INVESTIGATORS' REPORT TO MINISTERIAL LEADERSHIP COMMISSION of WESTERN DISTRICT CONFERENCE REGARDING COMPLAINT

Three individuals were appointed by Western District Conference to investigate allegations of ministerial misconduct by Pastor Anita Kehr of First Mennonite Church, Newton, Kansas. At the point of finalizing the report, one of the investigators chose to resign from the investigation team due to personal reasons related to the recommendation step in the policy. This investigator indicates that she is in full agreement with the findings of the investigation related to each allegation as described in the report, as well as the attachment to the report.

After the investigation, we, the remaining two investigators, believe that the area conference: can present evidence that the accused minister, more likely than not, engaged in ministerial misconduct, defined in the Ministerial Misconduct Policy and Procedure as "an act or omission by a minister that is contrary to the policies or principles of the area conference based on *A Shared Understanding of Ministerial Leadership*."

We understand from the Ministerial Misconduct Policy and Procedure that a charge is "a formal accusation of misconduct brought by the area conference, based on a written complaint." Given the evidence we have gathered, we believe misconduct has taken place in regards to three of the four allegations brought forth in the written complaint and therefore, we recommend that the area conference bring a charge.

We have summarized and attached the allegations of misconduct (each identified by a separate number) that were included in the original written complaint. For each allegation, we have identified the probable grounds/evidence of misconduct that we believe the area conference can present, or we have stated why we believe the area conference cannot present probable grounds/evidence. It should be noted that on the day of the interview with the complainants, April 24, 2018, they provided the investigation team with an "Addendum to Complaint Form Concerning Ministerial Misconduct." In it, they restated/summarized their allegation, consolidating them from four allegations to two. They state those two allegations as the following: "1) Pastor Anita Kehr grossly neglected child safety at First Mennonite Church, Newton, in the case involving Michael and Cindy Combs. 2) Pastor Kehr grossly neglected at least one survivor of childhood sexual abuse, Kathy Wiens, in this same case." The attached summary addresses the original allegations, as we, the investigation team, see this addendum as the complainants state, a "restatement" of the original four allegations.

Throughout our investigation we found general evidence that we felt was necessary to note, in addition to moments of lament and moments where we saw God at work. These notations can be found in an attachment to this report.

We pray that God will continue to lead and guide all involved in this situation and bring healing to all those affected by Michael Combs' behavior and the subsequent actions by First Mennonite Church.

Signed by the Investigators:

Barbie Fischer

Doug Penner

Dated: 6/14/2018

INVESTIGATORS' REPORT REGARDING COMPLAINT AGAINST PASTOR ANITA KEHR

The following is the report by the investigation team appointed to investigate allegations of ministerial misconduct brought forth via a written complaint submitted to Western District Conference (WDC) in February 2018 by Tim and Kathy Wiens. This complaint alleged ministerial misconduct by Anita Kehr, Lead Pastor at First Mennonite Church (FMC), Newton, Kansas, where the complainants were members until this past year. The allegations are in regards to Pastor Kehr and the congregation's handling of incidents related to the arrest of Michael Combs, a member of the FMC congregation. The allegations brought forth in the complaint are named specifically in the following pages.

Given that at the time of the complaint the accused was the moderator of WDC, a process facilitator from outside the conference was brought on to oversee the implementation of the Mennonite Church USA (MCUSA) *Ministerial Sexual Misconduct Policy and Procedure*. This policy was adopted by WDC to be used in all cases of misconduct and was written by MCUSA to be used as such. The accused in this case, Pastor Anita Kehr, has NOT been accused of sexual misconduct. Because Pastor Kehr was not accused of sexual misconduct, this policy will be referred to as the Misconduct Policy and Procedure throughout this report.

By the end of March 2018, the process facilitator had appointed us as the three-person investigation team. Upon consultation with the national office and outside consultants at Faith Trust Institute, the original team was reconfigured to include a trained investigator. We, the final team approved by all parties involved, include two members who are a part of MCUSA congregations, one from within WDC but not a member of the accused's congregation. The third investigator is an ordained minister from another denomination. One of the investigators is trained and experienced in working with survivors of sexual abuse. Two investigators are female and one is male.

We, the investigation team, were tasked with collecting information relating to the incident of Pastor Kehr's and FMC's handling of the arrest of Michael Combs in November of 2015, including communications during the time period in question (November 2015-present), reports from third party agencies involved with the congregation as a result of the initial incident, and testimony in both oral and written form from persons who were directly involved in the individual and congregational activities leading to the filing of the complaint.

