

**Southern California Conference  
United Church of Christ  
Procedures for Responding to  
Allegations of Pastoral Sexual Misconduct**

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## **Southern California Conference of the United Church of Christ Procedures for Responding to Allegations of Pastoral Sexual Misconduct**

*The Southern California Conference of the United Church of Christ is absolutely opposed to sexual misconduct. Such misconduct by an authorized minister involving congregants, clients, supervisees, staff, or other persons the minister is called to serve in a professional capacity violates pastoral ethics. Such behavior crosses appropriate professional boundaries and is an abuse of the trust, responsibility and privilege placed in the pastoral role.*

*In all instances, the authorized minister is responsible for maintaining professional boundaries, irrespective of the behavior of other persons. An authorized minister in the United Church of Christ is accountable to the Association for living out with integrity the vows he or she has taken.*

***I will not use my position, power or authority to exploit any person.***  
*The Ordained Minister's Code*  
***Manual on Ministry***

### **Sexual Misconduct: A Theological Concern**

We affirm that God creates persons in the divine image, female and male. God sees everything that has been made, and it is very good. Human sexuality is a creation of God, a gift to be used in freedom and responsibility to express love to God and to other persons. Women and men are equal in God's eyes, even if that equality is contradicted by language, laws, customs, habits, and hidden assumptions of human society or of the church.

The human body is good, a special part of the divine creation. It is the temple in which the Holy Spirit dwells and a place where the Word is made flesh. Human sexuality is an integral part of our humanity. It is profoundly personal. Its physical, emotional and spiritual expression in relation to another ought to be the basis of a loving commitment and accountability to God and the other. The God-given power of sexuality can be used for good or evil in every dimension of life. Both in the personal and social dimensions, it can also become the occasion for oppression and injustice, violating the intention of God's loving order.

God is a God of justice. The people of God are called to be a people of justice, offering to those within and outside its community a model of justice-seeking that is open, honest, courageous and responsible.

God is a God of compassion. The compassion of God extends to victims and oppressors. As a people of compassion, the people of God are called to exercise justice with compassion.

God is a God of covenant and community. Sexual misconduct by authorized ministers is a violation of covenant and a scandal to community. It must be addressed not only as an isolated, individual act, but also in its context: the community of the church, and the human community in general.

Through Jesus Christ, God calls persons to wholeness, and to participate in the Body of Christ, the community of faith whose central quality is redeeming love. Through the Holy Spirit, God calls some persons to ministry as pastors and pastoral counselors.

Since power is inherent in the pastoral office, a mutuality of relationship cannot exist between authorized ministers and those whom they have been called to serve. Regardless of whether recognized or not, the balance of power favors the authorized ministers.

### **Definitions of Sexual Misconduct**

Sexual misconduct is an abuse of the ministerial office by means of sexual behavior toward one with whom one is in a ministerial relationship. Sexual misconduct includes, but is not limited to, the development or the attempt to develop a sexual relationship between a person with standing or recognition as a minister and someone with whom she or he has a ministerial relationship, *whether or not there is apparent consent from the individual*. All sexual activity between adults and minors (or other persons incapable of making adult decisions) is sexual misconduct.

Individuals who hold professional standing or recognition in an Association of the Southern California Conference of the United Church of Christ are invested with a ministerial office. This includes persons who are commissioned, licensed or ordained ministers, persons with privilege of call, and ordained ministerial partners. Each of these persons is an authorized minister. In-care students represent a special category.

Sexual misconduct includes any of the following:

1. Sexual contact with a minor or with any person incapable of making adult decisions.
2. A sexual relationship, or the attempt to create a sexual relationship with a person with whom an authorized minister has a pastoral or supervisory relationship.
3. Sexual harassment. Although the legal definition relates to behavior in the workplace and refers to paid staff, sexual harassment in the church setting pertains not only to paid staff but also to those in volunteer positions and to all

members and friends of the church. Sexual harassment is defined as: *sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:*

submission to such is made either explicitly or implicitly a term of an individual's employment, involvement, or continued status in a church or an institution; or  
submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such persons; or  
such conduct has the purpose or effect of interfering with work performance by creating an intimidating, hostile, or offensive work environment based on the *declared judgment of the affected individual*; or  
such conditions create an intimidating, hostile, or offensive environment *in the perception of another person* regardless of the specific setting or circumstance or the relationship between the persons most directly involved.

4. Sexual contact within a ministerial or professional relationship. Sexual contact includes touching or fondling the erogenous zones; suggestive body rubbing; unwanted hugging or kissing; sexual intercourse; making implicit or explicit suggestions of sexual activity, asking for sexual favors, or contact with or exposure of breasts, buttocks, or pubic area. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having respectful, social, and/or marital relationships.
5. Displaying of pornography.
6. Generally inappropriate or offensive sexualized behaviors. Examples include winks, leers, suggestive comments, crude language, pinching, or tickling someone.

### **Statement of Policy**

The Southern California Conference holds sexual misconduct to be a violation of pastoral ethics. Association Committees on Church and Ministry will take seriously all allegations of misconduct, by ascertaining whether misconduct has taken place, by exercising the responsibility to discipline or dismiss ministers who engage in misconduct, and by providing pastoral support for affected persons (persons making allegations, person against whom allegations are made and persons in the calling bodies) and calling bodies. The Southern California Conference seeks to remove any and all barriers which inhibit the people of our churches from understanding, recognizing, addressing and preventing sexual misconduct.

When a concern about a possible incident of sexual misconduct by an authorized minister comes to the attention of a representative of the Conference, the appropriate

Associate Conference Minister and Church and Ministry Committee will be informed. That committee, supported by an Associate Conference Minister and other conference staff, will follow the procedures outlined in the accompanying document, "Procedures for Responding to Allegations of Pastoral Sexual Misconduct, Draft 6." The committee may also make use of the processes described in the Manual on Ministry of the United Church of Christ, as well as the resource "Pastoral Misconduct," and other related documents provided by the Office for Church Life and Leadership or its successor ministry. The Southern California Conference "Procedures for Responding to Allegations of Pastoral Sexual Misconduct, Draft 6" will, however, take precedence over all other documents.

