended to create a promise or representation of continued employment, nor is it intended to create an express or implied contract with respect to the length of your employment or any other matter related to the terms and conditions of your employment. This Policy and Process from Discipline of Ministry Leaders does not create a legal entitlement to progressive discipline.

Metropolitan Community Churches reserves the right to suspend, terminate or otherwise alter the terms of services provided by any Ministry Leader without following the procedures set forth herein when exigent circumstances exist mandating action be taken.

## **PROFESSIONAL ETHICS FOR MINISTRY LEADERS IN MCC (AS ADOPTED BY THE COUNCIL OF ELDERS)**

All ministry leaders authorized by Metropolitan Community Churches use the guidelines that follow to hold ourselves accountable to each other and to a ministry of integrity. When we fall short, MCC provides systems whereby there is room for discipline and grace. We seek to restore, to rehabilitate and to make restitution whenever possible; to help people escape loneliness, despair, and degradation; and to contribute to the wholeness of the body – where we seek to do no harm, but rather to edify.

We recognize that there are certain violations of our covenant of ministry together. Some behaviors are implicitly illegal and/or immoral, which constitute ethical violations and may result in a judiciary process, the end result of which may be suspension, loss of licensure and/or removal from office. Some behaviors and attitudes are unethical by our standards and compromise our ability to perform and provide ministry. Other behaviors and attitudes harm us and interfere with our ministry and our own efforts toward wholeness. We seek to address these violations honestly within the framework of our commitment to restorative, when possible, rather than retributive justice.

### **Statement of Ethical Guidelines for Ministry Leaders**

- **Honesty.** Ministry leaders strive to operate on the highest level of trust and integrity, which requires that we act honestly and fairly in our dealings with others. We strive to make all of our communication accurate, honest, and clear. We intentionally avoid misrepresenting the truth or misleading others. We strive to give appropriate credit to the originators of ideas or quotations that we utilize in our written or spoken communication, and will not knowingly present the material of others as our own.
- **Confidentiality.** Ministry leaders respect the integrity and protect the welfare of individuals as well as the communities we serve. We take seriously our obligation to safeguard information entrusted to us as professional ministers. If there is a legitimate reason for the health and well-being of an individual or the community for us to divulge information that has been shared with us in confidence, we will actively seek permission for this disclosure from the person(s) providing us the information before doing so. We also recognize that it may occasionally be appropriate to disclose confidential information, e.g. if that information pertains to the immediate danger of bodily harm/loss of life or when applicable laws mandate reporting.
- **Nonviolence.** Ministry leaders respect the inherent worth and dignity of all people and actively work to counter the forces of violence that inflict harm to individuals and communities. Such forms of violence include, but are not limited to, bias or discrimination on the basis of race, gender, gender identity, age, class, nationality, sexual orientation, physical or mental ability, and any other characteristic of human diversity. We strive to ensure that our words and deeds do not directly lead to physical, psychological, spiritual, or ritual abuse.
- **Responsible Fiscal Management.** Ministry leaders strive to be faithful stewards of the resources for which we are given responsibility, including financial resources. We conduct our fiscal affairs with appropriate regard to recognized business and accounting procedures, as well as applicable civil laws. We do not condone theft, fraud, or the misappropriation of church funds or property.
- **Sexual Responsibility.** Ministry leaders affirm sexuality as a gift from God and strive to honor this gift by conducting our own lives in accordance with responsible, positive sexual ethics and in accordance with the MCC Sexual Misconduct Policy. A positive sexual ethic balances desire within

the embodied framework of our emotional, physical, sexual and spiritual selves, while preserving and honoring mutuality and consent.

- **Responsible Use of Authority.** Ministry leaders strive to use our authority responsibly. We use our professional training, relationships, and practices for the benefit of the people we serve and not to secure unfair personal advantage. We are mindful of the power differential that exists in our relationships with those we serve and supervise, and strive to structure these relationships in mutually respectful, mutually empowering, and non-exploitative ways.
- **Professional Services.** Ministry leaders respect the various educational and vocational standards, as well as the systems of accreditation, affiliation, and mutual accountability that exist for our own and other professions. Therefore, as ministry leaders, we truthfully represent the facts of our professional qualifications and affiliations, and we limit our own professional practices to those for which we are equipped, authorized, and licensed. Regardless of our professional qualifications, ministry leaders, when acting in the course and scope of their functions and duties for MCC, must limit their activities to Biblically-based counseling or guidance. MCC is not authorized as a provider of psychological, psychiatric or other physical or mental healthcare services. UFMCC clergy allows ministry leaders to provide religiously-based counseling or guidance, not secular services.
- **Exercise of Professional Etiquette in Collegial Relationships.** Ministry leaders recognize that we do not do ministry on our own and we strive to honor and respect our network of colleagues in MCC. We mutually support our shared ministry by doing no harm through word or deed to the ministries or reputations of other colleagues or churches. We value the highest good of local churches over our own personal ambition or advantage. We commit ourselves to practicing professional courtesy with our colleagues and maintaining clear boundaries with former churches and parishioners. For example, we return to churches we have formerly served only with the invitation/agreement of the current pastor. Additionally, we honor the role of the current pastor in performing rites and sacraments and perform or participate in sacramental functions only with the invitation/agreement of the current pastor.
- **Ethical and Responsible Use of Social Media.** Understanding that we live in a world that is highly connected by social media and virtual technology, Ministry Leaders seek to maintain appropriate boundaries and behavior in the virtual world as in the physical world. We adhere to safe church practices in our use of digital communication as well as social media and networking sites. We maintain an awareness of best practices for social media as outlined in [MCC's Social Media Guidelines for Clergy and Congregations](#). We observe the same ethical boundaries and behaviors with regard to former churches or church members as we do in the physical world.
- **Commitment to Addiction Recovery.** Ministry leaders understand that addiction to alcohol, drugs, and other substances/practices can do us harm, impair our judgment, and seriously interfere with our ability to effectively minister in our communities. We strive for appropriate and responsible use of substances and affirm our intention to seek treatment and recovery for ourselves when necessary.
- **Covenant with MCC.** Ministry leaders recognize the MCC Bylaws as a reflection of the covenantal relationship that exists between MCC and its members, friends, groups, and affiliated churches. We will honor the Bylaws and will participate and encourage our churches to participate regularly in MCC Network Gatherings and General Conferences as primary avenues for our shared discernment, continuing education/formation, mutual edification, and relationship building.

## **MCC Sexual Misconduct Policy** **(AS ADOPTED BY THE COUNCIL OF ELDERS)**

Since its founding, UFMCC has offered a counter voice to the sex negativity of Judeo Christian culture. Therefore, the UFMCC Sexual Misconduct Policy must, on the one hand, acknowledge the risk of sexual misconduct, while on the other hand avoid the risk of the disembodiment of leaders who are called to model health and wholeness, including sexual wholeness.

Let it be affirmed that sex is a gift from God. The divine value of sex includes but is not limited to pleasure, procreation, intimate communications, grace, and love. God's gift of sexuality is to be responsibly embraced by all people, whether partnered or single, lay or clergy. A complete and responsible sexual ethic embraces the beauty of relationships among people of many sexual orientations and gender identities.

A positive sexual ethic balances desire within the embodied framework of our emotional, physical, sexual and spiritual selves, while preserving and honoring mutuality and consent.