Methodology:

The team began its work in early April 2018 and formulated a process for soliciting information relevant to the complaint. Over the course of the ensuing two months, the team received and reviewed the following information:

1. The written complaint against Pastor Kehr and the supporting documents supplied with the complaint sent to Western District Conference in February 2018.
2. July 2017 GRACE Report that provided an evaluation of individual and congregational actions related to the congregation's handling of Michael Combs' arrest, as well as recommendations for congregational and individual actions.
3. 2018 KIPCOR report of congregational processing of conflicts emerging during the events following Michael Combs' arrest.
4. Email correspondence among congregants, including the complainants, committee and commission leaders, board members, the pastors, and others involved in the developing situation dating as far back as December 2015.
5. Written response from the accused pastor, Anita Kehr, to the formal complaint.
6. Individual face-to-face and remote interviews, most being three hours in length, with persons directly involved with the incident in question, including interviews with:
    a. Tim Wiens (accompanied by Stephanie Krehbiel)
    b. Anita Kehr (accompanied by Tonya Ramer)
    c. Kathy Wiens (accompanied by Stephanie Krehbiel)
    d. Tim and Kathy Wiens together (accompanied by Stephanie Krehbiel)
    e. Janice Regier
    f. Heidi Regier Kreider

g. Ryan Koehn
h. Pat Denno
i. June Thomsen
j. Jim and Judy Schrag

7. Written responses were requested from the following people who had direct knowledge of the incident in question and what happened following. The team deemed that an interview with these folks was unnecessary but still asked a few questions via email, to which these individuals responded:
    a. Kay Schroder
    b. Joel Schroder
    c. Kathy Goering-Reid
8. In addition, the team invited written input from FMC congregants who had direct experience and knowledge of the situation and wished to speak into the investigation. The team received communications from nine congregants, including the wife of Michael Combs.

At the outset of the team's work, it was understood that the investigation was to relate explicitly to violations of WDC policies. The investigation team queried the leadership of WDC with respect to its oversight of congregational adherence to their own congregational policies, as the violation of a congregational policy was explicitly mentioned in the complaint. Based on the response from WDC leadership, the conference regards itself as having no formal policy that gives the conference authority to hold a pastor to adherence of congregational policies. As a consequence, the standards/policies applied to this investigation as it relates to the pastor's behavior are those of WDC:

1. *A Shared Understanding of Ministerial Leadership: Polity Manual for Mennonite Church Canada and the Mennonite Church USA*
2. MCUSA *Ministerial Sexual Misconduct Policy and Procedure*

Overview of the Incident in Question:

We feel it is important to note that Pastor Kehr is not being accused of sexual misconduct. However, this situation stems from the sexual misconduct of a lay leader within the congregation - specifically the allegations of misconduct against Pastor Kehr stem from the handling of the November 19, 2015 arrest of Michael Combs, a congregant at First Mennonite Church (FMC) in Newton, Kansas where she is lead pastor. Michael Combs was charged with four felony counts of sexual crimes: two counts of rape and two counts of aggravated indecent liberties with a child under the age of 14. As documented in the GRACE Report and admitted to by Pastor Kehr, she was made aware of Michael's arrest right away. Combs would, in March of 2016, plead "no contest" to one count of felony rape of a child in exchange for dropping the other charges with an agreement that the State would not file charges related to an investigation/reports involving additional victims. He was later sentenced to 93 months in prison, where he currently resides. The allegations we were tasked to investigate stem from Pastor Kehr's and the congregation's public silence on this situation for four and a half months.

We, the investigation team, acknowledge that several leaders in the congregation have taken responsibility for the roles they have played in the mishandling of Michael Combs' arrest within the congregation and that the congregation has been and is actively seeking to rectify, to the extent possible, how they have mishandled the situation. This included the hiring of an outside investigator (GRACE) and an outside consultant to work at restoring relationships in the congregation (KIPCOR). Pastor Kehr also expressed great remorse and repentance for her role in the mishandling of the situation. She even expressed her gratefulness for the complainants, Tim and Kathy Wiens, in all they have done for the congregation of FMC leading up to this incident and for their persistence after the incident.

Through our investigation, we affirmed and find the GRACE Report to be accurate. For more information on the details of the incident of Michael Combs' arrest and the congregation's response between the November 19, 2015 arrest and July 2017, please refer to the GRACE Report.

Before proceeding in our own report, we echo what GRACE said in their July 24, 2017 report on page 3: "Each person who had a role in how this matter was handled can and should own what part he or she played in responding well or in responding poorly to this matter. *But let us first remember that the primary person responsible for producing layer upon layer of untold trauma upon his victims, his family, this congregation, and his surrounding community is Michael Combs. Much of this trauma may never be reported to GRACE or to law enforcement. But all who read this Executive Summary should remember that the first and primary responsibility for the chaos, trauma, and devastation that has resulted rests at the feet of the one who committed these atrocities.*"

May all who read our report also remember that the "primary responsibility for the chaos, trauma, and devastation that has resulted rests" with the one who first committed these atrocities.

Summary of Allegations and Evidence:

All allegations are numbered below in bold and directly taken from the written complaint. Each allegation was evaluated against the evidence to see if they are more likely than not accurate. If they were found to be accurate, the team was then tasked with holding the evidence against *A Shared Understanding of Ministerial Leadership*, to determine if by "act or omission" Pastor Kehr's behavior was "contrary to the policies or principles of the area conference based on *A Shared Understanding of Ministerial Leadership*," per the misconduct definition found in the Ministerial Misconduct Policy. If evidence to support a policy violation was found, those policies can be found below, as quoted from *A Shared Understanding of Ministerial Leadership*, with page references given, and underlined.

Allegation 1: Violation of First Mennonite Church, Newton (FMC)'s Safe Sanctuary Policy, the purpose of which is: "To provide a safe, secure and healthy environment for children, youth and adults to learn about the love of God and to grow spiritually."

