A RESOURCE FOR CHURCHES DEALING WITH SEXUAL MISCONDUCT

U. S. Conference of Mennonite Brethren Churches
Board of Faith and Life

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Increasing Impact Together

Preface

The following document is offered as a resource to District Ministers or others who may from time to time encounter instances of alleged sexual abuse by pastors or staff members. It is not a policy or procedure document that has been approved as such by the U.S. Conference of Mennonite Brethren Churches or the Board of Faith and Life. It contains insights of helpful practices as experienced by others which may also be helpful in our settings. However, conferences and churches are urged to consult with an attorney whenever such a situation arises and not to implement any response, whether contained in this document or otherwise, without appropriate legal counsel.

The document was prepared at the request of the U. S. Conference of Mennonite Brethren Churches (Board of Faith and Life) by a team consisting of the following individuals:

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Jason Ekk, JD – Assistant Professor of Criminology and Restorative Justice, Fresno Pacific University, assisted them in their work.

We are grateful to this team for their careful work preparing this important document. We now make it available to our churches and districts, trusting it will enable them to respond graciously, compassionately and effectively to Victims, Offenders, their families and congregations when sexual misconduct occurs.

The Board of Faith and Life
March 11, 2015

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A Resource for Churches Dealing with Sexual Misconduct

I. Introduction

Sexual Misconduct in the church became prominent in our society with the recent revelations of the scandals involving clergy abuse of children and youth. Many Catholic, mainline, independent, and evangelical denominations and congregations responded to these scandals by developing guidelines and procedures that deal with sexual misconduct when it occurs. The US Mennonite Brethren Conference Board of Church Ministries addressed this issue by circulating the document "Dealing Redemptively with Sexual Moral Indiscretion Among Church Leaders: Procedures and Rehabilitation" (October 15, 1992). Although the document never became conference policy, it was helpful for conference leaders and congregations in responding to clergy sexual misconduct. It did not, however, provide assistance in responding to those victimized by sexual misconduct, nor did it address the challenges congregations and church institutions face when sexual misconduct comes to light. This document seeks to do the following:

a) Provide guidelines that will guide the U. S. Conference of Mennonite Brethren Churches, its districts and congregations in addressing sexual misconduct when it occurs.
b) Provide procedures for dealing with allegations of sexual misconduct and responding appropriately and compassionately to Victims, Offenders, families and the congregations affected by sexual misconduct.
c) Provide guidelines and procedures that address sexual misconduct for any and all licensed and/or ordained pastors, church staff, lay leaders, teachers, and volunteers who serve the congregation in a ministry role.
d) Provide resources in cultivating a healthy relational environment for ministry, and provide training and guidance for church leaders and volunteers to prevent and avoid sexual misconduct in the church.

These guidelines and procedures are to be made available to all conference and congregational leaders, pastors, church staff, lay leaders, teachers, and ministry volunteers, and to individuals who accuse individuals of misconduct, including those who are, or claim to be, Victims of sexual misconduct including their families. Other institutions of the U. S. Conference of Mennonite Brethren Churches may use this document to develop their own guidelines and procedures related to sexual misconduct.

II. Definitions

A. Definitions of Sexual Misconduct

"Sexual Misconduct" as it used in this document includes, but is not limited to, the various forms of sexualized behavior as listed below:

1. ***Abuse as Sexual Misconduct***. Abusive sexual misconduct refers to any unwanted or unsolicited sexualized behavior against a person. It includes any physical, verbal, or visual act that forces an individual against her or his will to join in unwanted sexual contact or attention. These acts may be overt involving actual physical contact of a sexualized nature including sexual intercourse, or covert, as in sexual innuendo or inappropriate disclosures of a personal nature regarding sexual matters.
2. ***Sexual harassment as Sexual Misconduct***. Sexual harassment refers to patterns of unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. It may include, but is not limited to, offering a benefit in exchange for sexual favors, creating a hostile work environment, making sexualized verbal or written comments, and threatening reprisals for rejecting sexual advances.
3. ***Misuse of authority and power as Sexual Misconduct.*** Sexual misconduct is a breech of trust that uses one's ministry or professional role to gain advantage over an individual and exploiting that person in an abusive and unjust manner. It is also a violation of personal and professional boundaries by using force, threat, coercion, intimidation, and promises including promotions, or the misuse of one's role or position to exploit a child, youth, or adult for one's sexual gratification.

See Appendix B for additional examples of offensive and abusive sexualized behavior that is not permitted in a ministry relationship.

B. Other definitions as used in this document:

1. ***Accuser*** – The person who is alleging sexual misconduct based on personal first-hand experience, observation or from first-hand communication with a Victim.
2. ***Alleged Offender*** – The person who is being accused of sexual misconduct.
3. ***Offender*** – The Alleged Offender who is found guilty.
4. ***Victim*** – The person who experienced the sexual misconduct.
5. ***Licensed and/or Ordained Staff*** – Those persons credentialed by a district Mennonite Brethren Board of Faith and Life.
6. ***Non-Licensed and Non-Ordained Staff*** – Any employee, volunteer, or lay leader in a ministry role who is not credentialed by a district Mennonite Brethren Board of Faith and Life.
7. ***Staff*** – The term used to refer collectively both to licensed and/or ordained as well as to non-licensed and non-ordained church leaders and volunteers.
8. ***Supervising Staff*** – Licensed and/or ordained Staff and/or the head or chair of the governing board of the congregation (i.e. moderator, head elder, chairman of the board, etc…)

9. ***Guidelines and Procedures*** – This document, "Sexual Misconduct in the Church: Guidelines and Procedures," of the U. S. Conference of Mennonite Brethren Churches.