Following are some examples of certain behaviors that constitute a sexual misconduct:

1. Sexual contact with a minor is sexual misconduct; or
2. Sexual abuse or sexual molestation of any person, including but not limited to any sexual involvement or sexual contact with a person who is legally incompetent or in any other way a vulnerable adult; or
3. Sexual harassment of any person, including those in relationships in which there is an employment, mentor, or colleague relationship between the persons involved, including but not limited to sexually oriented humor or language; questions or comments about sexual behavior or preference unrelated to employment qualifications; undesired physical contact; inappropriate comments about clothing or physical appearance; or repeated requests for social engagements; or
4. Whether clergy or lay, using one's position of privilege for sexual exploitation is sexual misconduct. A perpetrator who induces another person to undertake or endure a sexual act by serious abuse of that person's position of dependency on the perpetrator, shall be guilty of sexual exploitation.
5. The attempt to develop a sexual relationship with a person with whom s/he has a pastoral or supervisory relationship

A "pastoral relationship" is defined as a relationship between a clergy person, employee or volunteer and person receiving direct supervision, individual spiritual and/or pastoral counseling and providing confidential and/or privileged information to the clergy person, employee or volunteer.

At times, a clergy person, employee, or pastoral leader may develop an appropriate sexual relationship within the context of UFMCC ministry, including the congregation in which a person is serving, if there has been no direct supervision or individual spiritual counseling. Such relationships are to be entered into with extreme caution and a spirit of discernment.

## **MCC PROCESS FOR DISCIPLINE OF MINISTRY LEADERS** (AS ADOPTED BY THE COUNCIL OF ELDERS In December 2011)

The process for discipline of MCC ministry leaders consists of seven stages:

- Stage 1: Pre-Complaint
- Stage 2: Complaint
- Stage 3: Investigation
- Stage 4: Hearing
- Stage 5: Resolution
- Stage 6: Appeal
- Stage 7: Healing of the Affected Church/Board/Agency

Anyone who alleges that an MCC spiritual leader has violated the MCC Statement of Ethical Guidelines for ministry leaders or the MCC Sexual Misconduct Policy should immediately submit a Report of Concern form to the Director of Formation and Leadership Development. The Director of Formation and Leadership Development will decide whether consideration of such Report of Concern should be initially addressed at the local level (Stage 1) or be initially processed as a Complaint (Stage 2). Allegations of egregious misconduct, violations of the Sexual Misconduct Policy, or other actions involving potential or actual civil or criminal charges may be initially processed as a Complaint (Stage 2).

The Office of Formation and Leadership Development maintains a file on each authorized ministry leader. The file includes information regarding the authorized ministry leader's involvement as the subject of any disciplinary matter. Full access to the disciplinary file of an authorized ministry leader is limited to staff of the Office of Formation of Leadership Development. Unless otherwise specified in the MCC Process for Discipline of ministry leaders, disclosure of any disciplinary information beyond the outcome of the disciplinary matter and license status of the authorized ministry leader is limited to the authorized ministry leader, members of the Council of Elders and Governing Board, and such other disclosure as might be required by local, state, or national law.

### **APPOINTMENT OF JUDICIAL PERSONNEL**

The Council of Elders will appoint lay and clergy members of UFMCC to serve in an International Judicial Pool (the Pool). These persons must be members in good standing of UFMCC. The term of office is five (5) years. Members of the Pool are supported and supervised by the Director of Formation and Leadership Development (the Director).

Members of the Council of Elders or of the Governing Board are not eligible to serve as members of the International Judicial Pool or to serve in a temporary capacity as a Judicial Officer, Investigator, Judiciary Committee member, and/or Appeals Panel member.

An appointed member of the Pool may not be assigned to a disciplinary matter unless that member has successfully completed training for the particular role for which the member is being considered. Training and certification will be provided by the Director.

## **JUDICIAL OFFICERS**

The Director shall appoint an unbiased person from the Pool to serve as the Judicial Officer when:

- The Director receives a Report of Concern alleging that a ministry leaders has violated the MCC Statement of Ethical Guidelines for ministry leaders and/or the Sexual Misconduct Policy;
- The Director finds that the Report of Concern falls within the purview of the MCC Process for Discipline of ministry leaders; and
- The Director finds that the allegations are reasonably reliable.

The Judicial Officer is responsible for coordinating the processing of the Report of Concern until the matter is resolved.

## **INVESTIGATORS, JUDICIARY COMMITTEE MEMBERS, AND APPEALS PANEL MEMBERS**

The Judicial Officer shall select investigators, Judiciary Committee members, and Appeals Panel members from among the members of the International Judicial Pool. Those selected will be those who have no vested interest in the outcome of the proceedings. If an appropriate person from the International Judicial Pool is not available or if, in the judgment of the Judicial Officer, particular skills and/or expertise are needed, the Judicial Officer may appoint another person who has no vested interest in the outcome of the proceedings to serve in a temporary capacity as an investigator, Judiciary Committee member, and/or Appeals Panel member. Professional investigators may be used, if deemed necessary by the Judicial Officer.

## **CHALLENGES TO THE APPOINTMENT OF JUDICIAL OFFICIALS**

The person making the Report of Concern and/or the ministry leader may challenge the appointment of a particular Judicial Officer, investigator, or member of the Judiciary Committee. Challenge to an appointment can be made only if the person making the Report of Concern or the ministry leader can substantiate that the person being challenged is potentially or actually biased for or against the person making the Report of Concern or the ministry leader and therefore would be unable to impartially fulfill his/her responsibilities in the judiciary process.

1. To challenge the appointment of the Judicial Officer, the person making the Report of Concern or the ministry leader must submit a written challenge to the Director within two (2) business days of having received notification of the appointment of the Judicial Officer or within ten (10) business days after it is sent, whichever occurs first.
2. To challenge the appointment of a particular investigator or member of the Judiciary Committee, the person making the Report of Concern or the ministry leader must submit a written challenge to the Judicial Officer within two (2) business days of having received notification of the appointment of the particular investigator or member of the Judiciary Committee or within ten (10) business days after it is sent, whichever occurs first.

Upon receiving a written challenge, the Director or Judicial Officer will consider the challenge, render a decision, and inform the person making the Report of Concern and the ministry leader of the decision in writing within three (3) business days.

1. In his/her sole discretion, the Director or Judicial Officer may decide either (a) to remove the challenged person from the assignment and appoint someone else, or (b) to allow the challenged person to fulfill the assignment.
2. The decision of the Director or Judicial Officer is not subject to appeal.

The person making the Report of Concern or the ministry leader does not have the right to submit an appeal on the basis of potential or actual bias if the person with the concern or the ministry leader failed to make a timely challenge to an appointment, as prescribed above, unless such demonstration of bias occurred after the time for challenge of appointment has expired. Where the demonstration of bias occurs after the time to challenge a Judicial Officer, investigator or member of the Judiciary Committee, the person making the Report of Concern or the ministry leader must submit a written challenge to the Director or Judicial Officer within two (2) business days of having become aware of the demonstration of bias.

### **CHALLENGES TO PROCEDURAL ERRORS**

The person with the concern or the ministry leader may challenge the implementation of a procedure contained within the judiciary process only if the person with the concern or the ministry leader can substantiate that the alleged procedural violation may substantially impact the resolution of the complaint.