The complainants expand on this allegation, alleging that the congregational Safe Sanctuaries Policy was violated as a public announcement concerning the arrest of Michael Combs was not immediately made to the congregation, as indicated in the Safe Sanctuaries Policy approved in 2006 on page 6, number 7: " The congregation shall be informed of the investigation with respect to matters that are not confidential, so that the congregation will hear about the investigation from within the church rather than from the news media." This lack of an immediate announcement not only violated the policy, but the complainants allege it 1) put children at risk as "Michael Combs was a trusted leader, Sunday School teacher, organist, and an active member at FMC for more than 20 years...", including being trained in Safe Sanctuaries and thus "certified to work with children in the church." 2) Showed "Pastor Kehr's decision to prioritize the desires of the Combs couple, and their defense attorney's advice over and against the early recommendations of other church leaders to immediately and officially publicize Combs' arrest to the congregation." 3) The complainants allege Pastor Kehr's "ongoing lack of acknowledgement of the child safety consequences of her decisions," is a violation of the Safe Sanctuaries Policy as it hinders a safe, secure and healthy environment.

More likely than not accurate: Yes.

While Western District Conference holds no authority to enforce congregational policies, the investigation team has found that policies in *A Shared Understanding of Ministerial Leadership* more likely than not were violated in the course of Pastor Kehr deciding whether or not to make a public statement about Michael Combs' arrest, as per the congregational Safe Sanctuaries Policy.

Policy seen to be violated, if any, and evidence to support it:

Use of power (p.60) "In times of conflict or controversy, the pastor receives counsel both within and outside the congregation to discern whether the issue belongs to the congregation, is a reflection on his or her leadership, or a combination of both." (p.61) "The pastor trusts the congregation's decision-making ability and brings appropriate theological perspective to the process."

Impartiality (p.65) "Pastor seeks to serve all persons from the congregation with impartiality, recognizing that one cannot pastor everyone."

The accused, Pastor Kehr, did seek counsel from within the congregation via an email exchange in December 2015 with the Board Chair, Nurture Commission Chair, Caregiving Commission Chair, Safe Sanctuaries Commission and fellow pastors. She sought input on making a public statement about Combs' arrest. All were in favor of a public statement being made and Pastor Kehr developed a draft statement. Pastor Kehr chose to share that draft with Cindy, the wife of Michael Combs, who in turn shared it with her husband's lawyer. Following an "argument with the lawyer about the need to make a public statement," there was apprehension on the part of Pastor Kehr to make a public statement without the Combs' approval. Pastor Kehr acknowledged that she allowed the lawyer to have undue influence on her.

Ultimately, Pastor Kehr decided to go against her initial instinct and the congregational counsel received, therefore showing partiality to the Combs (a violation of the *impartiality* defined above) and a lack of trust in the congregation's decision-making ability (a violation of the *use of power* above). This was partiality for the Combs over the well-being of the entire congregation that Pastor Kehr admitted to in her interview with the investigation team. It is necessary to note that when Pastor Kehr showed apprehension and a desire to gain the Combs' approval, those she sought counsel from within the congregation, mentioned above, fell in line saying "If reading something in front of the whole congregation would be detrimental to Cindy and Michael, then we should not do that - UNLESS you have had parents coming to say that they are removing their children from programming, etc. - but then you could speak to them privately." "What do Michael and Cindy say about this? If they don't support it then I would say we should be very cautious about doing this and should find another way to achieve the objective of assuring people in the congregation that their children are safe." Both Pastor Kehr, through her desire for the Combs' approval, and the fellow congregational leaders who fell in line with that thinking, violated the policy of *impartiality* as defined above.

It should be noted that as written in the GRACE Report (p.9) and confirmed by other evidence gathered by investigators, "After meeting with Michael Combs and his wife on December 17th, the Pastor emailed the group on December 18th and recommended to the email group that no public statement be made until after a plea was made. The Pastor explained in this email, "I recommend to you that we not make a public statement until after a plea has been entered in February. A new element has come into the situation, and I guess it tipped the balance for me. I did tell them that I thought it would be healthier the whole way around if we were able to make a statement, and they understood that." When asked what the "new element" was, the Pastor told GRACE she could not recall specifically, but speculated that it could have been "something about the Combs' fear about how the victim's family would react if they heard that anything was made public in our church." After receiving the Pastor's email, the church leaders in the email group affirmed that it was the Pastor's decision to make and they trusted her in doing whatever was the appropriate thing."

Further information/evidence concerning this interaction that was confirmed by evidence gathered by the investigators can be found on page 9 of the GRACE Report.

It is also documented on page 10 of the GRACE Report and confirmed by other evidence gathered that upon accepting the plea deal on March 22, 2016, a public announcement was further delayed because Pastor Kehr was on a trip to Israel. When Pastor Kehr was approached by one of the complainants about making a public announcement concerning Michael Combs in early April, prior to her return from Israel, it is documented that, "the Pastor encouraged him to seek approval from the offender and his wife." This is again evidence of violation of *impartiality*. It is further documented in the GRACE Report and evidence collected by the investigation team has confirmed that the complainant then reached out via email to several other church leaders and members of the church board, who stated they desired to wait until the pastor returned from Israel for a public statement to be made. "During this email exchange, one of the Church Board members acknowledged not knowing that Michael Combs had already pled "no contest" to the felony crime in court."