The Conference recognizes that persons authorized for ministry may be the targets of unjust allegations of sexual misconduct. Through its staff members and its Association Committees on Church and Ministry, the Conference will do everything in its power, both in the information gathering phase of the procedure and in the adjudicative phase, to listen to all persons and perspectives relating to the allegations. If a Committee on Church and Ministry or an Ecclesiastical Council judges that allegations of misconduct were unfounded and unjust, the Conference will make that judgment known to the persons and institutions affected by the allegation. The integrity of the Conference requires that it seek justice and compassion for each person and each calling body concerned.

In keeping with the covenant of the United Church of Christ, the Southern California Conference recognizes that it is an Association which authorizes persons for ministry, and which may suspend or terminate that authorization. The Conference, through its Associations, will uphold all decisions relating to ministerial standing or discipline made by other Conferences or Associations. Each Association, when it grants authorization for ministry, suspends it, or terminates it, acts on behalf of the whole United Church of Christ.

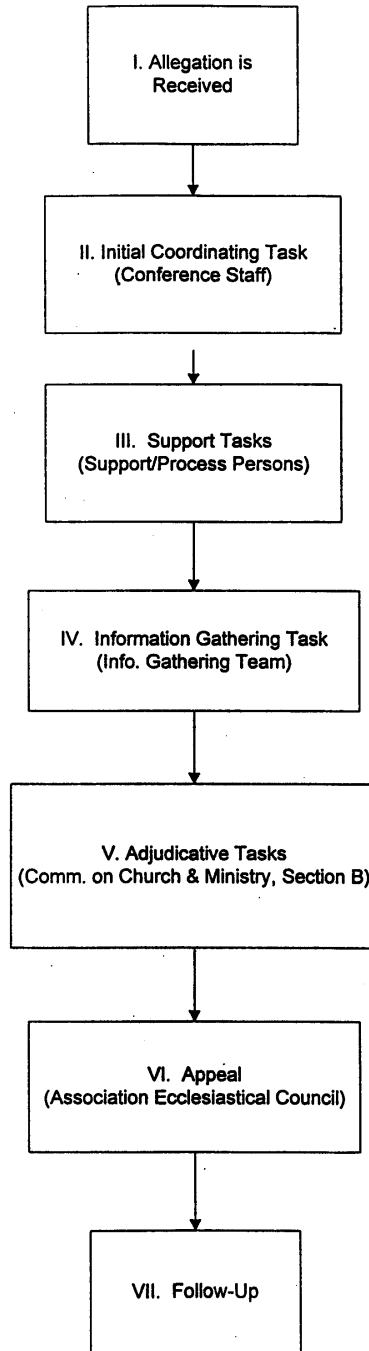
1           An earlier part of this document states the **policy** of the Southern California  
2 Conference of the United Church of Christ in regard to the sexual misconduct of any  
3 person authorized for ministry by the church. The present part is a description of the  
4 **procedures** the Conference, its staff members, and its Association Committee on Church  
5 and Ministry members will follow when allegations of misconduct are made. In the  
6 polity of the United Church of Christ, each Association is free to adopt its own  
7 procedures for dealing with the issue. The following procedures are consistent with the  
8 United Church of Christ Manual on Ministry. They reflect especially the section  
9 “Reviewing Authorized Ministries.” The subsections describing Situational  
10 Consultations and Fitness Reviews provide the framework in which these procedures are  
11 presented. Please note that the Manual on Ministry addresses ethical issues generically;  
12 the following procedures are focused specifically upon allegations of pastoral sexual  
13 misconduct. They are recommended by the Conference for adoption by the Associations.  
14 A set of guidelines must be adopted by each Association.

15           When information is brought forward regarding the alleged sexual misconduct of  
16 a person the church has authorized for ministry on its behalf, it is the responsibility of the  
17 church through the work of Conference staff members and through an Association  
18 Committee on Church and Ministry to uphold the integrity of the church and its  
19 ministries. The United Church of Christ is committed to seeking justice and compassion  
20 for all people, and recognizes that the issues involved in allegations of misconduct are  
21 among the most painful the church must ever face. The procedures for dealing with  
22 allegations of misconduct must be timely, fair, and compassionate. They must never  
23 prejudice the guilt, innocence or veracity of any of the parties. The objective of the  
24 procedures is to ensure that an Association Committee on Church and Ministry has  
25 adequate information on which to base a decision as to the fitness for ministry of a person  
26 against whom allegations of misconduct have been made.