1. To challenge implementation of the procedures by the Judicial Officer, the person with the concern or the ministry leader must submit a written challenge to the Director within two (2) business days of the date when the person with the concern or the ministry leader becomes aware that an alleged error occurred.
2. To challenge implementation of the procedures by an investigator, member(s) of the Judiciary Committee, or member(s) of the Appeal Panel, the person with the concern or the ministry leader must submit a written challenge to the Judicial Officer within two (2) business days of the date when the person with the concern or the ministry leader becomes aware that an alleged error occurred.

Upon receiving a written challenge, the Director or Judicial Officer shall consider the challenge, render a decision, and inform the person with the concern and the ministry leader of the decision in writing within three (3) business days.

1. In his/her sole discretion, the Director or Judicial Officer may decide either to:
  - a. Direct the erring Judicial Officer or judiciary personnel to correct the error by redoing the procedure that was challenged;
  - b. Allow the erring judicial official to continue in the assignment but appoint someone else to correct the error in procedure;
  - c. Remove appointment from the erring judicial official and appoint someone else to complete the assignment;
  - d. Determine that there was no error; or
  - e. Allow the error in procedure to stand.

The person with the concern or the ministry leader shall not have the right to submit an appeal on the basis of procedural error if the person with the concern or the ministry leader failed to make a timely challenge to a procedural error, as prescribed above.

### **COSTS OF THE DISCIPLINARY PROCESS**

The cost of administration of the disciplinary process shall be the responsibility of MCC. MCC reserves the right to seek restitution from anyone who brings forward a frivolous or malicious Statement of Concern.

1. The cost of bringing forward a Statement of Concern shall be the responsibility of the person with the concern.
2. The cost of responding to and defending against a Statement of Concern and of the ministry leader's participation in any prescribed program of growth or corrective action shall be the responsibility of the respondent ministry leader.
3. The cost of any healing process shall be the responsibility of the affected church or agency.

If the person with the concern, the ministry leader, or the affected church/agency is financially unable to bear the costs of participation in the MCC Process for Discipline of ministry leaders, a request for assistance may be made to the Moderator.



## **OVERVIEW OF POSSIBLE OUTCOMES OF THE DISCIPLINARY PROCESS**

Reconciliation is a key component of the disciplinary process. MCC seeks to rehabilitate and restore, not punish those deemed unfit under the process. The purpose of this section is to outline the possible outcomes that may result in disposing of a Report of Concern and discuss generally the range of rehabilitation, sanctions and reconciliation/healing options available to the Judicial Officer and the Judiciary Committee. If the Judiciary Committee finds that a concern is sustained, it then recommends to the Judicial Officer any rehabilitation and sanctions that should be considered in the appropriate resolution of the case. This may include rehabilitation requirements that are to be met if the ministry leader wishes to continue in ministry and any sanctions if appropriate under the circumstances.

Whenever a Report of Concern is filed in MCC, it is responded to and a determination is made by the Director of Formation and Leadership Development and/or the Judicial Officer as to the most appropriate way to proceed in considering the matter. The following dispositions are possible to resolve a Report of Concern:

- A. Reporting Person Not Cooperative:** If the person who reports the original Report of Concern refuses to participate in the process to determine the veracity or weight of their concern, the Director of Formation and Leadership Development and/or the Judicial Officer may decide to take no further action on the Report of Concern and determine that the concern does not warrant further action by a Judiciary Committee.

This situation might occur, for instance, when the assigned investigator attempts to interview the person with the concern and the person refuses to respond to efforts to make contact, answer questions, provide documentation necessary to determine the veracity of their report, etc. In this situation, the Judicial Officer shall inform the Director of Formation and Leadership Development and the Moderator of this decision. The Director of Formation and Leadership Development will then communicate with the Board of Directors of the affected church or leaders of the authorized ministry to advise them that the process has been terminated. The Report of Concern shall be placed in the ministry leader's file, along with a document prepared by the Judicial Officer indicating that no action was taken due to lack of cooperation from the person with the concern.

- B. Concern Unfounded:** After the investigation is completed, the Judicial Officer determines that there is no trustworthy evidence that supports the Report of Concern. This finding is a complete exoneration of the ministry leader and will be a finding that reflects their conduct was proper, within all rules and bylaws, consistent with good ethical behavior and good ministry practice within MCC. This means that the ministry leader shall be determined to be reaffirmed fit for ministry.

If this is the determination, the Judicial Officer may deem that the process does not warrant further action by a Judiciary Committee. The Judicial Officer shall inform the Director of Formation and Leadership Development and the Moderator of this decision. The Director of Formation and Leadership Development will then communicate with the Board of Directors of the affected church or leaders of the authorized ministry to advise them that the process is completed. This finding shall not be used in any manner to limit the ministry leader's fitness for ministry or future assignments. The Report of Concern shall be filed in the ministry leader's file, along with a statement prepared by the Judicial Officer indicating that the matter was fully

investigated and a determination was made that the concern had no merit and thus was not referred to a Judiciary Committee. If the file is reviewed by any person in the future where disclosure of the Report of Concern is made, there will be also disclosure of the written decision of the Judicial Officer as well.

- C. Concern Not Sustained:** The Concern was fully investigated and referred by the Judicial Officer to a Judiciary Committee for hearing; the Committee decided that there was insufficient evidence or information to determine that the Concern was true.

If a concern is not sustained, then a discussion with Judicial Officer and the Chair of the Judiciary Committee will jointly determine whether the ministry leader could still benefit from some sort of growth plan or intervention due to any ancillary findings that may have been observed or discovered during the process. Such growth plan or intervention is purely for the benefit of developing or training the ministry leader and shall not be seen in any manner as punitive or as a sanction. If such finding is recommended, the Judicial Officer will contact the ministry leader and recommend the plan. Participation by the ministry leader in any such plan is optional, not required. Documentation of the Not Sustained finding by the Judiciary Committee, an outline of the plan developed and recommended, and the decision of the ministry leader to participate or not to participate will be filed in the ministry leader's file. If the file is reviewed by any person in the future where disclosure of the Report of Concern is made, there will be also disclosure of the written decision of the Judicial Officer, the recommended plan and the Ministry Leader's decision to participate or not. The Not Sustained finding shall not be used in any manner to determine the ministry leader's current fitness for ministry, but the recommended plan and the ministry leader's decision to participate may be used for future decisions involving same or similar conduct or Reports of Concern and may be used in future determinations of fitness.

- D. Concern Sustained:** The Concern was fully investigated and referred by the Judicial Officer to a Judiciary Committee for hearing; the Committee decided that there was sufficient evidence or information to determine that the Concern has been substantiated. If a concern is sustained, then a discussion occurs among the members of the Judiciary Committee to determine which path to restoration should be recommended to the Judicial Officer. The Chair of the Judiciary Committee may invite the ministry leader and/or the person with the concern to participate in the discussion in whole or in part. While the ministry leader and the person with the concern may participate in the discussion, the determination of what is to be recommended is the purview of the Judiciary Committee.

## STAGE 1: PRE-COMPLAINT

Prior to submitting a Report of Concern Form (which is called for at Stage 2) and as soon as a potential for conflict or difficulty arises, the person with a concern and/or a ministry leader should first attempt to resolve the matter in one of the following three ways:

1. Request assistance from the ministry leader’s authorizing body.
2. Request that the Director organize a Support Consultation; the Director has the sole authority to determine how to respond to the request.
3. Request intervention by an Elder.

The Director may issue an exemption from Stage 1 when the conflict involves egregious misconduct, potential violation of the Sexual Misconduct Policy, or actions involving civil or criminal charge.