"On Sunday, April 24, 2016, the Pastor gave the Annual Congregational Meeting Report. During this meeting, the Pastor made the public announcement to the congregation regarding Michael Combs' charges. This announcement was followed by a letter from the Pastor dated April 26, 2016 which accompanied Michael Combs' letter regarding

his criminal case to the congregation. In the Pastor's letter, she acknowledged that in the interim between Michael Combs' arrest in November 2015 and that point in time, she "did not understand the complex of reactions to this situation that people who have themselves been victims of abuse might have. Sometimes this is called triggering, and it's a painful response of vulnerability when there are situations that recall the original abuse. I am sorry that I did not tend well to these people who are also victims- to some of you who may have been victims of abuse in your past." (Page 10, GRACE Report)

Evidence gathered indicates that the fact that Pastor Kehr's letter accompanied Combs' letter was seen as an endorsement by the congregation and Pastor Kehr for the Combs, again showing partiality. Evidence gathered also indicates the letter from Michael Combs and interactions between congregants and both Michael Combs and his wife, indicate that the Combs "minimize" Michael's actions/crimes. Pastor Kehr acknowledges that in retrospect, Michael minimized his action and it might not have been a wise choice to send the letters.

Throughout this situation, no evidence could be found that Pastor Kehr sought outside counsel or other relevant resources - evidence of violation of *use of power* as defined above. Pastor Kehr acknowledges this. Neither did she or others in leadership reference appropriate internal policy documents for counsel on the decision regarding a public announcement concerning Michael Combs. All congregational leaders interviewed, including Pastor Kehr, acknowledged that they did not think to reference the congregation's Safe Sanctuaries Policy. The complainants also acknowledged not bringing up the Safe Sanctuaries Policy until several months after the initial incident of Michael Combs' arrest. In her response to this allegation, Pastor Kehr also acknowledges that she took on more responsibility than was appropriate.

Confidentiality (p.64), "Confidentiality is about respect and care for the information received through the work of the office of pastor. It is not secret keeping…There are times when a pastor must share confidential information with others: when child abuse is suspected or when people are at risk of hurting themselves or others."

While the policy regarding confidentiality as quoted above reads as in regards to information shared with a pastor from an individual themselves asking for confidentiality, we feel it still applies in this case. According to the GRACE Report and other evidence obtained, Pastor Kehr was notified about Michael Combs' arrest the night it happened, November 19, 2015, and immediately told her fellow pastors. However, she withheld this information from other church leaders until the arrest was published in a local newspaper on December 4, 2015. Even after the information was clearly no longer confidential but in fact public, the congregation was not notified by church leadership, and specifically, by Pastor Kehr until April 2016. As documented in the GRACE Report and acknowledged by Pastor Kehr, the lack of a public announcement was a loss of opportunity for FMC households to explore if there were other victims of Michael Combs within their midst. Based on this evidence it seems the decision to not announce Michael Combs' arrest also violates the *confidentiality* policy defined above.

Truth telling (p.64) "Consultation and discernment with area-conference leadership is vital when determining how and what the pastor needs to share about past or current struggles.."

Pastor Kehr did not notify Western District Conference (WDC) regarding the situation at FMC and seek their counsel. It is significant to note that Pastor Kehr's response to this allegation acknowledges that she did not seek outside counsel or other relevant resources, but took on more responsibility than was appropriate - a violation of *truth telling* as defined above.

In addition, we find it important to note that WDC leadership acknowledged knowing of Michael Combs' arrest and that he was a member at FMC, yet has no recollection or documentation of reaching out to Pastor Kehr or other leaders at FMC to see how the Conference could be of assistance. The only record of interaction between FMC leadership and WDC leadership is in November of 2016, a year after Combs' arrest, when the FMC leadership inquired about outside resources. WDC did ultimately recommend resources and assist in providing financial support for the congregation to engage with both GRACE and KIPCOR.

Also noteworthy is that while the congregation's Safe Sanctuaries Policy was not referenced in the case of disclosing Michael Combs' arrest (and ultimately violated, according to the Safe Sanctuaries Policy), the responsibility for implementing that policy lies not with the Pastor but with the Church Board. As written on page 1, the last sentence under "Scope" reads, "The administration of this policy is the responsibility of the Church Board." All of the leaders we spoke to indicated they saw it as the Board Chair's responsibility to bring the matter to the full Board, and not the pastor's responsibility. However, the full board was not notified of the situation until it was also brought before the entire congregation in April 2016. We would also like to note, there was a clear conflict of interest with the Board Chair being close friends to the Combs; in addition, the Board Chair at the time also had significant medical issues that may have impaired his ability to discern well how to handle this situation or advise Pastor Kehr who reports to the Board Chair, according to the FMC Constitution. Notwithstanding this, the Pastor still has a responsibility to hold to their pastoral responsibilities as understood in *A Shared Understanding of Ministerial Leadership* and Pastor Kehr failed to do so as noted above.