III. Guidelines Regarding Sexual Misconduct

As Mennonite Brethren we believe that human beings are created in God's image and are designed to live in fellowship with God and with one another in relationships of mutual respect and trust. Persons who engage in Sexual Misconduct violate the teachings of Scripture and betray the trust implicit in healthy godly relationships. This is particularly so for those who serve in leadership within the church (James 3:1, 1 Pet. 1:15; 5:2-3; 1 Tim. 3:2; 1 Cor. 11:1). We believe that every person has the right and privilege to be treated with dignity and respect and should expect to live in freedom from all forms of Sexual Misconduct. Therefore, the following shall guide the conference and its churches in dealing with Sexual Misconduct should it occur:

1. Sexual Misconduct in any form is never acceptable or permissible for church and denominational leaders including pastors and ministry volunteers.
2. Every report of Sexual Misconduct will be taken seriously and steps taken to end any Sexual Misconduct and protect the Victims and all members of the congregation from further harm and risks.
3. In seeking to protect Victims and the congregation, retaliation, intimidation, or coercion against any person who brings an allegation of Sexual Misconduct is unacceptable.
4. Because healing, restoration and reconciliation are always the goals, pastoral care is to be provided for the Victim(s) and/or Accuser(s), the Offender, family members, and members of the congregation affected by Sexual Misconduct.
5. Pastors and congregational leaders shall strive to use confidentiality as much as is possible in order to protect Victims, Offenders and their families.
6. Since mutual accountability is a value we seek to cultivate within the body of Christ, accountability structures and supportive relationships shall be provided for Offenders to facilitate healing, reconciliation and restoration.
7. The ministry of a Licensed and/or Ordained Staff or a Non-Licensed and Non-Ordained Staff shall normally be suspended when an allegation of sexual misconduct is made against them in writing (See IV, C, 1 below) and a preliminary investigation is made (See IV, B).

IV. Procedures in Responding to Sexual Misconduct

While healing, reconciliation and restoration are always the goals when dealing with the painful realities of Sexual Misconduct, the path toward realizing these goals is never easy, not for Victims or Offenders, not for their families and friends, and not for the congregation or the wider church. The body of Christ, the church, is called to be an instrument of healing that responds with compassion and mercy for the hurting and the oppressed.

Historically Mennonite Brethren congregations have sought to foster relationships of interdependence, love, support, counsel, and accountability. Such mutual responsibility involves having equal concern for one another (1 Cor. 12:21-26) and seeking to be restored to one another when sin occurs (Gal. 6:1). This is particularly important when one of our members personally

suffers because of hurt inflicted by others, or when a trusted leader engages in a behavior that is perceived to be immoral or inappropriate (2 Cor. 1:3-7, 23-2:11). Jesus urges us to go to an erring brother or sister and seek to be reconciled (Matt. 5:23-25; 18:15-22).
How does one respond to sinful behavior involving Sexual Misconduct? Because of the challenging and complex issues involved, the approach calls for various levels of response. In this regard, Jesus' teaching in Matthew 18 is instructive. He describes what one might refer to as an "informal" and a "formal" response. The initial response is informal. When someone sins against us we are to go personally and informally, seeking to be restored to the person who has wronged us. If the informal step does not resolve the issue, the action becomes more formal. We now take a brother or sister with us. If such action, however, does not result in a resolution, formal action is taken by involving the church. Even then, involving the church is done not to punish or even to excommunicate the Offender, but to facilitate healing, reconciliation and restoration. Matthew 18 would suggest, therefore, that complaints against individuals, whether pastors or lay volunteers, may be resolved utilizing a relatively informal process, or may require a formal approach. The context of Matthew 18 seems to assume that the actions taken to resolve differences are done between people of equal standing or position. Because of the complex nature of Sexual Misconduct, particularly when children and youth are involved and where professional roles and power differentials are in force, formal approaches will need to be implemented.

The following procedures outline steps congregations and the Mennonite Brethren can follow in responding with love and grace while also seeking justice for those who are affected by Sexual Misconduct.

A. General Guidelines

1. Allegations of Sexual Misconduct shall be promptly reported to the appropriate leaders as outlined in these Guidelines and Procedures.
2. Credible allegations concerning the sexual abuse of children shall be reported to child protective services and/or law enforcement as required by state and local laws in reporting child sexual abuse (See www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm to explore information and resources within your state).
3. In order to invite support and guidance in responding to Sexual Misconduct, allegations against licensed and/or ordained ministers and ministry volunteers shall be reported to the District Minister by the appropriate leaders.
4. Responding to allegations shall be handled with great care and wisdom, preferably with guidance from legal counsel and specialists. As much as is possible, those investigating the allegations shall uphold the dignity of all persons involved and show respect and compassion for the Victim(s), the Alleged Offender and their families. Wherever possible, the privacy of persons should be respected and confidentiality of communications should be maintained.
5. Even though these Guidelines and Procedures focus on Staff under the direction and control of the churches, it is encouraged that any person who observes Sexual

Misconduct by a Staff member would confront the person, if appropriate, and/or inform the appropriate leadership of the church of the misconduct.

B. Informal Process

1. Starting the Informal Process:
   a. These Guidelines and Procedures apply to any Staff member (Licensed and/or Ordained, or Non-Licensed and Non-Ordained Staff).
   b. Once a Staff member is informed of an alleged incident of Sexual Misconduct or observes an incident of Sexual Misconduct they should:
      i. If it is appropriate confront the Staff member as soon as possible about the alleged misconduct.
      ii. If an observing Staff member does not feel comfortable confronting the Alleged Offender or is of a lower power position, the Staff member shall inform his/her immediate supervisor of the alleged misconduct.
   c. Staff who fail to report serious Sexual Misconduct to Supervising Staff, especially when it involves minors, may be subject to discipline.
   d. The Supervising Staff member should confront the Alleged Offender about the alleged misconduct.
   e. If the Alleged Offender denies responsibility, the Supervising Staff member should do some initial investigation. This could include but is not limited to informally talking to the Victim(s) and other observers about the allegation (see Appendix D on meeting with the Victim).
   f. If at any point in the informal process it is deemed by those involved that a formal process would be more suitable, a formal process can be started by filing a written complaint utilizing the form in Appendix C.

2. Meeting with the Victim:
   a. The Supervising Staff together with the pastor shall do a preliminary investigation to determine the validity of the allegation.
   b. If there is enough information to move forward with a formal process the supervising person, with the senior pastor, and/or approved congregational leaders will meet with the Victim(s) and do the following:
      i. Have them share their story.
      ii. Inform them of the support and care that is available.
      iii. Inform them of the procedures of the investigation process.
      iv. Provide and review with them the relevant Guidelines and Procedures pertaining to Sexual Misconduct.
      v. Invite the Victim(s) to participate in the process, which may include filling out the form in Appendix C and meeting with the investigation team and other appropriate leaders.