### 1. REQUEST ASSISTANCE FROM THE MINISTRY LEADER’S AUTHORIZING BODY

Ministry Leader	Authorizing Body
Clergy ordained by MCC and serving in an MCC church	The administrative body of the local MCC church where the ministry leader is serving
Clergy ordained by MCC and serving in other ministry settings	The other ministry setting
Clergy ordained by other denominations who have been appointed by an Elder	The appointing Elder
Those registered as In Care with MCC	The administrative body of the endorsing church
Interim Pastoral Leaders who have been appointed by an Elder	The appointing Elder
Lay people who serve in elected or appointed positions at the denominational level	The Moderator, acting on behalf of General Conference

All authorizing bodies are strongly encouraged to adopt and publish an appropriate policy and procedure for conflict resolution. In the event that no local policy for conflict resolution exists, the following “Basic Conflict Resolution Policy for Authorizing Bodies” may be utilized.

*Basic Conflict Resolution Policy for Authorizing Bodies*

*The root word of discipline is “disciple.” This is a familiar word. A disciple is one who follows and, as in the case of the Biblical disciples, grows into leadership. This process of learning and growth is different for every person. Unfortunately, conflict is often a part of this growth process. For that reason, the intent of the conflict resolution policy is first and foremost to support the growth of our leaders and congregations as they seek to be leaders in their own communities.*

*Conflict is a part of any congregation’s cycle of life; sometimes those conflicts are between ministry leaders and the people they serve. There are healthy and unhealthy ways to deal with these conflicts. Unhealthy ways include rumor, gossip, and avoidance. Healthy ways include direct dealing, admitting our shortcomings, and forgiving one another. It is the intent of this policy to encourage direct conversation (direct dealing)*

*between the persons directly involved in an attempt to resolve the conflict or disagreement before bringing forth a complaint against another person.*

*The attempt at direct resolution is a first step. At this step, only those who are directly affected participate. Most conflicts can be resolved at this level in a spirit of love and mutual respect.*

*If a conflict or concern cannot be resolved one on one, then the Board of Directors should be made aware of the situation and assign a mediator from the Board or congregation to hear the complaint or problem and to help the parties reach an agreement or understanding, in the spirit of love and respect for one another. At this point, only the Board and those directly affected are involved. In a good process, other people in the congregation do not hear 'sides of the story', rumors, or gossip.*

*Sometimes direct intervention by the Board is inappropriate, especially in instances of egregious misconduct, sexual abuse, assault or harassment, or actions involving civil or criminal charges. In such rare instances, the Board should refer the matter directly to the Director of Formation and Leadership Development.*

## **2. SUPPORT CONSULTATION**

One of the ways in which MCC facilitates processes of reconciliation and restoration is by providing Support Consultations that are facilitated by a Covenant Team. A Covenant Team provides authorized ministry leaders a safe space for counsel and/or encouragement without fear of recrimination. A Covenant Team consists of experienced ministry leaders appointed by the Director of Formation and Leadership Development and may be augmented by other appropriate ministry leaders at the discretion of the Director.

A Support Consultation takes place when something has occurred or might be occurring that needs to be looked at in some depth. In most cases, this consultation is precipitated by a situation or concern that has arisen with the ministry leader, the setting for ministry, or the relationship between the ministry leader and the authorizing body.

In a Support Consultation, the Covenant Team is seeking to clarify the specific issues, find the extent to which there may be an impediment to effective ministry, and identify ways for actions to be taken to resolve an identified problem. The desired outcome is for all covenantal partners involved to agree to a course of action that will be evaluated together at a specified later date.

### **The Covenant Team**

When there is a need for a Support Consultation, the Director selects at least three (3) members of MCC to serve as the Covenant Team for that situation. The members of the Covenant Team may include lay people and clergy.

### **Participation**

A Support Consultation may be requested by an authorizing body, a ministry leader, the Director of Formation and Leadership Development, or a member of the Council of Elders. A ministry leader may want support in addressing a concern with the setting for ministry. An authorizing body or Elder may seek assistance in working through an issue, or the Director may initiate a consultation if circumstances

warrant. MCC staff familiar with the situation may also share information with the Director to determine whether a Support Consultation is called for.

When a Support Consultation is convened, it is appropriate to include all covenantal partners most directly involved in the situation. If, for example, a ministry leader requests a consultation to address a particular conflict with an authorizing body, both the ministry leader and the authorizing body would be given opportunity to participate in order to address the concern together.

### **Issues Addressed**

The consultative nature of a Support Consultation may be used to address a wide range of concerns including:

- A situation that may be hindering the person's ability to practice or function in ministry effectively.
- A request by a spiritual leader for an opportunity to reflect on his or her ministry and consider options for the future.
- A concern caused by a change in the setting for ministry with resulting changes in the conditions under which the call was extended and accepted.
- A concern about conflict that has arisen between the spiritual leader and the local church or other authorizing body, or certain members within the local church or other authorizing body.
- Other issues or concerns involving the relationship among the various covenantal partners.

The Support Consultation allows the Covenant Team to address issues in a nurturing, pastoral manner—identifying the issues, determining the concerns that need to be addressed, and working toward a plan of action with all covenantal partners.

A Support Consultation is not intended to address questions about a person's fitness for ministry. If, during the course of the conference, the Covenant Team becomes aware of information that raises a question about the spiritual leader's fitness for ministry, the Covenant Team may request the Office of Formation and Leadership Development to initiate a Fitness Review.

### **Potential Outcomes**

A Support Consultation can result in any of the following outcomes:

- **No Further Action Required.** The concern is explored and the consultation provides sufficient opportunity for reflection or counsel. No further action is needed.
- **Mutually Agreed-upon Plan of Action.** The concern is explored with all the parties involved and a plan to address or correct the situation is agreed upon with checkpoints to review progress. Those involved agree to all the actions called for in the plan.
- **Advisory Statement.** The Covenant Team prepares an advisory statement about the situation if all parties cannot agree to follow a mutually agreed-upon plan of action. Such an advisory statement may outline the needed course(s) of action determined during the consultation, any

potential consequences related to the course(s) of action, and mention of specific resources available related to the course(s) of action. The advisory statement is shared with all covenantal partners, the appropriate Elder, and any other parties directly involved in the situation. The advisory statement becomes a permanent part of the records of Metropolitan Community Churches and is placed in the ministry leader's file.

### **3. INTERVENTION BY AN ELDER**

When intervention by an Elder is requested, the intervention process to be followed shall be in accordance with MCC Bylaws Article V.B.4.b.

#### **Potential Outcomes**

An intervention by an Elder can result in the following outcomes:

- **No Further Action Required.** The concern is explored and the intervention provides sufficient opportunity for reflection or counsel. No further action is needed.
- **Mutually Agreed-upon Plan of Action.** The concern is explored with all the parties involved and a plan to address or correct the situation is agreed upon with checkpoints to review progress. Those involved agree to all the actions called for in the plan.
- **Advisory Statement.** The Elder prepares an advisory statement about the situation if all parties cannot agree to follow a mutually agreed-upon plan of action. Such an advisory statement may outline the needed course(s) of action determined during the intervention, any potential consequences related to the course(s) of action, and mention of specific resources available related to the course of action. The advisory statement is shared with all covenantal partners and the Director of Formation and Leadership Development. The advisory statement becomes a permanent part of the records of Metropolitan Community Churches and is placed in the ministry leader's file.