In regards to Pastor Kehr's, "*ongoing lack of acknowledgement of the child safety consequences of her decisions,"* the investigation team found Pastor Kehr did and does acknowledge the child safety consequences of her decisions and has done so to the congregation of FMC. She has made public statements and stated in the course of this investigation that "by not making a public statement immediately, there was a loss of opportunity to encourage FMC households to explore whether Michael Combs had committed any abuse against any child of the congregation. By not making a public statement immediately, I was, by my actions, prioritizing the legal concerns of Cindy and Michael Combs. By not making a public statement immediately, there was a loss of opportunity to encourage FMC households or individuals to report any other kind of abuse that may have been happening. By not making a public statement immediately, the congregational processing of Michael's abuse and the impact of it was both delayed and made more difficult."

In the footnotes of the complaint there is mention that the complainants are unaware of the Pastor completing one of the GRACE Recommendations given to her specifically to "write a letter to all current and former FMC members and attendees that addresses Combs' conviction for sexual abuse to the authorities." According to information from the Church Board, they asked that this letter be composed in collaboration with them and that has been happening with Pastor Kehr being actively involved. The investigation team has evidence that an update about the letter and a statement that it will be released "soon" was made by the current Church Board Chair at a congregational meeting on April 29, 2018. We also note that, at the time of that announcement, it has been nine months since that recommendation was received by the Church Board, Pastor Kehr and the FMC Congregation.

Allegation 2: Pastoral neglect and betrayal of survivors of childhood sexual abuse at FMC.

Complainants expanded on this to state that neglect and betrayal happens due to consequences experienced by "sexually abused children when public accountability for that sexual abuse is silenced," as was done with no immediate announcement being made regarding Combs' arrest. The complainants also allege neglect and betrayal of survivors of childhood sexual abuse specifically happened to one of the complainants, Kathy, who is a survivor. As the complaint reads, "Pastor Kehr confronted Kathy on behalf of Cindy Combs, in July 2016, when Kathy sought Pastor Kehr out for pastoral support several days after giving an educational talk in our adult Sunday School class about the long-term effects of childhood abuse. This extended story has been documented by Kathy elsewhere, and was unprofessional, in our opinion, and very traumatizing to Kathy." The complaint also alleges that at the time of the complaint (February 2018) the recommendations from the July 2017 GRACE Report for the pastor to "pursue opportunities to serve and listen to survivors," and "speak publicly about the lessons learned from this experience," have not happened. It was also noted in the complaint that betrayal was felt as Pastor Kehr seemed to support Cindy Combs' continuing to work with the Nurture Commission that oversees programming for children in the congregation.

More likely than not accurate: Yes

Policy seen to be violated, if any, and evidence to support it:

Truth telling (p. 63), "A leader does not repeat the complaint to others on behalf of the person offended, but rather helps the person offended to speak the truth for him- or herself."

The pastor and stress points (p.67), "The pastor is aware of his or her capacity for ministry - including strengths and limitations - and the others have also been given gifts to be shared within the body (Romans 12:3-5) ...When congregational conflict arises, the pastor and congregational leaders follow the ethics of truth telling (Matthew 18) and contact the area conference for assistance."

Family relationships (p.61), "While friendships within the congregation may be possible, the pastor must be clear about his or her pastoral role."

Pastor Kehr received a call/letter from Cindy Combs that was "angry" and expressed concerns regarding Kathy Wiens. Rather than helping Cindy to discuss these concerns with Kathy, Pastor Kehr brought them to Kathy herself in a lunch meeting. This experience was extremely distressing to Kathy, as noted in the complaint and evident in her recounting of the situation for investigators. Pastor Kehr states in her response to the allegations and stated in her interview with investigators that the meeting with Kathy was planned before Pastor Kehr received the concerns from Cindy Combs. Pastor Kehr states in her response to the allegations in regards to the call from Cindy, "I understood that it was unfiltered but I also understood her fear of being further ostracized following Michael's arrest and imprisonment. I went ahead with the lunch plans with the female complainant, although I considered canceling so as to have some space between the two meetings. I did go, however. As a result, I am sure I did triangulate." Pastor Kehr goes on to note that Kathy received a letter from Cindy containing Cindy's concerns Pastor Kehr received prior to her and Kathy's lunch meeting. When Kathy asked Pastor Kehr if she knew this information prior to their meeting, Pastor Kehr notes Kathy was "weeping" and upon confirming she had received the information prior, Kathy hung up. The investigation team sees this as a violation of *truth-telling* as triangulation did occur, and while we understand the stress the pastor was under, it is a pastor's responsibility (according to the section title "The pastor and stress points" on page 67 of *A Shared Understanding*) to know their limitations and, "When congregational conflict arises, the pastor and congregational leaders follow the ethics of truth telling (Matthew 18) and contact the area conference for assistance."

Through interviews, both Kathy and Pastor Kehr indicated that Pastor Kehr's dual role of pastor and friend to Kathy complicated their interactions during this time. Both indicated a lack of clarity in which role was desired or expected when. This is seen as a violation of *family relationship* as defined above.

It should be noted that the team was unable to document a general pattern of triangulation. This incident is the only example that was received by the team of such communication by the pastor. The team also did not seek out other incidents of triangulation that may have occurred unrelated to the incident they were tasked with investigating.