   See Appendix D for guidance in preparing for and meeting with the Victim.

C. Formal Process

1. Starting the Formal Process
    a. The formal process commences when an accusation of Sexual Misconduct is made in writing utilizing the form in Appendix C.
    b. The following people may fill out the form:
        i. The Victim(s).
        ii. An observer of the misconduct.
        iii. A person who has heard directly from the Victim(s).
2. The following shall be informed of the allegations of Sexual Misconduct:
    a. Appropriate congregational leaders.
    b. The District Minister.
3. Designated congregational leaders together with the District Minister will appoint an Investigation Team to investigate the allegations.
4. The Investigation Team should include three individuals, preferably both men and women.
5. The tasks of the Investigation Team include, but are not limited to, the following:
    a. Investigate the allegations of Sexual Misconduct.
    b. Determine the guilt or innocence of the Alleged Offender.
    c. Establish recommendations for an appropriate healing, reconciliation, and restoration process.
6. The Investigation Team shall keep accurate records of the investigation including dates and summaries of interviews, dates of meetings including individuals present, and the name of the recorder. The records are confidential within the limits of the law, and are the property of the local congregation and the District Conference.

D. Investigating the Allegations of Sexual Misconduct

1. The Alleged Offender will be informed in writing of the allegations.
2. The Investigation Team will meet with the Alleged Offender and family member(s) or friend(s) of his/her choosing. In this meeting the Team will:
    a. Inform the Alleged Offender of the allegations filed against him/her.
    b. Inform the Alleged Offender of the identity of the Accuser(s) and/or of those who sign the "Reporting Suspected Sexual Misconduct" form (see Appendix C).
    c. Direct the Alleged Offender not to communicate with the Victim(s) or the Accusers about the complaint.
    d. Provide the Alleged Offender with a copy of these Guidelines and Procedures and highlight the steps that will be taken in responding to the allegations.
    e. Provide an opportunity for the Alleged Offender to respond to the allegations.
    f. Assure the Alleged Offender and his/her family of the Team's prayers and offer to make available a mentor who can provide spiritual guidance and support throughout the investigation.
3. Following the meeting with the Alleged Offender the Investigation Team will meet with the Victim(s) and her/his family. See Appendix D on meeting with the Victim(s).
4. Provide guidance to the leaders of the congregation in making available pastoral care to the Victim(s), family members, the Alleged Offender and his/her family, professional

counseling for the Victim(s) and Alleged Offender, and in responding to the needs of the congregation.

E. Findings

1. The Investigative Team could find the Alleged Offender:
    a. Guilty
    b. Not Guilty
    c. Partially Guilty/Insufficient Evidence
2. In due course and in consultation with the leadership of the congregation and the District Minister, the Team shall report their findings and recommendations to the Alleged Offender, the Victim(s), the Accuser(s) if other than the Victim(s), and the family members, and to the church leaders and/or denominational leaders. When appropriate, the Team shall also report to the congregation, and, in the case of licensed and/or ordained pastors, the District Board of Faith and Life.

F. Appeal

1. If the Offender is a Licensed and/or Ordained Minister:
    a. The Offender may appeal the findings to the Board of Faith and Life.
    b. The Offender must file a signed written appeal (Appendix E) with the District Minister within 10 days of being informed of the findings. The appeal must state all grounds for appeal.
    c. The chairperson of the District Board of Faith and Life together with the District Minister will appoint a three-person appeal panel. The chairperson may serve on the panel. No investigator or member of the congregation may be on the panel.
    d. The panel shall:
        i. Read the notice of appeal.
        ii. Meet with the Offender to review and discuss the charge, evidence and judgment, providing opportunity for the Offender to explain the appeal.
        iii. Deliberate in private.
        iv. Affirm the judgment, unless the minister has demonstrated there are not probable grounds. If there is not probable grounds to affirm the judgment the panel may reverse or reduce the consequences.

2. If the Offender is a Non-Licensed and Non-Ordained Minister:
    a. The Offender may appeal the findings to the governing board of the congregation.
    b. The Offender must file a signed written appeal (use Appendix E) with the Chairperson of the governing board of the congregation within 10 days of being informed of the findings. The appeal must state all grounds for appeal.
    c. The chairperson of the District Board of Faith and Life together with the chairperson of the governing board of the congregation will appoint a three-person appeal panel. The chairperson may serve on the panel. No investigator or member of the congregation may be on the panel.
    d. The panel shall:
        i. Read the notice of appeal.
        ii. Meet with the Offender to review and discuss the charge, evidence and judgment, providing opportunity for the Offender to explain the appeal.

iii. Deliberate in private.
iv. Affirm the judgment, unless the minister has demonstrated there are not probable grounds. If there are not probable grounds to affirm the judgment the panel may reverse or reduce the consequences.

V. Caring, Support and Accountability

When allegations of Sexual Misconduct have been made, the Victim(s), the accused, their families and also the congregation will need compassionate care, ongoing support, and structures of accountability when that is appropriate. Caring and support are needed from the time allegations are first made and continue throughout the investigation and restoration process. Accountability structures are important in walking with the accused and particularly so if the accused is found guilty. Ultimately the goal is healing, reconciliation and restoration for all whose lives are impacted by the misconduct.

Sexual Misconduct does not occur within a vacuum. It impacts trusted relationships between pastors, congregational leaders and members of the church and community. Moreover, there are many long-term consequences of Sexual Misconduct that affect the whole of one's life for Victims, Offenders, families and congregations. The caring and healing process, therefore, involves unique and special approaches for each of these groups.

A. Care and Support for Victims

To be sexually abused is very much a form of betrayal that leaves the Victim(s) feeling uncertain and unsafe. It can destroy one's ability to trust others. Victims may also feel shame and guilt, and question not only the love of others but mistrust God's love for them. They need the assurances of being heard, that the abuse was not their fault, and that both God and the congregation love and care for them.