#### **Information Gathering and Record Keeping**

An intervention by an Elder is primarily designed to bring resolution to a situation. With that in mind, records are maintained in such a way that all covenantal partners are encouraged to share openly and honestly in order to strengthen the ministry.

The details of the intervention need to be reported by the Elder to the covenantal partners who participated in the consultation and to the Director for placement in the confidential files maintained by the Office of Formation and Leadership Development.

Should the matter be referred to Stage 2, the Elder shall also provide a written summary of the process followed to address the concern, the participants in the process, and a general statement of the outcome.

The confidential records should also include a summary of the contacts between the Office of Formation and Leadership Development and the involved parties, a description of the concern, and steps taken to address the concern. The details of any agreements, recommendations, or advisory statements resulting from a Support Consultation should be made in writing and kept in the ministry leader's confidential MCC file where they can be accessed by appropriate parties in the future.

## **STAGE 2: COMPLAINT**

Unless the Director of Formation and Leadership Development has determined that the allegations in the Report of Concern substantively indicate it should be initially proposed as a Stage 2 complaint, a Report of Concern will not, in most cases, be received for consideration at Stage 2 of the MCC Process for Discipline of Ministry Leaders unless the person with the concern can attest to having participated in good-faith Stage 1 attempts to resolve the concern and that such attempts had not resolved the matter.

If the matter is not resolved during Stage 1 to the satisfaction of the person making the Report of Concern, the ministry leader, and the authorizing body, then the Director of Formation and Leadership Development may make any related information or documentation available to the person making the Report of Concern and/or the ministry leader, upon request. Only if the Director of Formation and Leadership Development has determined, after consulting with legal counsel if necessary, that the release of such information or documentation will not subject MCC to liability for violation of privacy of other legal rights. A request for information must be received by the Director of Formation and Leadership Development within twenty (20) calendar days of the completion of Stage 1. The request for information must be fulfilled within ten (10) calendar days after the request is received.

### **REPORT OF CONCERN**

Anyone who alleges that an MCC ministry leader has violated the MCC Statement of Ethical Guidelines for Ministry Leaders or the MCC Sexual Misconduct Policy, or has exhibited other actions involving potential or actual civil or criminal charges should submit a Report of Concern Form (Form DP-1) to the Director. The Director will decide whether consideration of such concern should be initially addressed at the local level (Stage 1) or be initially processed as a Complaint (Stage 2).

The Report of Concern form is designed to guide the investigation process by providing specifics about the nature of the concern, potential evidence and witnesses, and what, if any, steps have already been taken to achieve resolution.

The Report of Concern form may also be used for self-reporting by ministry leaders who have been found guilty of criminal misconduct or who have been held civilly liable for misconduct involving moral turpitude.

The Director of Formation and Leadership Development may also initiate a Report of Concern on behalf of MCC.

### **DETERMINATION OF PURVIEW AND RELIABILITY**

Upon receiving a Report of Concern, the Director shall first determine if the complaint falls within the purview of the MCC Policy for Discipline of Ministry Leaders. If the Director finds that the concern falls within the purview of the MCC Policy for Discipline of Ministry Leaders, then the Director shall determine whether the allegations stated in the concern are reasonably reliable. Reasonably reliable concerns are those that are based (a) on first-hand information or (b) on other information of such a nature as to indicate sufficient reliability to warrant further inquiry.

## **NOTIFICATION OF DETERMINATION**

Within five (5) business days of receiving a Report of Concern, the Director shall issue a written determination of purview and reliability to the person with the concern, the ministry leader, and the Moderator. A copy of the determination and of the Report of Concern shall be placed in the ministry leader's MCC file.

1. If the Director of Formation and Leadership Development determines that the concern falls outside of the purview of the MCC Policy for Discipline of Ministry Leaders and/or that the concern is not sufficiently reliable so as to warrant further inquiry, notification shall include a copy of the written determination and of the Report of Concern. A copy of the determination and of the Report of Concern shall be placed in the ministry leader's MCC file.
2. If the Director of Formation and Leadership Development determines that the concern falls within the purview of the MCC Process for Discipline of Ministry Leaders and that the concern is reasonably reliable, notification to the ministry leader shall include:
  - a. A copy of the MCC Process for Discipline of Ministry Leaders;
  - b. The notice of determination;
  - c. A copy of the Report of Concern and any supporting documentation or other material submitted by the person with the concern; and
  - d. A copy of the Response to Concern Form (Form DP-2).

## **RESPONSE TO CONCERN BY THE MINISTRY LEADER**

The ministry leader shall complete and submit the Response to Concern Form to the Director within ten (10) business days.

Within five (5) business days of receiving the completed Response to Concern Form, the Director of Formation and Leadership Development shall:

1. Appoint a Judicial Officer to be responsible for coordinating the processing of the complaint until the matter is resolved.
2. Provide to the Judicial Officer a copy of the Report of Concern and any supporting documentation or other material submitted by the person with the concern and a copy of the Response to Concern Form and any supporting documentation or other material submitted by the ministry leader.
3. Provide the person with the concern, the ministry leader, and the Moderator with the name of the Judicial Officer.
4. Provide to the person with the concern a copy of the Response to Concern Form and any supporting documentation or other material submitted by the ministry leader.
5. Provide to the Moderator a copy of the Report of Concern and of the Response to Concern Form.



## **ADMISSION OF ALLEGATIONS**

A ministry leader may admit to the allegations in writing at any point in the disciplinary process, up to and including during a hearing.

1. If the written admission is received prior to the date of the hearing, within ten (10) business days of receipt of the written admission, the Judicial Officer may determine resolution of the matter with the ministry leader and the person with the concern.
2. If the written admission is received during or after the pre-hearing conference, the Judicial Officer may cancel the hearing. In such instance, the Judiciary Committee may meet with the ministry leader and consult with the person with the concern and/or with the affected church or agency to determine resolution of the matter.
3. A written copy of the admission and determination will be provided to the person with the concern and the Moderator within five (5) business days following determination of the resolution and will be placed in the ministry leader's MCC file.

**NOTIFICATION TO THE AFFECTED CHURCH/AGENCY** - In consultation with the Director of Formation and Leadership Development, the Judicial Officer shall determine whether the affected church/agency will be informed that a complaint has been received against the ministry leader serving that church/agency. This notification will not include a copy of the written Report of Concern and/or of the Response to Concern.

## **INACTIVE STATUS**

1. At the discretion of the Director of Formation and Leadership Development, the Director may place the ministry leader on inactive status. The ministry leader must be placed on inactive status immediately if the allegations indicate the possibility of injury to persons or property.
  - a. If placed on inactive status, the ministry leader shall cease to function as a ministry leader until resolution of the matter.
  - b. A ministry leader placed on inactive status who is compensated by MCC or an MCC congregation shall continue to receive all compensation, insurance, and other benefits until resolution of the matter.
2. Should secular criminal charges arise from substantially the same incident(s) giving rise to the Report of Concern:
  - a. The disciplinary process shall be suspended until the resolution of the secular criminal charges.
  - b. The Director of Formation and Leadership Development shall decide whether to place the ministry leader on inactive status, pending resolution of the secular criminal charges.
  - c. While on inactive status pending resolution of the secular criminal charges, continuation of any compensation to a ministry leader who is employed by UFMCC shall be at the sole discretion of the Moderator, in consultation with the Governing Board.