It should also be noted that evidence gathered indicates Pastor Kehr responded to Kathy's phone call with an email and at some point later, Kathy indicated Pastor Kehr was "no longer safe to talk to." However, the two, at Kathy's invitation, had further email interactions around a presentation Kathy was going to give for a WDC equipping event. An email later discussed a mutual desire to maintain a relationship, Kathy writing, "Let's keep in touch for September." Pastor Kehr acknowledges she did not follow up with Kathy and assumed Kathy would follow up with her. Pastor Kehr stated, "In October, I saw the complainants leave a worship service early (as they often did) and realized I hadn't heard from her, but I did not follow up immediately as I should have."

Impartiality (p.65) "Pastor seeks to serve all persons from the congregation with impartiality, recognizing that one cannot pastor everyone."

Pastoral care and counseling (p.66) "The pastor leads the congregation in caring for one another….The pastor recognizes his or her limitations and the value of referral."

Use of power (p.60) "The pastor refrains from cultivating a "lone ranger" style, but rather seeks to enhance cooperation and interdependence with other leaders in the congregation."

Pastor Kehr showed partiality to specific congregants - the Combs - by choosing their interests over those of the entire congregation. This was evident in the above mentioned decision to not make an immediate public announcement about Michael's arrest and also in the lunch meeting where Pastor Kehr brought Cindy Combs' concerns about Kathy's presentation to Kathy, rather than helping Cindy speak with Kathy, as mentioned above. Both occasions are evidence of the violation of *impartiality,* defined above.

Pastor Kehr acknowledges the harm caused by her decision to not make a public statement about Combs' arrest. She states in her response to this allegation, "I know that not making an immediate public statement was hurtful to survivors of childhood sexual abuse. I also have come to understand that the effort to care for all, including Cindy and Michael Combs, also became injurious to survivors. I recognize the risk for survivors in Michael's presence at any time in the church building. I recognize that Cindy's involvement with children symbolized. I am also aware that my actions have hurt the female complainant. Again, not making an immediate public statement in regard to Michael Combs' crime and abuse was wrong. It was a first wrong step that made the situation more complicated and difficult." This statement from Pastor Kehr shows acknowledgement of acts or omissions that violated the policies of *impartiality*, *pastoral care and counseling* and *use of power* as defined above.

The pastor neglected to seek outside counsel. There was evidence gathered that showed Pastor Kehr did not consult with her fellow pastors about the best way to redirect pastoral care for both the Combs and the Wiens, when it became evident both families were deeply wounded by Michael Combs' behavior, and she was unable to provide pastoral care for both families. Therefore, pastoral care for the two primary wounded parties in the congregation fell to one person, Pastor Kehr - a violation of *pastoral care and counseling* and *use of power* as defined above.

Pastor Kehr admitted in her written response to the allegations that, "I thought I would be able to care for the needs in the congregation arising from this situation. This was hubris. I thought I would be able to absorb the shock from the congregation. Again, hubris. Because the victim of Michael's abuse for which he was arrested was not in our congregation, I did not understand the other victims would be those survivors of past abuse who were triggered by his crime."

It should be noted that in the above statement by Pastor Kehr, "the victim of Michael's abuse for which he was arrested was not in our congregation," is a disputed statement. While not a member of the congregation "the victim did attend regularly," and "was on Sunday School rosters," according to evidence gathered by the investigation team. It is also vital to note that there could have been victims within the congregation. From the GRACE Report on page 13, "First, the communication would have provided any individual (and particularly parents) with an opportunity to immediately assess whether Michael Combs had any other victims. A number of eye-opening studies confirm that child abuse is disclosed at a very low rate, possibly around 5%. The importance, therefore, of empowering parents to speak to their children about sexual abuse (or if a parent is uncomfortable doing so, actively encouraging parents to connect to local resources who can speak to the child about abuse) cannot be more clearly understood. Every passing day that abuse remains undisclosed is a day that a silently suffering child could be receiving the professional help they so desperately need." By failing to make a public statement immediately, Pastor Kehr missed an opportunity for possible other victims to be identified."

See the GRACE Report pages 17-18 on "The role of the Pastor" for more information regarding the detrimental effects of a pastor trying to tend to all parties in a case such as this.

The investigation team did receive evidence that Pastor Kehr did meet weekly with Cindy Combs to provide her with pastoral care following the arrest of her husband, Michael. However, the investigation team did not uncover any evidence to show that Pastor Kehr actively advocated or provided approval for Cindy to remain in her Nurture Commission role which allowed her to be involved and oversee children's programming. Neither did the investigation team find evidence that Pastor Kehr's interactions with Cindy provided "tacit approval for Cindy Combs' many Nurture-related activities." The investigation team does believe that given the evidence that Cindy Combs knew of her husband's previous history of sexual misconduct with children under the age of 18, her allowing him to assist in children's activities and then remain in a leadership role over children's activities presents a significant child safety

risk. In the course of the investigation, FMC leaders expressed that in hindsight, they also see the child safety concern caused by allowing Cindy to remain in her Nurture Commission role, overseeing children's programs after her husband's arrest.

Allegation 3: Pastoral neglect of the entire FMC congregation: long-delayed congregational initiative for child safety, lack of adequate congregational education and proper modeling of response to victims and survivors of sexualized violence, significantly delayed grief work - which affects many, quite deeply; and delayed church culture-transformation through her lack of full public accountability.