1. Structures of Care and Support for the Victim(s)
   a. Establish a Support Team for the Victim(s).
      i. The Team shall be composed of at least three individuals selected by pastors and leaders of the congregation in consultation with the Victim(s) and her/his family or support person(s).
      ii. It is recommended that the Team be composed of both men and women.

   b. Tasks of the Support Team
      i. Provide care and support for the Victim(s) and her/his family and respond to their needs with compassion and understanding. The focus of the Team's ministry is care and support rather than being involved with investigating the claims or the discipline process.
      ii. Meet regularly as needed with the Victim(s) and her/his family.
      iii. Assure the Victim(s) and her/his family of the Team's prayers.
      iv. Offer to make available a mentor who can provide support, encouragement and spiritual guidance throughout the investigation. The mentor may, with the approval of the Victim(s), serve as a fourth member of the Support Team.

2. Care and support includes, but is not limited to, the following:
    a. Give the Victim(s) and her/his family the chance to tell their story.
    b. Acknowledge that what happened was wrong and extend grace, support and encouragement.

c. Do not ignore or minimize the painful event and encourage congregational leaders to do whatever is possible to ensure that the Offender harms no one else.
d. Provide information about available resources for pastoral support and psychological counseling for the Victim(s) and, where appropriate, for the families, including information about possible financial assistance when needed.
e. Carefully monitor the healing and restoration process through the various stages of trauma, grief, and sadness.
f. Help the Victim(s) understand the investigation process, the accountability structures for Offenders, and the steps being taken to respond to and care for the person accused of Sexual Misconduct.

See Appendix D for additional guidance in meeting with the Victim(s).

B. Accountability and Support for the Offender

Allegations and disclosure of Sexual Misconduct significantly impact the life of the Offender. The Offender may feel shame and guilt, fear the loss of his/her reputation and job, be anxious about criminal charges and possible incarceration, and fear the disruption of relationships within his/her family and with the congregation. The Offender should know that he/she is not abandoned by the church and that the ultimate goal is justice and healing, and, when possible, reconciliation and restoration with those affected by the misconduct. In some cases, for example in situations of child molestation, reconciliation may not be legally permissible.

1. Establish an Accountability/Support Team for the Offender.
   a. If the Offender is a licensed and/or ordained pastor and is found guilty, a Team of at least five (5) members shall be established composed of representatives from the local congregation, the District Board of Faith and Life and a representative suggested by the Offender.
   b. If the Offender is any other church leader, a Team of at least five (5) members shall be established composed of representatives from the pastoral and church leadership of the local congregation and a representative suggested by the Offender.
   c. It is recommended that the Team be composed of both men and women.
2. Tasks of the Accountability/Support Team
   a. Offer care, support and treatment for the accused. Demonstrate love, kindness and respect for the Offender and seek to protect his/her rights and reputation.
   b. Assure the Offender of the Team's encouragement and prayers, whether the allegations are eventually found to be true or not.
   c. Make available a mentor who can provide support, encouragement and spiritual guidance throughout the investigation. The mentor may serve as a member of the Accountability/Support Team with the approval of the Offender.
   d. Provide information about available resources for pastoral support and psychological counseling for the Offender and, where appropriate for the family, including information about possible financial assistance when needed.

e. Meet regularly with the Offender, preferably at least monthly, to monitor compliance with the terms as recommended by the Investigation Team and to provide accountability for past and present relationships and boundaries.
f. When applicable, obtain written authorized consent from the Offender to periodically consult with the professional therapist assigned to the Offender for ongoing treatment, and to receive regular reports of the Offender's progress.
g. Submit regular written reports (at least bi-monthly) to the District Board of Faith and Life if the Offender is licensed and/or ordained, and to the local church leadership for all other Offenders.
h. Should the Offender refuse to participate in the accountability and restoration process, it may be necessary to initiate disciplinary action by the church with the hope that repentance will occur at a future time.
i. The time to complete the work of the Accountability Team will depend on the nature of the case, the continuing assessment by the team, and demonstrated progress and growth of the Offender.

C. Caring for the Congregation

While the focus in Sexual Misconduct is usually on Victims and Offenders, the congregation is also deeply affected by such conduct. When a pastor or lay leader has been implicated in Sexual Misconduct, trust has been broken. Members of the congregation can, like the Victim(s), feel betrayed, confused, and vulnerable. Some may disbelieve that the allegations are true. Others may feel anger toward the Victim(s) and/or the Offender. Some may deny that such a thing could have happened and minimize the problem. The congregation may lose confidence in its leadership and feel a loss of credibility in the wider community (See Appendix F). Therefore, providing care, support and encouragement for the congregation is crucial.

1. *Pastoral Care*. If it is the pastor who is involved in Sexual Misconduct, pastoral care will need to be provided by another member of the Staff if the church is a multiple-staff church, or, by a person appointed for that purpose by congregational leaders and the District Minister. Congregational leaders may prefer to appoint an interim pastor to provide leadership and care for the congregation if the allegations involve the lead pastor.

2. *Sharing information about the case*. If a case of Sexual Misconduct becomes a matter of public knowledge, the pastor, District Minister and/or designated congregational leaders may hold appropriate meetings with individuals, small groups, or with the entire congregation. If the Offender is not the pastor, the pastor together with other leaders from the congregation may carry out these functions. Care and wisdom needs to be exercised in what is shared. General information about the allegations may be shared, but the identity of the Victim(s) should be protected as much as is possible. Such meetings may provide information about Sexual Misconduct in general, review the Guidelines and Procedures, and provide information about how the Victim(s) and Offender are being cared for. See Appendix G for information about procedures for organizing and leading such a meeting.

3. *Resource persons.* Given the painful and complex nature of Sexual Misconduct, it will be helpful, even necessary, to draw on others to provide guidance, counsel and pastoral oversight during this difficult time. The following are people who can be called on: the District Minister; a trained interim pastor; a consultant or counselor(s) with experience in dealing with Sexual Misconduct; an attorney who can discuss legal aspects of sexual and/or ministerial misconduct.

4. *Liability and Insurance*. The denomination or a local church can be held liable for harm caused by Sexual Misconduct of a pastor, officer, or employee. Boards and leaders should take this into consideration when establishing hiring and supervisory procedures. Insurance policies should cover activities such as camps, day-care operations, children and youth activities and functions. It is also recommended that the liability insurance policy be enhanced to cover sexual abuse and molestation.