- d. While on inactive status pending resolution of the secular criminal charges, any compensation to a ministry leader employed by a local church or other agency shall be at the sole discretion of the administrative body of that local church or agency.

## **STAGE 3: INVESTIGATION**

If the Director of Formation and Leadership Development finds that the concern falls within the purview of the MCC Judiciary Process and that the concern is reasonably reliable, the concern is considered to be a formal “complaint” and the Judicial Officer will arrange for an investigation to be conducted.

**SELECTION OF INVESTIGATOR** - Within ten (10) business days of receiving a Report of Concern, the Judicial Officer shall select an investigator to conduct a preliminary investigation. The Judicial Officer shall provide the investigator with a copy of the complete Report of Concern and Response to Concern forms, including any supporting documentation or other material submitted by the person with the concern and the ministry leader.

**TIME PERIOD FOR THE INVESTIGATION** - The investigation will be conducted within a time period to be determined by the Judicial Officer and may be extended, if necessary.

**INVESTIGATOR’S REPORT** – A Report of Investigation (Form DP-3) will be submitted by the investigator to the Judicial Officer within five (5) business days of the conclusion of the investigation.

**OUTCOME OF INVESTIGATION** - If the Judicial Officer determines that the outcome of the investigation is that the complaint is not substantiated, the Judicial Officer will submit the Report of Investigation Form to the Director of Formation and Leadership Development and will provide a written summary to the person with the concern, the ministry leader, and the Moderator within five (5) business days of receipt of the Report of Investigation. The written summary of the findings will be placed in the ministry leader's MCC file to identify possible patterns of misconduct.

If the Judicial Officer determines that the complaint has been substantiated and the ministry leader does not admit to the allegations in the complaint in writing, the Judicial Officer shall bring charges against the ministry leader.

### **CHARGES**

If the Judicial Officer determines that the complaint has been substantiated and the ministry leader has not admitted to the allegations in writing, the Judicial Officer shall bring charges against the ministry leader.

1. Within five (5) business days of receiving the Report of Investigation, the Judicial Officer shall provide the following to the person with the concern, the ministry leader, and the Moderator:
  - a. A formal Statement of Charges (Form DP-4), prepared by the Judicial Officer;
  - b. The Report of Investigation, including a complete copy of the investigation records, all documentation, and any other information that had been submitted to the investigator; and
  - c. A procedural summary (Form DP-5), prepared by the Judicial Officer.

The Judicial Officer shall simultaneously notify the affected church/agency by sending them a copy of the formal statement of charges and procedural summary.

2. Within five (5) business days of issuing the Statement of Charges, the Judicial Officer shall select three (3) persons from the International Judicial Pool to form the Judiciary Committee and shall appoint one of the three members of the Judiciary Committee to serve as Chair. A member of the International Judicial Pool may not serve on a Judiciary Committee if the member:

- a. Has a potential bias for or against the ministry leader;
  - b. Has a potential bias for or against the person bringing the concern;
  - c. Has been directly involved in prior efforts to seek resolution of the concern;
  - d. Has been directly or indirectly involved in previous stages of the process;
  - e. Has been directly impacted by the concern; and/or
  - f. Would be directly impacted by the outcome.
3. Within five (5) business days following the selection of the Judiciary Committee, the Judicial Officer shall provide each member of the Judiciary Committee with:
- a. The Report of Concern;
  - b. The Response to Concern;
  - c. A formal statement of charges, prepared by the Judicial Officer;
  - d. The Investigator's Final Report, including a complete copy of the investigation records, all documentation, and any other information that had been submitted to the investigator; and
  - e. A procedural summary, prepared by the Judicial Officer.

Staff of the MCC Offices will provide administrative and logistical support to the Judicial Officer and the Judiciary Committee.

#### **PRE-HEARING CONFERENCE**

The Judiciary Committee shall meet within fifteen (15) calendar days from the date of receiving the formal statement of charges to conduct a pre-hearing conference. The purpose of the pre-hearing conference is for the Judiciary Committee to review the charges, investigation records, and summary of investigation in order to determine whether to order any further investigation be conducted prior to the hearing. The Judicial Officer may participate in the pre-conference hearing upon the request of the Chair of the Judiciary Committee.

If the Judiciary Committee discovers during the pre-hearing conference or during the hearing that there are other concerns regarding the fitness of the ministry leader beyond those addressed in the Statement of Charges, the Chair of the Judiciary Committee shall inform the Judicial Officer in writing. Upon receipt of such information, the Judicial Officer shall then refer those concerns to the Director of Formation and Leadership Development for resolution; resolution can include initiating a separate disciplinary process to allow for due process through a complete investigation of the new information. Such referral shall not be a consideration in the proceedings related to the Statement of Charges that gave rise to the pre-hearing conference.

## **STAGE 4: HEARING**

The Judiciary Committee will convene a hearing within forty-five (45) calendar days from the date of receiving the formal statement of charges. Further investigation may be conducted during this interval, if deemed necessary by the Judiciary Committee and the Judicial Officer.

### **SCOPE OF THE HEARING**

In order for the Judiciary Committee to determine whether the ministry leader did or did not violate the Statement of Ethical Guidelines for Ministry Leaders in MCC and/or the Sexual Misconduct Policy, the scope of the hearing is limited to consideration of the matter(s) contained in the Statement of Charges.

### **LOCATION OF THE HEARING**

The hearing may be conducted either in physical or virtual space, as determined by the Judiciary Committee and the Judicial Officer.

#### **If the hearing is to be conducted in physical space**

The location of the hearing is to be in the geographical area in which the ministry leader and/or the person with the concern resides or in another location deemed more appropriate by the Judiciary Committee and the Judicial Officer. Under normal circumstances, the hearing shall not be conducted in the work, home, or ministry location of the ministry leader or of the person with the concern.

At the sole discretion of the Chair of the Judiciary Committee, any witnesses that are unable to be present at the hearing may be allowed to present their testimony via telephone or videoconference. In such instances, the ministry leader, the person with the concern, their advocates, and the Judiciary Committee must be able to hear at the same time the witness's testimony, the questions posed to the witness, and the witness's responses to questions.

#### **If the hearing is to be conducted in virtual space (including but not limited to telephone conference call)**

The Judicial Officer shall ascertain whether the ministry leader and the person with the concern have access to the technology that would be needed to participate in the hearing. If the ministry leader or the person with the concern does not have such access, the Judicial Officer shall seek to facilitate such access or shall determine that the hearing will be conducted in physical space.

### **RECORD OF THE HEARING**

A complete and accurate record of the hearing, including a complete audio or video record of the proceedings, shall be prepared by the Judiciary Committee and retained by the Judicial Officer until final resolution of the matter. Upon final resolution, the Judicial Officer is to provide the complete record of the hearing to the Director of Formation and Leadership Development.

## **SECURITY DURING THE HEARING**

The Judicial Officer, in consultation with the Chair of the Judiciary Committee, shall determine whether security personnel should be present at the hearing. If the presence of security personnel is requested by the Chair, the Judicial Officer shall ensure that such arrangements are made.

## **NOTIFICATION OF THE HEARING**

The Judicial Officer shall notify the ministry leader and the person with the concern of the date, time, duration, and location of the hearing at least thirty (30) calendar days in advance.

## **ADVOCATES FOR THE PERSON WITH THE CONCERN AND THE MINISTRY LEADER**

Both the person with the concern and the ministry leader shall be permitted to have an advocate present at the hearing. Advocates do not serve in the role of legal counsel (neither as “prosecutor” nor as “attorney for the defense”) but are present to provide support to and to speak on behalf of the person they are accompanying.