More likely than not accurate: Yes

Policy seen to be violated, if any, and evidence to support it:
The pastor and stress points (p.67), "The pastor is aware of his or her capacity for ministry - including strengths and limitations - and the others have also been given gifts to be shared within the body (Romans 12:3-5)... When differences arise the pastor is motivated by genuine love for the other and by "what is good" (Romans 12:9-10) to address the difference. When congregational conflict arises, the pastor and congregational leaders follow the ethics of truth telling (Matthew 18) and contact the area conference for assistance."

The evidence that supports this allegation and the policies violated are referenced above in response to the two previous allegations. In addition, we feel it necessary to note that Pastor Kehr understands, in retrospect, that her public silence regarding Michael Combs' arrest was traumatizing to survivors in the congregation, and that silence about the matter might have had an adverse effect on victims within the congregation, both children and adults. That she failed to act early was a pastoral failure that she clearly recognizes and acknowledges in her response to the complaint and throughout her interview with investigators, as noted above in this report.

According to the evidence gathered and by the admission of Pastor Kehr herself, she took on more than she could handle, therefore not knowing her limitations and violating the policy of *the pastor and stress points* as defined above.

She states, "By not making a public statement immediately, I was, by my actions, prioritizing the legal concerns of Cindy and Michael Combs. By not making a public statement immediately, there was a loss of opportunity to encourage FMC households or individuals to report any other kind of abuse that may have been happening. By not making a public statement immediately, the congregational processing of Michael's abuse and the impact of it was both delayed and made more difficult."

Allegation 4: *Thereby adversely contributing to poorly-informed words and actions from multiple church groups--especially Church Board, Nurture Commission, Caregiving and Membership Commission and Life Sharing SS Class--to cause their own Institutional Betrayal of survivors as well as to create distress for survivor advocates and others.*

More likely than not accurate: No

Policy seen to be violated, if any, and evidence to support it: The investigation team sees no policy violations by Pastor Kehr in regards to this allegation.

While the investigation team does believe Institutional Betrayal of survivors happened, and that there is evidence that the actions or inaction of "church groups" "create[d] distress for survivor advocates and other," we found no evidence that Kehr's actions or inactions directly or indirectly influenced the actions of these other "church groups," as claimed by the complainants. In regards to the decision to not make an immediate public announcement about Michael Combs arrest, the other church leaders did fall in line with Pastor Kehr regarding her apprehension; however, there is no evidence that those individuals did not have personal or collective agency to go against the pastor. According to those interviewed and the formational documents of FMC, the pastor reports to the board and several of those on the email regarding making a public statement were members of the board.

Testimony from virtually all current and active members of the FMC congregation accept their own responsibility for the institutional betrayal of survivors and survivor advocates. There is strong congregational affirmation of their own roles at all levels within the church for their failures of both commission and omission, relative to handling of the situation involving Michael Combs.

How congregants experienced Institutional Betrayal by FMC can be found on pages 15-16 of the GRACE Report. Other items that the investigation team discovered through the course of their work that can be seen as Institutional Betrayal included that the congregation had previous experience with a congregant who had been found to be engaging in sexual misconduct and as one person interviewed stated in regards to handling of the incident with Michael Combs, “we should have known better.” Also, the congregation allowed Cindy Combs to complete her term as Nurture Commission chair following her husband's arrest and leaders asked her “to return to the Nurture Commission as a full participant (but not an official member) of the commission” when some see her as having given a child predator, her husband, access to children (GRACE Report page 18-19). In addition, there is FMC’s lack of use of a survivor-centered organization to help them implement the GRACE Recommendations, as instructed by number 1 of the GRACE Recommendations. KIPCOR also has recommended FMC to work with a survivor-centered organization.

Attachment for Investigation Report

Additional General Evidence:

We think that as the Ministerial Leadership Commission considers this case, it is important to note several items uncovered during the course of our investigation that are not included in the summary of allegations and evidence. The items we have uncovered that we believe are important to note in order for the Ministerial Leadership Commission to have a clear picture of this case include: that we, the investigation team, have evidence of mitigating circumstances (outlined below); responsibility for the harm caused and that led to this complaint lies with multiple parties within the congregation who have acknowledged their roles in causing that harm, and are working to rectify it to the extent possible; Pastor Kehr is currently engaged in actively learning and seeking information to learn from her misconduct and is currently being held accountable for her misconduct through FMC's congregational decision that she complete the recommendations given to her by GRACE; Pastor Kehr has also expressed authentic remorse and made more than one public apology for her misconduct. Our intention in noting these items is not to negate Pastor Kehr's responsibility in her misconduct; it is our intention to bring to light all relevant factors we uncovered during the course of our investigation, to provide the Ministerial Leadership Commission with as complete of a picture as possible of the case at hand so they may be able to give their best assessment regarding appropriate accountability for Pastor Kehr's misconduct.