D. Caring with Forgiveness, Reconciliation and Restoration

How do we practice forgiveness, reconciliation and restoration in the case of Sexual Misconduct? The responses of persons who have been accused of Sexual Misconduct will vary from person to person. Some Offenders may quickly acknowledge wrongdoing and desire to make a public confession even before a proper investigation to the allegations has been made. Others may become defensive and deny the allegations. Moreover, Victims may not be prepared immediately to extend forgiveness or desire to be reconciled to the Offender. Research indicates that when Victims accept a quickly given apology without sharing their pain with Offenders, neither Victims nor Offenders may complete their healing journey (See Schmidt, 1995).

Healing, reconciliation and restoration for Victims and Offenders emerge out of the following understandings and perspectives:

1. *For Victims.*
    a. When Victims have the chance to tell their stories.
    b. When there is a genuine acknowledgement and assurance, particularly by the Offender, that what was done to them was wrong.
    c. When there is compassion and understanding shown for their experience and for what they have suffered.
    d. When they are assured that the Offender will harm no one else.
    e. When there is accountability for the Offender.
    f. When there is some form of restitution for the offense, if restitution is possible.
    g. When Victims are validated as persons and restored to the community.

2. *For Offenders.*
    a. Naming and owning (confessing) the injustice (sin) committed against Victims.
    b. Genuine remorse for what happened.
    c. Taking personal responsibility for the behavior.
    d. Making restitution where possible.

e. Making commitments and taking steps toward long-term changes in beliefs and behavior related to the patterns that led to the Sexual Misconduct.

See Marie M. Fortune (2009) for a fuller understanding and application of these dynamics for Victims and Offenders.

Genuine confession and repentance can take place when the Offender fully understands the magnitude of the offense including the hurt and pain the Victim(s) has experienced by the Sexual Misconduct. Often such confession and repentance requires professional counseling, accountability and monitoring. Acknowledgement of wrongdoing is preferably done through a letter to the Victim(s) and in a mediated face-to-face conversation with the Victim(s).

3. *Restoration to ministry for the Offender.* Restoration to ministry in the church should not be assumed or guaranteed following confession and repentance. It should only be considered after the Offender has complied with the accountability plan and there is assurance that the misconduct will not be repeated should restoration to leadership be considered. Accountability and support structures should be established for a time to provide safeguards in helping the person reenter ministry. Also confession and repentance by the Offender does not necessarily mean restoration to fellowship in the congregation where the misconduct took place. Depending on the circumstances, it may be necessary for credentialing bodies to suspend or even revoke the ministry credentials of Offenders if restoration processes are resisted or spiritual and moral progress is deemed inadequate for effective church ministry.

4. *Is forgiveness and reconciliation always possible?* Giving and receiving forgiveness are important aspects of life in the community of faith. Lewis Smedes (1984) says that forgiving seems almost unnatural, particularly so when grave injustices occur. God forgives us and calls on us to forgive each other. Smedes emphasizes, however, that forgiveness is not excusing or forgetting a person's hurtful behavior, ignoring or overlooking the offense, or accepting or tolerating the offensive behavior. He offers the following perspectives in the practice of forgiveness:
    a. To forgive one another takes time.
    b. It calls for some level of understanding of one's own motives and emotions and those of the Offender.
    c. Giving and receiving forgiveness often takes place in the crosscurrents of confusing thoughts about the Offender, ourselves, and even God.
    d. Forgiveness is usually given with some anger left over.

    While extending forgiveness to an Offender is important in moving toward healing and restoration, it should never be forced nor offered too quickly. In some situations where the Offender confesses his/her sin and exhibits genuine repentance and change, reconciliation may be possible. However, there may be times when the Victim(s) may never be able to trust the Offender enough to forgive or renew the relationship. If reconciliation is not possible, it may be necessary simply to mourn the loss of the relationship and what might have been.

5. *Choosing to forgive.* There may be occasions where the Victim(s) chooses to forgive the Offender even if he/she is not genuinely remorseful, has not confessed and repented of the misconduct, or does not desire to be reconciled to the Offender. The Victim(s) may choose to forgive so as to no longer be held hostage by simmering anger, resentment, hatred, bitterness and hurt. Choosing to forgive can be the initial step that frees the

Victim(s) from the painful past and places her/him on a path of healing, freedom and restoration.

6. *Time is important.* Reconciliation and restoration are important goals for everyone who has been affected by sexual misconduct, including colleagues in ministry and the congregation. This process may take months and years of concentrated effort and will require guidance, mentoring and accountability.

See "Understanding Sexual Abuse by a Church Leader or Caregiver," 2nd Edition, Mennonite Central Committee, Canada, 2011, for additional helpful information concerning reconciliation and restoration for Victims, Offenders and congregations.

VI. Prevention and Education

The Guidelines and Procedures outlined above describe how congregations and the denomination might respond to allegations of Sexual Misconduct when they occur and how to care for Victims and Offenders. Equally important are procedures that can be implemented to prevent Sexual Misconduct both within the denomination and in local congregations. Such initiatives may include the training of pastors, church Staff and volunteers on topics such as the realities of child abuse, how to recognize Sexual Misconduct, and what to do in cases of suspected abuse. The following are procedures that can be implemented:

B. At the US Conference and District Levels.

1. Adopt and implement these Guidelines and Procedures regarding Sexual Misconduct for the conference and its churches.
2. Initiate a careful screening of those being ordained and licensed for ministry.
3. Require all licensed and/or ordained pastors and other staff members, as deemed appropriate, to be fully familiar with and committed to the Mennonite Brethren Guidelines and Procedures. They are also required to agree to abide by the Code of Sexual Ethics for Ministers and Church Leaders (Appendix A).
4. Provide consultation and supervision for all pastors and church leaders who are dealing with allegations of Sexual Misconduct.
5. Implement a continuing education program for pastors that would include topics such as professional ministerial ethics, guidance in establishing personal boundaries in relationships, understand the issues of power and authority in ministry, and developing appropriate sexual conduct in one's life and relationships. (See resources listed at the end of this document.)
6. Encourage Mennonite Brethren educational institutions to include in their ministry training programs an emphasis on ministerial ethics including Sexual Misconduct, and familiarize students with these Guidelines and Procedures. Joe E. Tull and James E. Carter (2004) is a helpful guide. They suggest that seminaries can be the first line of defense to protect church members from sexual abusers.
7. Provide local congregations with information and resources to educate lay leaders, ministry volunteers and church members concerning Sexual Misconduct.