## **MATERIALS TO BE CONSIDERED DURING THE HEARING**

No later than ten (10) business days prior to the hearing, the Judicial Officer shall provide to the Judiciary Committee all audio, video, and/or written materials that are to be considered during the hearing.

The ministry leader and the person with the concern shall be responsible for providing such material to the Judicial Officer no later than fifteen (15) business days prior to the hearing. Under normal circumstance, materials that are not submitted to the Judicial Officer by at least fifteen (15) business days prior to the hearing shall not be considered during the hearing.

During the hearing, the Judiciary Committee shall limit its consideration to:

1. The written Report of Concern with any accompanying documentation that initiated the disciplinary process and the written Response to Concern with any accompanying documentation;
2. A statement from the Director of Formation and Leadership Development regarding any Stage 1 efforts;
3. The formal Statement of Charges, prepared by the Judicial Officer;
4. The investigation records, including all documentation or other information that had been submitted to and/or collected by the investigator;
5. Other relevant audio, video, or written materials provided by the ministry leader or person with the concern;
6. A procedural history summary and disposition, prepared by the Judicial Officer;
7. Oral statements provided during the Hearing by the person with the concern, the ministry leader, and witnesses who have relevant first-hand information regarding the concern;

8. If a witness or person with the concern has died or become incapacitated and so is unable to testify, the Judiciary Committee may consider the investigator's recording of any interview with and/or written deposition from that witness or person with the concern.
9. At the sole discretion of the Judiciary Committee, any audio, video, or written materials presented by witnesses during the hearing; and
10. Under very rare circumstances and at the sole discretion of the Chair of the Judiciary Committee, any additional evidence that might be discovered less than fifteen (15) business days prior to the hearing. Copies of such additional evidence shall be distributed to all parties at the beginning of the hearing.

## **WITNESSES**

Those who do not have relevant first-hand information regarding the concern may not participate in the Hearing as witnesses, except in the following instances:

- When a witness has relevant expert opinion; and/or
- When a witness is able to testify about what that witness heard directly from someone who is now dead or too disabled to be able to testify on his/her own behalf.

The ministry leader and the person with the concern may present witnesses and have an opportunity to question witnesses.

The Judiciary Committee may also invite additional witnesses and shall have an opportunity to question all witnesses.

The names and contact details of potential witnesses to be presented by the ministry leader or the person with the concern must be submitted to the Judicial Officer by no later than fifteen (15) business days prior to the hearing.

The Judicial Officer shall submit the list of potential witnesses to the Chair of the Judiciary Committee within ten (10) business days of the hearing. The Chair of the Judiciary Committee has the sole authority to determine which potential witnesses will be called upon during the Hearing, to determine the amount of time to be allocated to each witness, and to determine whether to exclude certain potential witnesses.

After verifying the availability of each potential witness, the Judicial Officer shall provide the final list of witnesses to the ministry leader, the person with the concern, and the Judiciary Committee no later than five (5) business days prior to the hearing.

## **PARTICIPANTS IN THE HEARING**

While honoring transparency of process, the content of the entire judiciary process is confidential. Therefore, the hearing is closed to the public.

Those who may be present during the hearing include and are limited to the following:

1. The ministry leader and his/her advocate may be present throughout the hearing;
2. The person with the concern and his/her advocate may be present throughout the hearing;
3. All members of the Judiciary Committee must be present throughout the hearing;
4. Witnesses may be present in the hearing only during the time when they are presenting testimony and answering questions put to them during the hearing by the ministry leader, the person with the concern, their advocates, or the Judiciary Committee;
5. Translators or interpreters that are needed to assist participants with visual, auditory, or mobility needs may be present while the person being assisted is present in the hearing;
6. Language interpreters that are needed when the hearing participants do not speak a common language may be present while the participant(s) being assisted are present in the hearing; and
7. The Judicial Officer may be present throughout the hearing but is not required to be present at the hearing.

If the person with the concern and/or the ministry leader does not attend the hearing, the Judiciary Committee shall hear the evidence of the person with the concern and/or ministry leader who does attend and of any witnesses for either party who do appear and shall consider any other information that has been submitted in accordance with the MCC Process for Discipline of Ministry Leaders. Thereafter, the Judiciary Committee shall render a decision and determine resolution.

#### **DETERMINATION OF THE JUDICIARY COMMITTEE**

Immediately following the hearing, the Judiciary Committee shall deliberate in closed session to determine whether the ministry leader did or did not violate the Statement of Ethical Guidelines for Ministry Leaders in MCC and/or the MCC Sexual Misconduct Policy.

- A. Concern Not Sustained:** The Judiciary Committee decided that there was insufficient evidence or information to determine that the Concern was true.
- B. Concern Sustained:** The Judiciary Committee decided that there was sufficient evidence or information to determine that the Concern was true.

A unanimous decision is required. If a unanimous decision cannot be reached, the determination of the Judiciary Committee shall be that the hearing was inconclusive.



## STAGE 5: RESOLUTION

Whether the determination of the Judiciary Committee is that the ministry leader did violate the Statement of Ethical Guidelines for Ministry Leaders in MCC and/or the MCC Sexual Misconduct Policy or that the hearing was inconclusive, the Judiciary Committee shall then continue in closed session to decide the appropriate resolution of the matter.

In making its decision regarding resolution, the Judiciary Committee should take into account the ministry leader's demonstration of repentance, the probability of rehabilitation and restoration of the person to fitness for ministry, the impact on the person(s) who have been harmed by the ministry leader, and the possibility of future behaviors by the ministry leader that may be harmful to others.

The decision of the Judiciary Committee regarding resolution may be made by consensus or by a vote of at least two-thirds (2/3) of the Judiciary Committee.

### POSSIBLE RESOLUTIONS

The Judiciary Committee (in consultation with the Judicial Officer and the Director of Formation and Leadership Development, as needed) may choose from among five possible resolutions to the matter. One of the possible resolutions affirms the person's continued authorization, one is corrective action, and three are disciplinary in nature.

1. **Reaffirmation of Fitness** – Affirms the ministry leader's continued authorization for ministry without condition.
2. **Conditional Affirmation of Fitness** – A corrective action indicating the need for certain actions to be taken as part of a prescribed program of growth.
3. **Censure** – A disciplinary action. Censure is an official statement of the denomination's disapproval of a behavior as unbecoming an MCC ministry leader; the statement is issued by the Chair of the Judiciary Committee. Censure affirms the ministry leader's continued authorization for ministry while expressing disapproval of the particular behavior.
4. **Suspension** – A disciplinary action. The concern about the ministry leader's current fitness for ministry is sustained; authorization for ministry may be suspended for a definite period of time while a prescribed program of corrective action is undertaken.
5. **Termination** – A disciplinary action. The ministry leader is determined to be unfit for ministry and authorization as an MCC ministry leader is terminated.
  - a. If the ministry leader is a clergy person, the action of termination removes the ministry leader's clergy credentials.
  - b. If the ministry leader is a lay person, the action of termination removes the ministry leader from the position to which the ministry leader had been elected or appointed.