Mitigating Circumstances:

The following circumstances were uncovered via the investigation of the case documented in the investigator's report, and the investigation team feels these are mitigating circumstances that should be taken into consideration when determining appropriate accountability for Pastor Kehr's misconduct, as laid out earlier in this report. We note that while mitigating circumstances do exist, these do not negate the necessity to hold Pastor Kehr responsible for her action/role in this case. The mitigating circumstances the investigators found are as follows:

- Lack of awareness among all parties in leadership at FMC about their own Safe Sanctuaries Policy and the specific need to report to the congregation the arrest of Michael Combs. In addition, there was a lack of understanding within the congregation and its leadership regarding who was responsible for such reporting.
- Interpersonal encounters between church leaders and complainants that were experienced as traumatic and potentially abusive on both sides.
- A lead pastor who was in her first lead pastoral role, only second pastoral role in her career, and having a relative lack of experience and training in how to handle situations as complex and explosive as these.
- Board leadership that was compromised by conflict of interest and reduced leadership capacity resulting from medical issues.
- Lack of congregational policy/process for congregants to bring concerns/complaints to church leadership and for church leadership to process those concerns/complaints. This was further compounded by confusing and unclear lines of communication within the congregational structure.
- Congregational leadership ignored their responsibility structure which indicates that decisions fall with the church board and commissions; yet in this situation the church leadership laid responsibility on the pastor. Knowingly or not, they expected the pastor to take the lead in this situation and the pastor admittedly took on more responsibility then she should have.
- Lack of leadership from the area conference regarding appropriate handling of the situation. The conference minister acknowledges that she was new to her role, stretched by responsibilities as the only conference minister relating to all conference congregations at that time, and had a preexisting relationship with Michael Combs that may have compromised her responses.
- The blinding confidence within the congregation regarding their support for children, leading to their inability to see vulnerabilities and impacts on survivors within the church.

Addendum:

Throughout our investigation we found moments of lament and moments where we saw God at work. We felt it was important to document these as items just for notation.

Moments of Lament:

- The trauma/pain suffered by the direct victims of Michael Combs and their families.
- The trauma/pain suffered by the family and friends of Michael Combs.
- The trauma/pain suffered by survivors of childhood sexual abuse who have been triggered by the actions of Michael Combs and the subsequent actions of leaders throughout FMC.
- The relationships forever altered due to trauma, misunderstandings, mistakes made, and feelings of betrayal.
- The multiple complicating factors occurring between the time of Michael Combs' arrest and the date of the complaint.

Moments of God at Work:

- The courage of Michael Combs' victim to step forward and that of the other victims who stepped forward after.
- The Wiens' persistent advocating for victims and survivors. (Many we spoke to or heard from FMC expressed appreciation for this.)

  "As Mennonites we expect to follow the pattern of Matthew 18 when we have disputes among ourselves…..For a while now, I have realized that Tim Wiens did exactly that. He tried his best to get our attention through talking to individuals, seeking to talk to groups, and then writing a letter. He sought out Pastor Anita for individual conversations…and then brought two people along with him for a final meeting. He also sought to bring it to the congregation." According to the KIPCOR Report, "Congregational and Sunday school efforts at further education on sexual abuse and learning about survivor experiences were widely appreciated and contributed to a new awareness across the congregation. Tim and Kathy Wiens were particularly helpful in encouraging these conversations and providing resources for exploration."
- That FMC has devoted significant resources and energy over the past two years, despite everyone in the congregation not being of one mind about the energy and attention needed. FMC has:
  - invested, and continues to invest in the GRACE process
  - invested, and continues to invest in Hope Through Understanding (KIPCOR)

  Leadership has openly proclaimed, "Somebody else's sin has brought us this ministry. What are we going to do with it?"

  "Must be something God wants us to do through this. Hope we're smart enough to figure it out."

  "We made mistakes. We're learning from mistakes. That's the purpose of mistakes."

  "God is working in the midst of Michael Comb's sin and the mistakes we made after his arrest. How, you may ask? It is through this experience that God has laid a big opportunity in front of us. He has made us aware of the survivors in our Church and our community. He has called us to support them, love them, minister to them in new ways. He has called us to take new action to care for and protect our children. It is through this work that God will be glorified in the midst of sin. We cannot stop and turn our backs on this calling. We must continue this work. We must focus on improving and follow through on GRACE's recommendations. If we don't, sin wins. This experience is now part of our identity. It will be with us for the rest of our future and must remain our focus as we carry out our mission."
- That as painful as the investigation process has been for the complainants, Pastor Kehr and FMC, it has also provided opportunity for:
  - clarification about the GRACE Report's recommendation to "Utilize a survivor-centered organization that will help FMC address the issues articulated in this assessment and facilitate the process going forward"

- Resources to be shared with FMC and Pastor Kehr to assist them in learning and growing from this and completing the GRACE Recommendations.
- Further education for FMC leaders on the experience of survivors of abuse.

"For the last six months of last year, I was dealing with hamstring and back issues. 12 weeks of physical therapy did not help. It was not until December when things slowed a bit during the Christmas holiday that it improved. The leader of the investigation team told me I had experienced a little of what a survivor feels every day. She said they hold the impact within their body. This reminded me of the survivor stories that were shared with us last summer. It was clearly stated in those stories the physical and emotional impact that survivors live with for the rest of their life. Each survivor is carrying the impacts, hurt, and devastation of other people's sin with them every day. I am fortunate, because it will likely subside for me. It won't for the survivors among us." (Stated by FMC Board Chair in remarks at April 26, 2018 congregational meeting).

May all those affected by this incident and the actions that followed be able to find healing and hope. May they find space to lament and grieve. May their eyes be opened to God at work among them even in the midst of darkness.