C. At the Congregational Level.

1. Cultivate a climate of healthy relationships of mutual love and respect within the congregation.
2. Adopt these Guidelines and Procedures as its guide in responding to Sexual Misconduct when it occurs in the congregation and make them available to all members but especially to leaders and ministry volunteers.
3. Implement safety policies in the congregation, which should include the screening of volunteers and, where deemed appropriate, background checks for anyone working with children and youth, or serving in other caregiving roles. The congregation may also wish to adopt "The Six Month Rule," which requires all persons working with children or youth in any capacity to be a regular participant and/or member of the church for at least the prior six months. In addition the congregation may also adopt "The Two Person Rule," requiring a minimum of two unrelated adults serving during all ministries, functions or activities for children and youth.
4. Educate all church Staff, volunteers, children and youth workers and parents concerning the nature and scope of Sexual Misconduct. The training should include a review of these Guidelines and Procedures, and include instruction and guidance regarding healthy sexuality, appropriate hugging and touch, and ways to recognize the signs and symptoms of Sexual Misconduct (Appendix B).
5. Have clear job descriptions for the pastoral Staff, provide regular performance evaluations based on the job descriptions, and encourage manageable workloads for all paid Staff.
6. Encourage pastors to refer long-term counseling of members to professional counselors.

See Bibliography for resources for training and educating congregational leaders and ministry volunteers regarding the risks and prevention of Sexual Misconduct.

Appendix A

Code of Sexual Ethics for Pastors and Church Leaders

The US Conference of Mennonite Brethren Churches has developed a "Pastoral Covenant" for licensed and/or ordained ministers. All who serve the church and minister in the name of Christ are called to live a life of godly character and moral and ethical conduct. In concert with the "Pastoral Covenant," the following Code of Sexual Ethics is offered that can be used to guide the minister's practice.

1. As a representative of God and the church, and as an agent of healing and redemption, I am aware that Sexual Misconduct is an abuse of trust, power and authority, and a violation of the pastoral position. I accept the responsibility to maintain appropriate boundaries within my ministerial relationships (See Appendix B).
2. I will avoid developing inappropriate intimate relationships and be alert to demands or temptations confronting me that would challenge my integrity. I will with God's help behave in a godly and professional manner at all times.
3. I am aware that my personal relationships and life must reflect healthy morals and sexuality, and that the use of pornography or other forms of immorality may lead to discipline.
4. I am aware that discipline for Sexual Misconduct involves both my ministerial credentials and my vocational status.
5. I have read and affirm the Mennonite Brethren Guidelines and Procedures on Sexual Misconduct.
6. I accept the responsibility to call others to account and to exercise biblical responsibility to confront colleagues concerning perceptions of inappropriate sexual relationships.
7. I am aware of my calling as a servant of God under the lordship of Jesus Christ and I accept my responsibility for and accountability to people entrusted to my care. As a leader in the community of faith, I am committed to provide a safe place in the church where people can be vulnerable without fearing that sexual boundaries will be violated.
8. I accept the obligation to disclose information regarding previous Sexual Misconduct prior to formal candidacy for a new ministry position.

_____ _____

Pastor Date

_____ _____

District Minister Date

_____ _____

Congregational Board Chair Date

Appendix B

Identifying and Recognizing Sexualized Behavior

Sexual Misconduct in these Guidelines and Procedures has been defined as unwanted or unsolicited sexualized behavior against a person. How does one recognize such behavior when it occurs? The following are characteristics of sexualized behavior:

- Unusual attention from a pastor, including such things as gifts, frequent social telephone calls, letters, private visits, use of electronic/social media, or the maintenance of a special mentoring relationship.
- Flirtatious talk, innuendo or propositions.
- Graphic or degrading comments about another person's appearance, dress or anatomy.
- Display of sexually suggestive objects or pictures.
- Sexual jokes or offensive gestures.
- Intrusive sexual questions about the person's personal life.
- Explicit descriptions of a pastor's own sexual experiences.
- Abuse of familiarities or the use of diminutives such a "honey," "babe" or "dear."
- Whatever the other person considers inappropriate, including unwanted physical contact such as touching, hugging, pinching, patting and kissing, as well as whistling, catcalls and leering, etc.

Marie Fortune (1989 and 2009) has done extensive work in understanding the nature of Sexual Misconduct. She has provided the following questions, for which answering "yes" could be warning signs of Sexual Misconduct:

1. Does the pastor do a lot of counseling that is beyond his/her training and ability and the scope of his/her responsibility?
2. Is the minister not taking care of himself or herself, canceling vacations, or neglecting time with the family?
3. Does the pastor tend to sexualize conversations?
4. Are structures of accountability being ignored?
5. Is lay leadership discouraged from serving?
6. Does everything in the church focus on the pastor?

Stanley Grenz and Roy D. Bell (1995) have also provided the following helpful indicators that personal and professional boundaries are being violated:

1. Conversations with a parishioner becomes increasingly personal.
2. Physical contact moves beyond simple greetings to inappropriate pats and hugs.
3. The pastor or staff person fantasizes about a sexual relationship with the parishioner.
4. The pastor or staff person offers to drive the parishioner home.
5. The pastor or staff person arranges meetings with the parishioner outside normal office hours.
6. The pastor or staff person increasingly hides his/her feelings for the parishioner, and avoids disclosing his/her meetings with the parishioner especially with his/her spouse.

Appendix C

Reporting Suspected Sexual Misconduct

Reported by _____Date of Report_____

Address:_____

Telephone_____

Person Suspected of misconduct:

Name_____

Address_____

Telephone_____

Describe each incident giving information about date, time, place, & circumstances:

Identify any other persons involved (witnesses or Victims):

What written material or physical evidence can you provide of the misconduct?

Is there any additional relevant information that you would like to share?

Signature_____ **Date**_____

Appendix D

Meeting with a Victim

This meeting is to provide an opportunity for the Victim to tell her/his story and to assure the Victim of the care, support and prayers of the church.