If the resolution to the matter is either conditional affirmation of fitness or suspension, the Director of Formation and Leadership Development shall design the program of growth or corrective action. The Director may consult with the ministry leader, Judicial Officer, Chair of the Judiciary Committee, the

Moderator, and/or others as might be needed to make an informed and conscientious decision. The prescribed program of growth or corrective action should be limited to that which is needed in order to remedy the concern and correct the relevant identified deficiencies. Within ten (10) business days following conclusion of the hearing and determination of resolution, the Director shall notify the ministry leader of the program of growth or correction action that has been prescribed.

Participation by the ministry leader in the prescribed program of growth or correction action cannot be mandated. However, non-participation may be considered as a basis for either (1) imposing further limitations upon the ministry leader until such time as the prescribed program is undertaken and completed or (2) termination, at the sole discretion of the Director of Formation and Leadership Development.

### **NOTIFICATION OF OUTCOME**

The Judiciary Committee shall immediately inform the Judicial Officer of the resolution. The Chair of the Judiciary Committee shall then prepare and submit the written decision to the Judicial Officer within three (3) days following the conclusion of the hearing. A copy of the Determination and Resolution will be placed in the ministry leader's MCC file.

A copy of the Judiciary Committee's written Determination and Resolution and a notification of the appeal process and rights shall be sent by the Judicial Officer via expedited mail to the person with the concern, the ministry leader, the Director of Formation and Leadership Development, and the Moderator within three (3) business days following receipt of the written Determination and Resolution by the Judicial Officer.

Within three (3) business days following receipt of the written Determination and Resolution, the Director of Formation and Leadership Development, in consultation with legal counsel, shall appropriately publicize the decision and inform the affected church or agency.

Notification to the affected church or agency shall include:

- A brief written statement approved by legal counsel which can be read only to Members of the affected church or appropriate representatives of the agency;
- A more detailed confidential summary of the decision which would be available only to those members of the local church's or agency's administrative body who agree to abide by a confidentiality agreement; and
- Information regarding any remaining steps that might remain to be taken in the disciplinary process.

## STAGE 6: APPEAL

1. Either the person with the concern or the ministry leader may appeal the determination and/or resolution of the Judiciary Committee on the grounds of:
  - a. **Bias.** There is record that the appellant had alleged at any earlier stage of the judiciary process that there was bias on the part of the investigator, the Judicial Officer, or a member of the Judiciary Committee; there is evidence that the allegation of bias had gone unaddressed by the judicial personnel; and the appellant can substantiate that the alleged bias adversely affected the decision of the Judiciary Committee.
  - b. **Procedural error.** The appellant alleges and can substantiate that the outcome would have been different had it not been for the procedural error.
2. Appeals must be made in writing to the Judicial Officer within ten (10) calendar days from the postmark date that the ministry leader/person with the concern is notified in writing of the decision.
  - a. New information or evidence that was not presented during or prior to the hearing may not be introduced on appeal.
  - b. Written appeals must be submitted on the Appeals Form (Form DP-7) that is available from the Judicial Officer and may be no longer than seven (7) pages, including any attachments.
  - c. Appeals on the basis of procedural error shall be limited to demonstrating who / what / when / how of the procedural violation and its adverse impact on the outcome.
  - d. Appeals on the basis of bias shall be limited to demonstrating that such bias existed, that judicial personnel had been made aware of such bias, that the judicial personnel did not address the allegation of bias, and how the alleged bias adversely affected the decision of the Judiciary Committee.
3. Within five (5) business days of receiving the request for an appeal, the Judicial Officer shall select three (3) impartial members of the International Judicial Pool to serve on the Appeals Panel. The Investigator, members of the Judiciary Committee, and the Judicial Officer for the matter are not eligible to serve on the Appeals Panel.
4. The considerations of the Appeals Panel shall be limited to a review of the following and only as they relate to the stated basis for the appeal:
  - a. The formal statement of charges, prepared by the Judicial Officer;
  - b. A procedural history summary and disposition, prepared by the Judicial Officer;
  - c. The Judiciary Committee's written decision;
  - d. The appeal document; and

- e. At the sole discretion of the Appeals Panel, any inquiry of the Judiciary Committee members by the Appeals Panel.

The Appeals Panel shall not retry the issues on the merits but shall uphold the decision of the Judiciary Committee if the Appeals Panel finds that the decision of the Judiciary Committee was not the result of bias or procedural error.

5. The decision of Appeals Panel must be determined within ten (10) business days and shall be made by no fewer than two (2) of the three (3) members of the Appeal Panel. The Appeals Panel shall immediately send written notification of its decision to the Judicial Officer. The Judicial Officer shall notify the person with the concern, the ministry leader, the Moderator, and the Director of Formation and Leadership Development of the decision of the Appeals Panel within three (3) business days.
6. The decision of the Appeals Panel is final unless the determination results in removal of clergy credentials.
7. In the event that the determination of the Appeals Panel results in removal of clergy credentials, an automatic review of the proceedings and appeals process will be conducted by the Council of Elders within fifteen (15) business days of the determination of the Appeals Panel.
  - a. The Council of Elders shall uphold the decision of the Appeals Panel if the Council of Elders finds that the decision of the Appeals Panel is not the result of bias or procedural error.
  - b. If the Council of Elders determines that the decision of the Appeals Panel is the result of bias or procedural error, the Council of Elders shall issue its own decision and resolution.
  - c. The determination of the Council of Elders is final.
8. Copies of the decision of the Appeal Panel and of any review by the Council of Elders will be provided to the person with the concern, the ministry leader, and the Director of Formation and Leadership Development. A copy shall also be placed in the MCC file of the person charged.

## **STAGE 7: HEALING OF THE AFFECTED CHURCH OR AGENCY**

The process of healing the affected church or agency begins when it is determined that a Report of Concern is to be investigated. A person designated by the Director of Formation and Leadership Development is assigned to the affected church or agency to assist in the healing process; this person may also assist the leaders and congregation in understanding the fitness review and judiciary processes. This person will NOT be the assigned investigator, nor may he/she have any personal bias or conflict of interest. He/she may not be assigned in any other capacity during the ongoing fitness review/judiciary process.

The Director of Formation and Leadership Development is responsible to identify and train persons who have the maturity, knowledge, skills, spiritual gifts, temperament and discernment to be assigned in this capacity. Persons appointed to this role are those who have completed the training and demonstrated to the satisfaction of the Director of Formation and Leadership Development that they can do the job at hand. Their responsibility is to assess the needs of the affected local church/ministry in consultation with the Board of Directors or ministry leaders and to assist in obtaining assistance as may be needed to move the church/ministry toward health and restoration. Consultation with a member(s) of the Council of Elders is an integral part of determining what the particular healing process should be.

Local church and ministry leaders may refuse the assistance of the designee or other help that is offered, but are strongly encouraged to accept it.

An ongoing review of the Healing Process is the responsibility of the Council of Elders and is conducted to ensure that the process is working for the specific affected church or agency. The need for confidentiality agreements will be determined by the Director of Formation and Leadership Development and, when used, must be strictly adhered to by all parties involved in the healing process. Gossip, rumors and “talking out of school” by participants is strictly discouraged; breaches of confidentiality could be cause for the initiation of a separate formal Report of Concern.

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Form DP-1: Report of Concern  
Form DP-2: Response to Concern  
Form DP-3: Report of Investigation  
Form DP-4: Statement of Charges  
Form DP-5: Procedural Summary  
Form DP-6: Determination and Resolution  
Form DP-7: Notice of Appeal  
Form DP-8: Decision of the Appeals Panel  
Form DP-9: Process Tracking (for internal use)