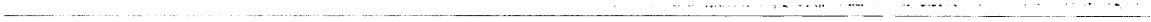
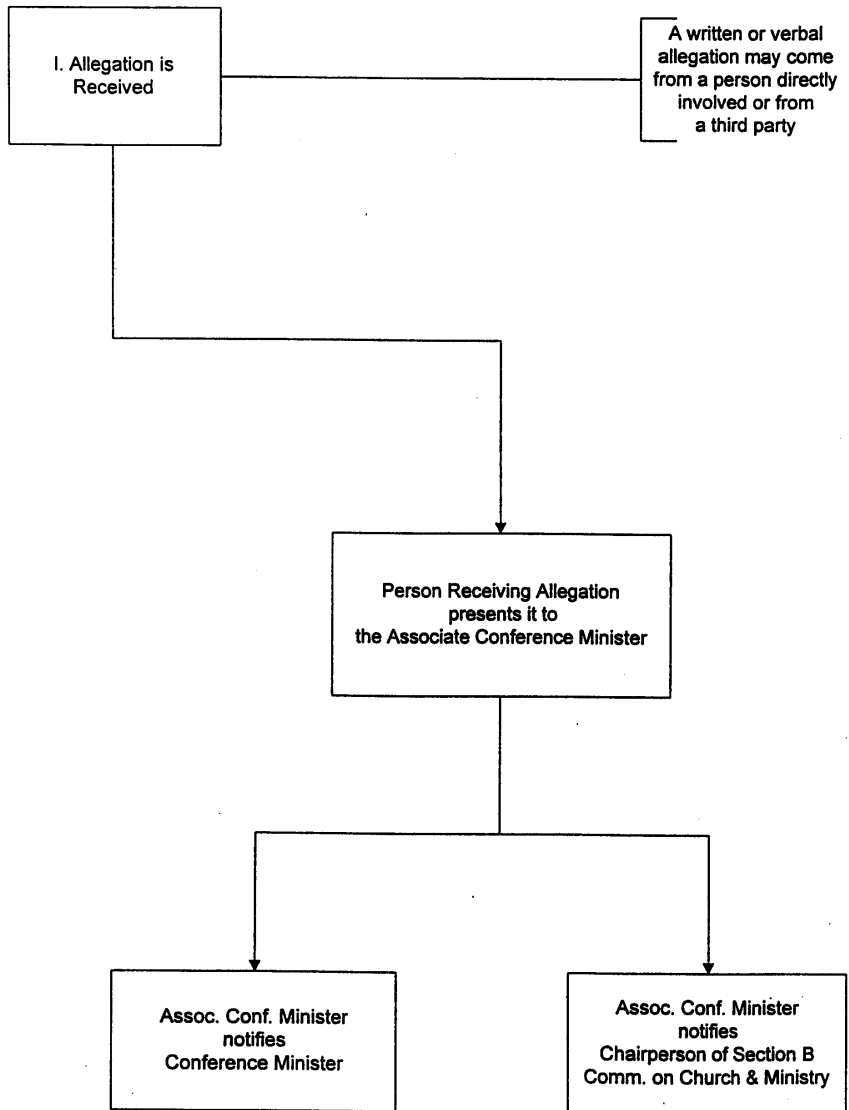
27           In the Southern California Conference, the response to such an allegation includes  
28 the following steps: (a) the **coordination and monitoring** of the process (the primary  
29 responsibility of an Associate Conference Minister and other Conference staff persons);  
30 (b) the **pastoral support** of all persons affected by the allegation (the responsibility of  
31 support/process persons assigned by the ACM); (c) **information gathering** by a team of

1 persons appointed by the ACM; (d) **review and adjudication** of the issue of the  
2 respondent's fitness for authorized ministry in the United Church of Christ (the  
3 responsibility of the Committee on Church and Ministry of the Association in which the  
4 respondent holds authorization for ministry); (e) the meeting of an **Ecclesiastical**  
5 **Council** when required to review an appeal of the outcome; and (f) **follow-up work** to  
6 complete the process and provide for the support of those affected by it. The procedures  
7 begin when an allegation of misconduct is received; they end with the conclusion of  
8 follow-up work after the issue is adjudicated.

**Overview of Procedures for Responding to Allegations of Pastoral Sexual Misconduct  
Southern California Conference of the United Church of Christ**



**Step I. Allegation is Received**



**Step I. Allegation is Received**

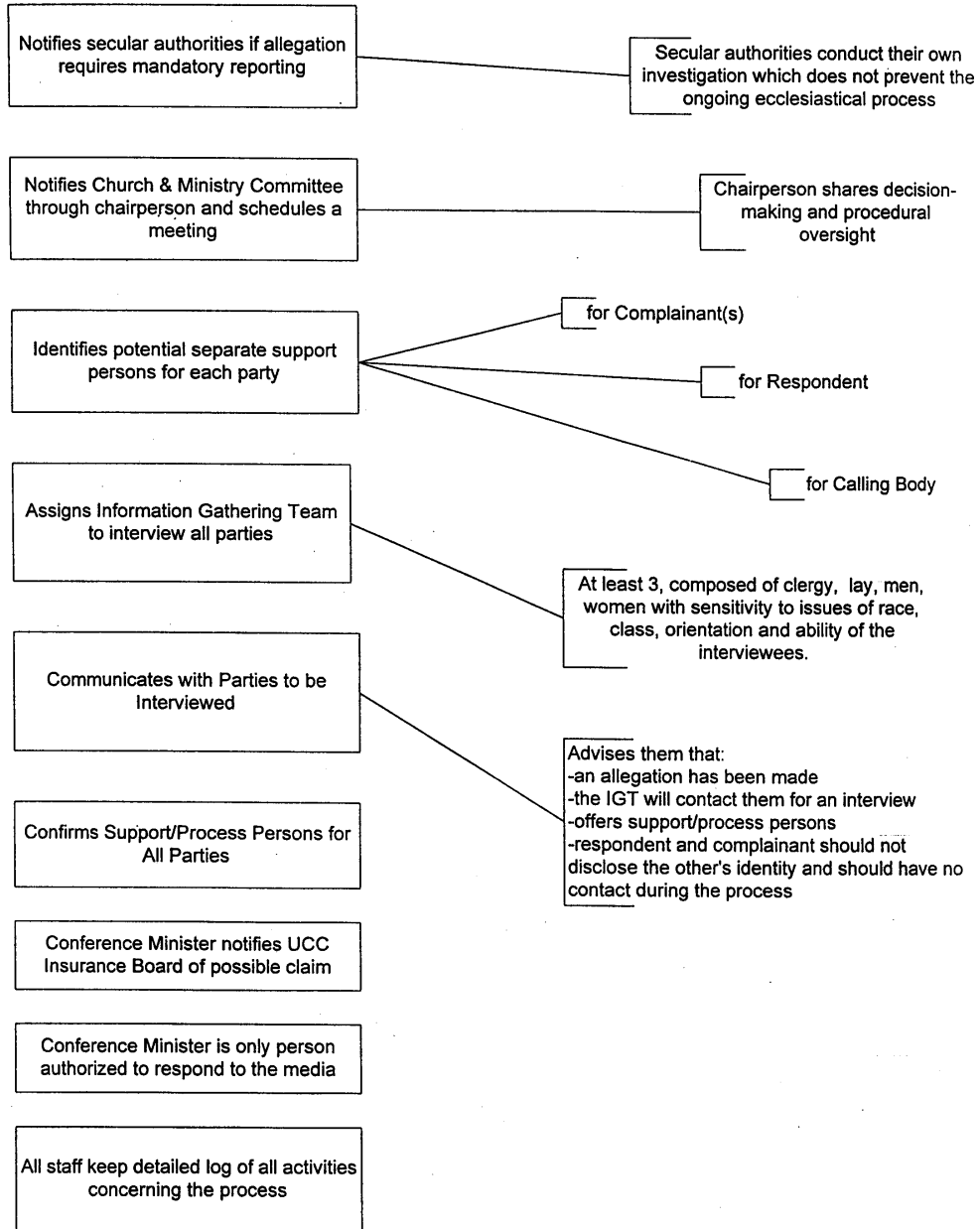
- A. Allegation, written or verbal, may come from several sources.
  - 1. Allegation may come from person directly involved.
  - 2. Allegation may come from third party.
- B. Regardless of who receives such an allegation, it is presented to Associate Conference Minister.
  - 1. ACM notifies Conference Minister.
  - 2. ACM notifies the appropriate Church and Ministry Committee Chair.