1. Arrangements for the meeting.
    a. When meeting with a juvenile, make sure parents and/or guardians are present. If the Victim is an adult, it would be good to encourage the Victim to bring a friend or family member for support.
    b. Get acquainted. Don't assume everyone knows one another.
    c. Assure the Victim that whatever is shared will be kept confidential as much as is possible.
    d. Make sure the Victim feels safe with the people in the room. Don't be afraid to ask an individual to leave the room if the Victim appears nervous or uncomfortable about him/her. Make sure that at least two people (other than the Victim) are in the room at all times.
    e. Tell the Victim that you will periodically summarize what is said to make sure what is shared is accurately heard.
2. Invite the Victim to tell their story of the offense.
    a. Questions to ask: Tell us what happened? How did the offense impact or affect you (both then and now)? What have been the consequences? What would it take to make things as right as possible? What do you need? What is the most important thing you would like for us to know? Is there anything else you would like to share?
    b. Summarize what the Victim said and make sure they have been heard. Summarization works best when it is done throughout the conversation and not just at the end.
    c. Don't expect the Victim always to use a linear progression of the incident(s). The Victim may recall details in a seemingly haphazard manner. This is common when people have suffered a traumatic incident.
3. Responding to the story.
    a. Acknowledge the injustice that has occurred.
    b. Emphasize an attempt will be made to make things right as much as is possible.
    c. Emphasize that every attempt will be made to keep this from happening in the future and to others.
    d. Check for understanding and whether there are questions they have or concerns they would like to share.
4. Share with the Victim that the church will be providing a support team to encourage and pray for her/him, and, if they would find it helpful, to provide a mentor for support, help, and prayers.
5. Invite the Victim to participate in the process by filing a written report of the allegations.

6. Review with the Victim the steps that are being taken by the church. Highlight the steps outlined in the Guidelines and Procedures and discuss what will happen next.

Appendix E

Appealing the Judgment of Guilt

I dispute the findings of the Investigation Team and I appeal the judgment of guilt concerning the charge of Sexual Misconduct filed against me. Below are the reasons why I believe there are not probable grounds for the findings of the Investigation Team.

Name Date

Appendix F

Characteristics of Congregational Movement through Trauma

1. **Discovery-Chaos Phase**
   - The initial complaint is known by congregational leadership.
   - Other complaints come to light.
   - The congregation as a whole is not aware of the complaint.
   - There is relief from facing the truth but a lot of pain about the truth.
2. **Awareness-Polarization Phase**
   - The congregation becomes aware.
   - There are many hidden communications.
   - A deepened understanding of the seriousness of the problem and a heightened sense of the pain and broken trust in the congregation especially as polarization takes place.
3. **Recovery-Rebuilding Phase**
   - There is a realization that attention needs to be given to maintaining and nurturing congregational life. The congregation identifies the following characteristics of this period: diminishing morale, leadership, vision, self-esteem and energy for outreach. Leaders can, however, affirm the strength, creativity and resiliency which has developed due to the trauma.
   - Emergence of new leadership and stronger governance structures.
   - The rebuilding process makes the congregation aware of what has been lost and the depth of the trauma from which they are slowly recovering.
   - Questions still remain in the congregation about how to relate to the persons involved and whether genuine healing has occurred.
   - There is relief and joy at having come through this, along with pain over the ongoing costs to congregational life and energy.
4. **Resolution-Transformation Phase**
   - The congregation develops communal organization and structures to regularize this event as part of its life and to process it with strength as a unified community.
   - Individualization and polarization is overcome.
5. **Polarities which create tension in the congregation during these phases:**
   - Focusing on the pain and loss in the congregation vs. focusing on the congregation's strength and resiliency.
   - Quick reconciliation vs. ongoing shame and slower healing.
   - Individualizing the pain and responsibility vs. communalizing both.
   - Those who identify with the Victims (one side of the conflict) vs. those who identify with the perpetrator (other side of the conflict) vs. those who identify with the congregation and its ministry.
   - The need for forgiveness/reconciliation vs. accountability/justice making.
   - Pain of the present vs. celebrating the past and hope for the future.

Condensed from an unpublished paper by Larry Kent Graham, *Healing the Congregation: The Dynamics of a Congregation's Process of Recovery from its Minister's Sexual Boundary Crossing with Parishioners.*

Appendix G

Planning and Conducting a Congregational Meeting

In due course when a pastor or a lay leader has been found guilty of Sexual Misconduct, leaders of the congregation may conclude that information needs to be shared with the congregation. The following are ideas for planning and conducting such a meeting.

1. The purpose of such a meeting is to inform the congregation that allegations regarding Sexual Misconduct have been made. Generally specifics of the allegation should not be shared publically pending the investigation process that is being initiated. What can be shared is that an allegation of Sexual Misconduct has been received. If it involves a child, it is important to clarify that state laws must be followed in reporting to appropriate state officials the sexual abuse of children.
2. It is appropriate to remind the congregation that even in the midst of the shock and painful emotions connected to such allegations, we are the people of God, we are committed to one another, and as a congregation we band together during difficult and challenging times. It is important to emphasize that the goal is a just and gracious resolution where individuals are healed and restored, and, if possible, reconciliation can take place.
3. Review the Guidelines and Procedures that guide the conference and congregations in responding to allegations of Sexual Misconduct when they occur.
4. It should be emphasized that the person who is accused of Sexual Misconduct will not be in contact with the congregation during the investigation. It is important to emphasize that "no contact with the Offender" is not a matter of "shunning." Rather it protects individuals from taking sides, engaging in "he said-she said," or conveying false information about the allegations. It is also important to emphasize that appropriate structures are in place to walk with both the Alleged Offender and the Victim(s) and their families.
5. Details should be shared about the investigation process including the announcement of the membership of the Investigation Team. The accountability, healing and restoration process shall also be reviewed. Membership to the Accountability/Support Team shall be announced when appropriate. Leaders of the congregation may wish to appoint a trusted individual from the congregation who will serve as a contact person (a safe person) to whom individuals can go in confidence to share their concerns, hurt, anger, or for information that can assist them in processing the allegation.
6. Allow time in the meeting for questions and comments about the allegations, the investigation process, and the support and accountability structures. It is important to emphasize that given the nature of the allegations, confidentiality is important in order to respect and protect both Victims and Offenders and their families. Time should also be

provided for members to reflect on their feelings and concerns, given the nature of the allegations.