1 **Step I. Allegation Is Received**

2           A. Allegations of sexual misconduct may come from several sources, including  
3 an oral or written statement by a person who claims to be the victim of such misconduct.  
4 Other sources of information may be other members of a congregation, other lay or  
5 clergy members of a staff, or colleagues in ministry. *Any such information will be taken*  
6 *seriously by the Conference and by its Associations, whether it comes from persons*  
7 *directly involved or from third parties. There is no time limit for bringing allegations of*  
8 *misconduct.* Charges of pastoral misconduct will be dealt with in a timely manner which  
9 assures all affected parties that the situation is being addressed thoroughly and with  
10 integrity.

11           B. Regardless of who receives such an allegation, it is presented to the Associate  
12 Conference Minister (ACM) assigned to the Association in which the respondent holds  
13 ordained standing, licensure, or commissioning. Neither the ACM nor anyone else  
14 involved in the process is empowered to make decisions in isolation from others when  
15 allegations of pastoral sexual misconduct are made. The ACM notifies the Conference  
16 Minister and the chair of the appropriate Committee on Church and Ministry.

**Step II. Initial Coordinating Tasks by Conference Staff**  
(by Associate Conference Minister, unless noted otherwise)



**Step II. Initial Coordinating Tasks (Conference Staff)**

- A. Notifies secular authorities if the allegation requires mandatory reporting.
  - 1. Secular authorities will conduct their own investigation and follow their own process.
  - 2. Secular procedure does not prevent or hinder ecclesiastical process.
- B. Notifies Church and Ministry Committee.
  - 1. Chairperson to share decision making and procedural oversight responsibilities on behalf of committee.
  - 2. Full committee notified that meeting will be necessary to receive allegation and consider appropriate committee response.
- C. Assigns separate support persons for each party involved in the allegation.
  - 1. Complainant(s).
  - 2. Respondent.
  - 3. Calling Body (can be a Conference staff person familiar with the calling body).
- D. Assigns Information Gathering Team to interview all parties.
  - 1. At least three persons; to include both clergy and lay members.
  - 2. At least one member of team is same gender as person being interviewed.
  - 3. Team composed with sensitivities to issues of race, class, sexual orientation and ability of interviewees.
  - 4. Same persons interview complainant and respondent.
    - a. Other teams may be recruited to interview additional complainants and witnesses.
- E. Communicates with parties to be interviewed.
  - 1. Advises them that an allegation has been received.
  - 2. Advises them that they will be contacted by the Information Gathering Team who will offer an opportunity to share their account of what has taken place.
  - 3. Advises them of the availability of support/process persons, informs them of the role that those persons play, and encourages parties to have support/process persons present during the interview.
  - 4. Advise respondent that any contact with complainant or disclosure of complainant's identity may be grounds for discipline.
- F. Confirms support/process person assignments after discussion with parties.
- G. Conference Minister notifies UCC\*IB of possible claim.
- H. The Conference Minister is the only person authorized to respond to the public media.
- I. The ACM and the Conference minister will each keep a detailed log of all activities concerned with the process of responding to allegations of misconduct.

1 **Step II. Initial Coordinating Tasks (Conference Staff)**

2 A. The Conference Minister will notify secular authorities if a state or federal  
3 law requires mandatory reporting. Examples of such mandatory reporting in California  
4 are allegations of child abuse and elder abuse. If the secular authorities begin a legal  
5 proceeding, the church will conduct its information gathering and adjudication in a  
6 manner that will not jeopardize the legal process. The work of the secular authorities,  
7 concerned with whether or not civil or criminal law has been broken, should not preclude  
8 or hinder the ecclesiastical process, concerned with making a judgment as to a person's  
9 fitness for authorized ministry in the United Church of Christ.

10 B. The Associate Conference Minister works with the chairperson of the  
11 Committee on Church and Ministry of the association in which the respondent is  
12 authorized for ministry. The ACM and the chairperson of the Committee on Church and  
13 Ministry cooperate in making decisions and overseeing the committee's procedures. They  
14 notify all members of the committee that an allegation of misconduct has been made, and  
15 that a meeting of the committee is necessary to receive the allegation and to consider the  
16 appropriate response. No details regarding the allegation are communicated at this time,  
17 but the urgency of the Committee on Church and Ministry's action is stressed. In most  
18 instances the issue will not wait until the next scheduled meeting of the Committee on  
19 Church and Ministry. At the meeting, the chairperson of the Committee on Church and  
20 Ministry and the ACM will inform the Committee on Church and Ministry that the  
21 matters require the utmost attention to confidentiality. In each meeting of the Committee  
22 on Church and Ministry dealing with the matter, an affirmation of confidentiality will be  
23 signed by all who are present.

24 C. The Associate Conference Minister assigns separate support persons for each  
25 party involved in the allegation. (The support persons will follow the procedures  
26 outlined in Section III, below.) Support persons are assigned to the complainant(s), to  
27 the respondent, and to the calling body (e.g., the congregation served by the respondent).  
28 Support persons may be assigned to other parties when necessary.

29 D. The Associate Conference Minister assigns an Information Gathering Team,  
30 who will follow the procedures outlined in Section IV, below. The Information  
31 Gathering Team will consist of at least three persons, including both lay and clergy

1 members. In each interview, at least one member of the team must be of the same gender  
2 as the person being interviewed. The team will be composed with sensitivity to issues of  
3 race, class, sexual orientation and ability of those whom they will interview. *The same*  
4 *team members will interview the complainant(s), the respondent, and the leaders of the*  
5 *calling body.* If appropriate, other teams may be recruited to interview additional  
6 complainants or persons who can provide additional information that may confirm or  
7 disconfirm what a complainant has alleged.

8 E. The Associate Conference Minister communicates with each person who will  
9 be interviewed by the Information Gathering Team. The ACM informs them that an  
10 allegation of sexual misconduct has been received, and that they will be contacted by the  
11 Information Gathering Team so that they can share their account of what has taken place.  
12 The ACM advises them that support/process persons are available to them, informs them  
13 of the role that those persons play, and encourages them to have support/process persons  
14 present during the interview. In speaking with the respondent, the ACM states that he or  
15 she is to have no communication with the complainant(s) and is to make no disclosure of  
16 the identity of the complainant(s). Such communication or disclosure may be considered  
17 grounds for discipline by the Committee on Church and Ministry of the Association. In  
18 each of these initial contacts, the ACM provides a packet of information regarding the  
19 procedures the Conference and Association will follow.

20 F. The ACM confirms the assignment of support/process persons after discussion with  
21 the complainant(s), respondent, and calling body.

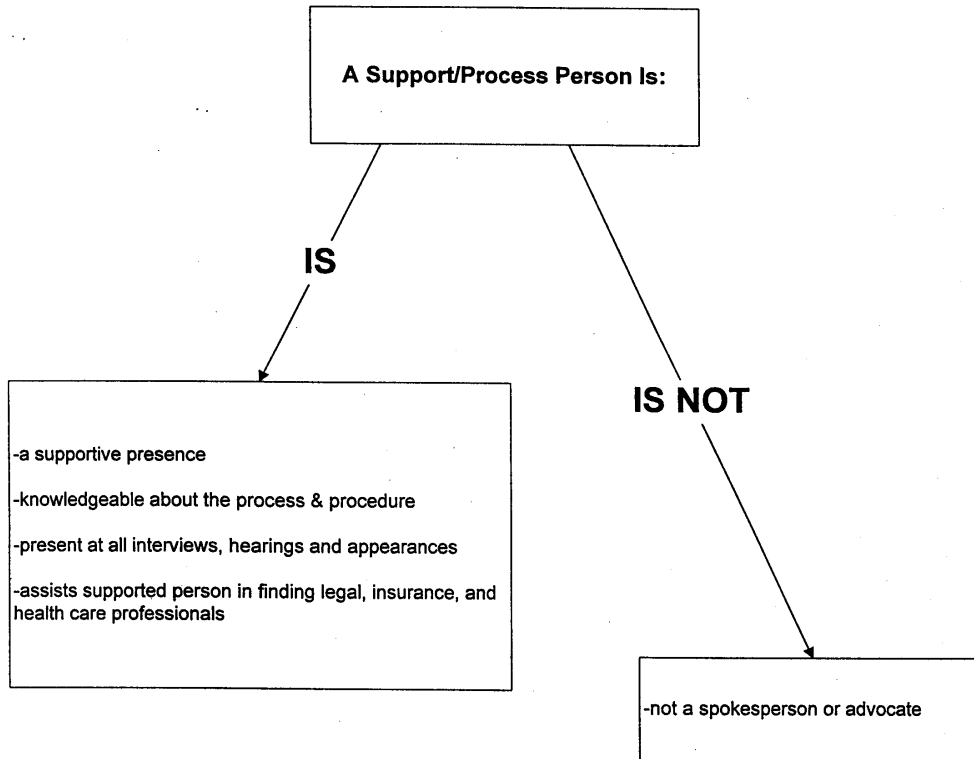
22 G. The Conference Minister notifies UCC\*IB (the insurance board) if the calling body's  
23 insurance is carried by UCC\*IB, stating that there may be a situation in a given local  
24 church which *may* have insurance implications. It is not necessary to provide specific  
25 details at this stage, but rather to establish documentation that the insurance carrier has  
26 received preliminary notice. If UCC\*IB is not the calling body's insurance carrier, it is  
27 the responsibility of the calling body to inform their insurance carrier.

28 H. The ACM, other Conference staff, the Information Gathering Team, and the  
29 Committee on Church and Ministry will forward all requests by the public media for  
30 information to the Conference Minister, who is the only person authorized to respond to  
31 those requests. Since undue media attention is not helpful in the quest for justice and

1 compassion, it is important that all parties refer media inquiries to the appropriate  
2 spokesperson.

3 I. The ACM and the Conference Minister will each keep a dated, detailed log of  
4 all activities (letters, telephone calls, conversations, etc.) concerned with the process of  
5 responding to the allegations. It will be helpful to key the log to the relevant paragraphs  
6 of these guidelines.

**STEP III. Support Tasks**  
(Support/Process Persons)



**Step III. Support Tasks (Support/Process Persons)**

- A. Makes initial contact to offer and arrange support.
  - 1. May include a meeting with those being supported to become acquainted, etc.
- B. Is present at all interviews and if necessary all hearings and appearances before  
the Church and Ministry committee.
- C. May refer the person to others with particular expertise.
- D. Is a supportive presence.
  - 1. Has knowledge and understanding of the process and procedures.
  - 2. Is skilled in providing the love and care of the church.
  - 3. Is not a spokesperson or advocate for the person being supported.

1 **Step III. Support Tasks**  
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3 A. The persons assigned to provide pastoral support and information about the process  
4 (support/process persons) play a vital role in the church's ministry of justice and compassion.  
5 Their purpose is not to gather information, to serve as advocates, or to adjudicate the issue, but to  
6 provide a ministry of presence and support, and to supply information to the persons being  
7 supported about the process in which they are involved. The support/process person initiates  
8 contact within 48 hours after the assignment has been given in order to offer support. An initial  
9 meeting with the person(s) being supported will be a time to get acquainted, to define the  
10 support/process person's role (and its limits) and to form a covenant of reliability and trust.

11 B. During the information gathering process, the support/process person is present at all  
12 interviews of the person being supported, at the discretion of the interviewee. During the  
13 adjudication process, she or he is present at all hearings and meetings of the Committee on  
14 Church and Ministry with the person being supported. If the support/process person provides  
15 support to the calling body, he or she will be present at the meetings of official boards when the  
16 issue is on the agenda, and available (e.g., in the case of a congregation) for other meetings of  
17 the calling body as required. The support/process person's presence is intended to ensure that  
18 the rights and needs of the interviewee are protected.