7. Should the allegations involve a pastor, it should be emphasized that an Accountability/Support Group will be formed to support, encourage, and mentor the pastor during this time. If the group has already been formed, this would be an appropriate time to announce the membership of this group. It should also be emphasized that similar structures of support and encouragement are being arranged to care for and minister to the Victim(s) and family members.
8. The congregation should also be informed that other informational meetings will be scheduled and that congregational leaders will seek to keep the congregation informed along the way with what is happening, especially when a just resolution has been reached. It should be emphasized that while a detailed plan is being implemented, it is not possible to set a time frame for the completion of the process, given the nature of resolving complicated and challenging situations such as this.

Bibliography and Resources

Books and Periodicals:

Block, Heather, et al. "Understanding Sexual Abuse by a Church Leader or Caregiver," 2nd Edition, Mennonite Central Committee, Canada, 2011. Download a PDF copy at http://resources.mennonitechurch.ca/ResourceView/2/6108.

This booklet, based upon the story of a person who was sexually abused by her pastor, provides helpful insight into the nature of sexual abuse, patterns of Sexual Misconduct, and how power functions in abusive relationships. It also provides characteristics of both Offenders and Victims and offers ideas in responding to both Offenders and Victims with grace, compassion, and healing. It also provides help for congregations who have been impacted by sexual abuse and provides ways denominations and local churches can respond to Sexual Misconduct when it occurs.

Fortune, Marie M. *Responding to Clergy Misconduct: A Handbook,* FaithTrust Institutes, 2009.

Marie Fortune has studied and written extensively on Sexual Misconduct. This helpful handbook provides the who, what, when and where of pastoral misconduct and offers basic principles to follow in responding to allegations of Sexual Misconduct. The book includes case studies and an extensive list of reference materials and detailed appendices.

_____. *Is Nothing Sacred? When Sex Invades the Pastoral Relationship,* Harper and Row, 1989.

This book is a case study of a congregation whose pastor was involved in Sexual Misconduct. The book tells the story of six women who confront the pastor and describes ways in which the congregation responded. It provides helpful information about sexual abuse and appropriate ways to respond to Sexual Misconduct when it occurs.

Schmidt, Janet P. "Mediation and the Healing Journey Toward Forgiveness." Conciliation Quarterly, 14:3 (Summer 1995), pp.2-4.

The primary focus of this article is the process of forgiveness and the role mediators can play in healing the pain of sexual abuse. Schmidt describes this healing process from the perspectives of both Victims and Offenders, and emphasizes that the healing process is often lengthy and repetitive. She emphasizes that reconciliation between Victims and Offenders, while not always possible, can happen as both move toward levels of mutual understanding and trust.

Smedes, Lewis. *Forgive and Forget: Healing the Hurts We Don't Deserve*, Harper & Row, 1984.

Few if any of us get through life without being deeply hurt by someone we care for or have trusted. *Forgive and Forget* takes us step by step through four stages of forgiveness: hurting, hating, healing and reconciliation. Smedes emphasizes that forgiving seems almost unnatural. Our natural sense of fairness suggests that people should pay for the wrong they do. But, he emphasizes that forgiveness is God's way for coming to terms with the injustice and hurt we experience from others. God began by forgiving us and He invites us to forgive each other.

Tully, Joe E. & Carter, James E., *Ministerial Ethics: Moral Formation for Church Leaders*, Second edition, Baker Academic, 2004.

Written by a seminary professor and a pastor, this book speaks to the unique and important moral role and ethical responsibility of those who are called to pastoral ministry. It is a book that pastors, denominational leaders, Seminary professors, and even local congregational leaders should read, particularly those who have responsibility for pastoral oversight and the calling out and training of pastors. Written from an evangelical church perspective, the book is concerned with the spiritual and moral formation of leaders. This expanded and updated second edition adds a new and very helpful chapter on clergy Sexual Misconduct. The chapter describes the various forms Sexual Misconduct takes, its impact on Victims, the Offender, families and the church, and provides helpful guidance for church leaders in responding to Sexual Misconduct when it occurs. They also include suggestions congregations and denominations may use in the prevention and education regarding Sexual Misconduct.

Denominational Materials:

"Justice Making: The Church Responds to Clergy Misconduct," (A Companion to "Ministerial Sexual Misconduct Policy and Procedure"). Mennonite Church, USA, December 2002. http://resources.mennonitechurch.ca/ResourceView/43/16286.

"Ministerial Sexual Misconduct Policy and Procedure," Revised, Mennonite Church USA, 2000. http://resources.mennonitechurch.ca/ResourceView/43/16285.

"Presbyterian Church (U.S.A.) Sexual Misconduct Policy and Its Procedures." Revised and Approved, October 2013. http://www.pcusa.org/media/uploads/oga/publications/sexual-misconduct-policy.pdf.

"Protecting Children and Youth from Sexual Misconduct in Your Church," Alabama Baptist Convention, State Board of Missions, 2012. www.alsbom.org/download_file/view/1391/.

"We Won't Let It Happen Here! Preventing Child Abuse in the Church" (Second edition). Prepared for the Presbyterian Church (USA) by Lois Rifner, Susan Keil Smith, and the Presbyterian Child Advocacy Office. https://www.pcusa.org/resource/we-wont-let-it-happen-here-preventing-child-abuse-/.

Online Resources:

Brotherhood Mutual, *Prevent Child Sexual Abuse in the Church.* www.brotherhoodmutual.com. The article provides suggestions on reducing risks by improving selection, supervision, and education of workers. The article focuses especially on protecting children and youth from child sexual predators who are looking for opportunities to interact with them.

FaithTrust Institute, Seattle, WA. www.faithtrustinstitute.org. FaithTrust Institute is a "go to" web site for churches that have been impacted with sexual abuse, and is a significant resource for prevention and education. The institute provides a comprehensive offering of services and resources with books, webinars, DVDs, and online training for denominations and churches. The resources focus on sexual and domestic violence within the church addressing those issues from the perspectives of faith and spirituality.

www.adultsabusedbyclergy.org. This web site provides a broad variety of information and assistance regarding clergy Sexual Misconduct. It includes examples of denominational policies, information about state laws, news articles on sexual abuse, research on the psychological impact of sexual abuse, codes of ethics, and excerpts from reports on abuse in both mainline, evangelical, and non-denominational churches, and a list of societal myths about clergy Sexual Misconduct.

www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm. This web site of the U. S. Department of Health and Human Services provides information and resources regarding state laws on mandatory reporting of child abuse and neglect.