19 C. The support/process person may refer those being supported to others with particular  
20 skills. For example, the persons being supported may need to consult legal, insurance,  
21 psychiatric or medical professionals. The support/process person does not provide such  
22 expertise, but may offer assistance in locating appropriate help.

23 D. The support/process person provides a ministry of support, of presence, and of  
24 information. She or he has knowledge and understanding of the process, including a working  
25 knowledge of the policies of the Conference and the procedures of the Association. He or she is a  
26 person skilled in providing the love and care of the church. The support/process person does not  
27 serve as a spokesperson or advocate of the person(s) being supported. She or he keeps a dated,  
28 detailed log of contacts with the person or group being supported. The support/process person  
29 will continue the task assigned to him or her until the process outlined below reaches its  
30 completion. At that time, he or she will meet with the chair of the Committee on Church and

31 Ministry and the ACM. After they have conferred, the ACM and the Committee on Church and  
32 Ministry will resume their respective tasks in relation to calling bodies and authorized ministers.

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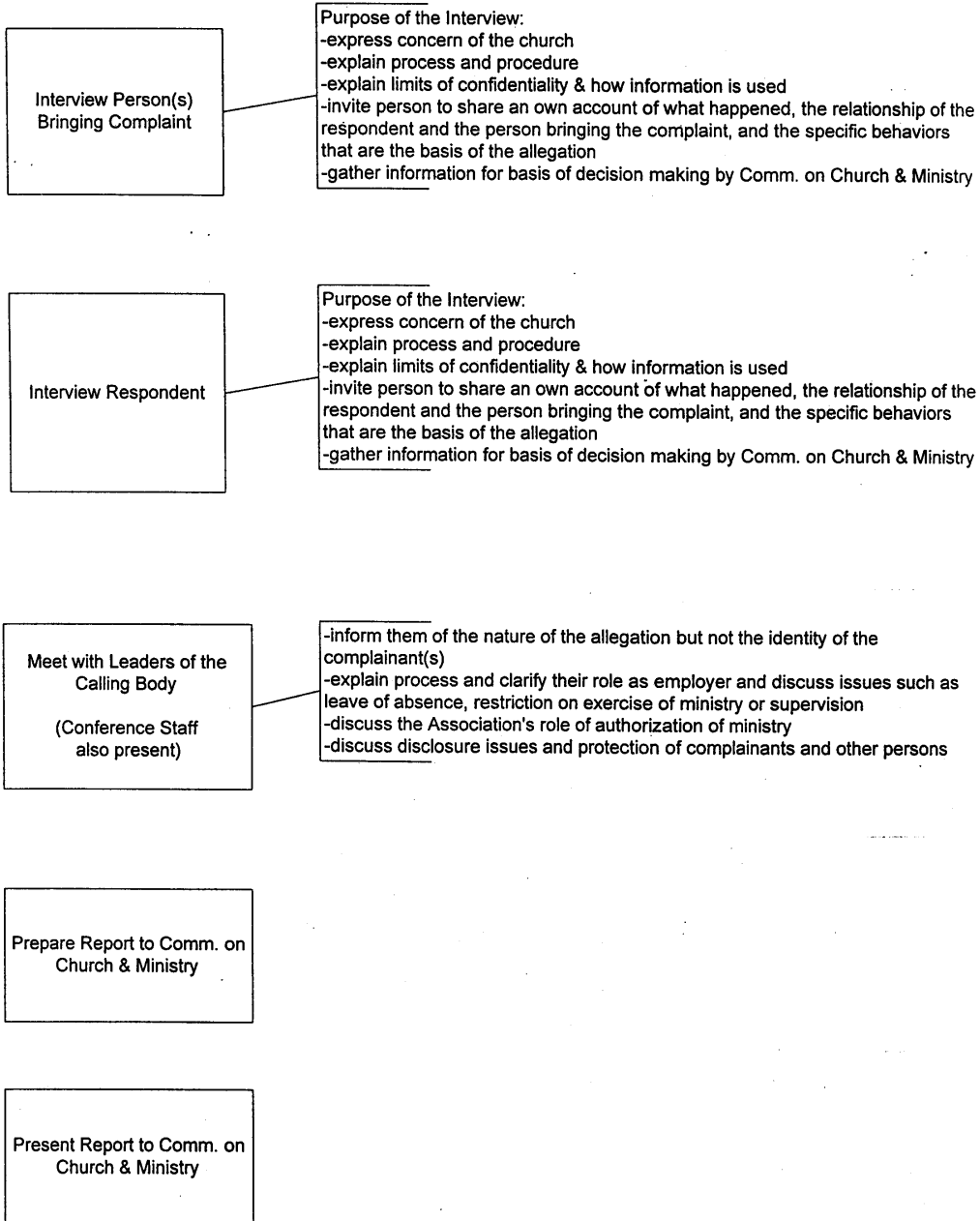
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**STEP IV. Information Gathering Task**  
(by Information Gathering Team)

Interview Parties in Sequence Below



**Step IV. Information Gathering Tasks (Information Gathering Team)**

- A. The same team interviews parties to the allegation in sequence.
1. Complainant (may be accompanied by support/process person)
    - a. Purpose of interview is to:
      - i. Express concern of the church.
      - ii. Explain process and procedure.
      - iii. Explain the limits of confidentiality and the use of the information to be shared.
      - iv. Invite complainant to share his or her account of what happened with focus on the pastoral role of the respondent, the relationship of the respondent and the person(s) toward whom the respondent is alleged to have behaved inappropriately, and the specific behaviors that form the basis of the allegation.
      - v. Gather information that will become the basis for the decision making of the Church and Ministry Committee.
    - b. Additional interviews.
      - i. If a third party complainant, seek to interview any persons directly involved before proceeding to interview respondent.
      - ii. If more than one complainant, may interview some but not all complainants prior to interviewing respondent.
      - iii. If more than one complainant, other information gatherers may conduct some of the additional interviews.
  2. Respondent (may be accompanied by support/process person)
    - a. Purpose of interview is to
      - i. Express concern of the church.
      - ii. Explain process and procedure.
      - iii. Explain the limits of confidentiality and the use of the information to be shared.
      - iv. Invite the respondent to share her or his account of what happened with focus on the pastoral role of the respondent, the relationship of the respondent and the person(s) toward whom the respondent is alleged to have behaved inappropriately, and the specific behaviors that form the basis of the allegation.
      - v. Inform the respondent of the nature and details of the allegation.
      - vi. Gather information that will become the basis for the decision making of the Church and Ministry Committee.
  3. Leaders of the Calling Body (Conference Staff will also be present) (Respondent is informed but is not present)
    - a. Purpose of interview is to:
      - i. Inform leadership that an allegation has been received and that information is being gathered.
        - a) Share nature of allegation.
        - b) Names and identities of complainants not shared.

- ii. Explain process and procedures.
      - a) Clarify role of calling body as employer.
      - b) Clarify role of Association in authorizing person for ministry
    - iii. Offer guidance and support for calling body decisions regarding:
      - a) Employment Issues: leave of absence, restrictions upon employment, and monitoring or supervision.
      - b) Disclosure issues: what will be shared, with whom and how? Minimally, entire congregation learns that there is an allegation about which information is being gathered.
      - c) Protection of complainants and other persons.
    - iv. Gather information that will become the basis for the decision making of the Church and Ministry Committee. While the primary purposes of the meeting are as outlined above, the Information Gathering Team should also be open and receptive to additional information that may come from this meeting. Such information may regard specific behaviors, the general tone of the calling body’s life, or other matters that may relate to the behavior of the respondent or complainant.
- B. Information gatherers prepare reports.
  - 1. Reports are to convey as accurately as possible an account of what happened, with focus on the pastoral role of the respondent, the relationship of the respondent and the persons involved, and the behaviors that form the basis of the allegation.
  - 2. Reports are not to contain opinions, interpretations or recommendations of the information gatherers but confined to what they were told and what they observed in their information gathering.
  - 3. The report of any interview will be completed no later than 72 hours following the interview.
  - 4. Complainants and respondents are given an opportunity to read the report of their interview and comment upon it. They are asked to sign it indicating that they have read it and agree that it accurately reflects the interview. They may make written comments on any aspect of the report.
- C. Information gatherers report to Church and Ministry Committee after all reports are completed and reviewed.
  - 1. One or more members of the Information Gathering Team will meet with the committee to present the written reports and the interviewees’ responses, and to respond to questions from the committee.
  - 2. The Church and Ministry Committee may ask information gatherers to offer opinions and/or recommendations if:
    - a. Such a request is initiated by the committee and is not initiated by the information gatherer, and

specific

- b. The information gatherer has specialized training and expertise that would inform the committee beyond what is contained within the report.
- d. The Church and Ministry Committee may ask information gatherers to continue their work (e.g. interview additional persons to gather further information.)

1 **Step IV. Information Gathering Tasks**

2 An Information Gathering Team of at least three persons, carefully assigned to its  
3 task by the ACM, carries the central responsibility for gathering the information upon  
4 which the Committee on Church and Ministry will conduct appropriate reviews and  
5 adjudicate the issue of the respondent's fitness for ministry.

6 A. A single Information Gathering Team interviews the parties to the allegation  
7 in the sequence narrated below.

8 1. The first information gathering interview is with the complainant, who may be  
9 accompanied by the assigned support/process person. Other supportive people (a friend,  
10 a family member, etc.) may be present, but without voice. The interview has a number of  
11 important purposes. It is intended to express the concern of the church, to explain the  
12 process of information gathering and adjudication to which an allegation leads, and to  
13 explain the limits of confidentiality and the use of the information the complainant will  
14 provide.

15 During the interview, the complainant is invited to share her or his account of  
16 what happened. The Information Gathering Team will seek to focus the account upon (a)  
17 the pastoral or ministering role of the respondent, (b) the relationship of the respondent  
18 and the person(s) toward whom the respondent is alleged to have behaved  
19 inappropriately, and (c) the specific behaviors that form the basis of the allegation.  
20 Though the Information Gathering Team may ask specific and detailed questions, the  
21 interview will be an exercise in listening and learning, not interrogation. The  
22 interviewers will seek to gather the information that will become the basis for decision  
23 making by the Committee on Church and Ministry. Since these are difficult issues to talk  
24 about, the role of the support/process person is crucial in all meetings with the  
25 complainant. During the whole process, the complainant is to be treated with respect,  
26 compassion and support. She or he is, for the time being, a wounded person, and the  
27 process itself - as necessary as it is - may seem like insult added to injury. The  
28 support/process person is assigned to attend to wounds and to healing. Specifically, since  
29 the complainant's experience may include victimization, he or she may need information  
30 or referrals for appropriate counseling or other supportive help.

1           During the interview with the complainant, the Information Gathering Team will  
2 ask whether the complainant knows of any other persons who may have experienced  
3 victimization by the respondent, and if the complainant fears for their safety should their  
4 identity be revealed to the respondent at this time. The complainant will be informed that  
5 the respondent will be directed not to contact anyone who makes allegations of sexual  
6 misconduct against him or her.

7           The complainant will be asked to prepare a written statement for the use of the  
8 Committee on Church and Ministry which will adjudicate the matter. She or he will also  
9 be asked to read and comment upon the Information Gathering Team's summary of the  
10 interview.

11           Additional interviews may be required at this stage of the process. If the  
12 complainant is a third party (that is, not the person directly involved in the behavior  
13 being alleged), the Information Gathering Team will seek to interview persons who were  
14 or are directly involved. If there are two or more complainants, the interviewers may  
15 interview some but not necessarily all complainants prior to interviewing the respondent.  
16 All complainants will be interviewed before the Information Gathering Team reports to  
17 the Committee on Church and Ministry. In a situation with multiple complainants, or in  
18 situations in which the persons interviewed may reside outside the Conference, other  
19 information gatherers may conduct some of the additional interviews.

20           2. If no additional interviews are required at this point, the second information  
21 gathering interview is with the respondent, who may be accompanied by the assigned  
22 support/process person and/or other supportive people (a friend, a family member, etc.).  
23 The interview has a number of important purposes. It is intended to express the concern  
24 of the church, to explain the process of information gathering and adjudication to which  
25 an allegation leads, and to explain the limits of confidentiality and the use of the  
26 information the respondent will provide.

27           The interviewers will invite the respondent to share his or her account of what  
28 happened. The Information Gathering Team will seek to focus the account upon (a) the  
29 pastoral or ministering role of the respondent, (b) the relationship of the respondent and  
30 the person(s) toward whom the respondent is alleged to have behaved inappropriately,  
31 and (c) the specific behaviors that form the basis of the allegation. Though the

1 Information Gathering Team may ask specific and detailed questions, the interview will  
2 be an exercise in listening and learning, not interrogation. The interviewers will seek to  
3 gather the information that will become the basis for decision making by the Committee  
4 on Church and Ministry. After the respondent has shared her or his account of what  
5 happened, the Information Gathering Team informs the respondent of the nature and  
6 details of the complainant's allegation.

7 The respondent will be asked to prepare a written statement for the use of the  
8 Committee on Church and Ministry which will adjudicate the matter. He or she will also  
9 be asked to read and comment upon the Information Gathering Team's summary of the  
10 interview. Since these are difficult issues to talk about, the role of the support/process  
11 person is crucial in all meetings with the respondent. During the whole process, the  
12 respondent is to be treated with respect, compassion and support. She or he is, for the  
13 time being, a wounded person, and the process itself - as necessary as it is - may seem  
14 like insult added to injury. The support/process person is assigned to attend to wounds  
15 and to healing.

16 3. The next segment of the information gathering task is a meeting with the  
17 leaders of the calling body (agency, congregation etc.) by whom the respondent is  
18 employed or in which he or she serves as an authorized minister. The respondent is  
19 informed of the substance and purpose of the meeting, but is not present. Conference  
20 staff person(s) and the assigned support/process person will be present. The purposes of  
21 the meeting include providing information, offering support, and gathering information  
22 for the use of the Committee on Church and Ministry in adjudicating the issue.

23 The Conference staff person(s) and the Information Gathering Team inform the  
24 leaders of the calling body that an allegation of misconduct has been received and that  
25 information gathering is now taking place. The nature of the allegation is described, but  
26 the names and identities of complainants or involved parties are not given. The  
27 information gathering process is described as one in which there is no prejudgment as to  
28 the result, which may range from exoneration of the respondent to removal of his or her  
29 authorization for ministry. The leaders of the calling body are urged to refrain from any  
30 prejudgment of their own regarding the confirmation or disconfirmation of what has  
31 been alleged, the veracity of the complainant or the respondent, and the work of the

1 Information Gathering Team, the Association Committee on Church and Ministry and the  
2 Conference staff.

3 The Conference staff person(s) and the Information Gathering Team explain the  
4 policy and procedures of the Conference, and describe the process which has begun in  
5 response to the allegation of misconduct. They seek to clarify the role of the calling body  
6 as employer, outlining the issues of accountability and possible liability that go with that  
7 role. They also clarify the role of the Association in authorizing a person for ministry in  
8 the United Church of Christ, and the process of review and adjudication that has now  
9 been set in motion.

10 The Conference staff person(s) and the Information Gathering Team offer  
11 guidance and support as the calling body makes some crucial decisions. Employment  
12 issues that must be decided by the calling body include the questions of leave of absence  
13 (with pay and without prejudice), restrictions upon employment, and monitoring or  
14 supervision of the respondent. Leaders of the calling body are advised that it is  
15 appropriate to place the respondent on immediate paid leave without prejudice if one of  
16 the following situations prevails: (a) The allegations, if substantiated, would constitute  
17 behavior which may endanger the well-being of persons served or supervised by the  
18 respondent; or (b) The allegations, if substantiated, would constitute sexual contact with  
19 a minor or other person incapable of making adult decisions. The leaders of the calling  
20 body are advised that the decision on paid leave without prejudice can be reconsidered at  
21 any time. They are further informed that the adjudication of the issue of the respondent's  
22 fitness for authorized ministry will be done by the Committee on Church and Ministry.  
23 Decisions of the calling body do not constitute a judgment of the respondent's fitness for  
24 ministry.

25 The calling body will be assured that the adjudication will move forward in a  
26 timely, thorough manner, so that the outcome will represent justice and compassion for  
27 all people involved. They will be assured that they will be kept informed as the process  
28 continues and at the time it is resolved.

29 Disclosure issues that must be decided by the calling body include the questions  
30 of what information will be shared, with whom, and how. Leaders of the calling body are  
31 advised that secrecy is nearly impossible and always unwise, and that minimally the

1 constituents of the calling body (e.g., the congregation of a church) must learn that there  
2 is an allegation about which information is being gathered. Issues of accountability and  
3 possible liability that must be decided by the calling body include provisions for the  
4 protection of the complainant(s) from ostracism or other harm, and the protection of any  
5 persons served by the calling body who may be in harm's way. (For example, if the  
6 respondent is alleged to have abused minors, all parents connected with the calling body  
7 must be informed of the allegation and the information gathering process so that they  
8 may make appropriate decisions on behalf of their children.) Leaders of the calling body  
9 are advised that the respondent has a right to know what is to be disclosed to the  
10 constituents of the calling body and how it will be disclosed.

11         Since these are difficult issues and decisions, the role of the support/process  
12 person is crucial in the initial meeting with the calling body and in subsequent efforts of  
13 the calling body to respond to the situation. During the whole process, the calling body is  
14 to be treated with respect, compassion and support. It is, for the time being, a wounded  
15 body, and the process itself - as necessary as it is - may seem like insult added to injury.  
16 The support/process person is assigned to attend to wounds and to healing.

17         While the primary purposes of the meeting are those described above, the  
18 Information Gathering Team will also be open and receptive to additional information  
19 that may come from this meeting. Such information may regard specific behaviors, the  
20 general tone of the calling body's life, or other matters that may relate to the behavior of  
21 the respondent or complainant.

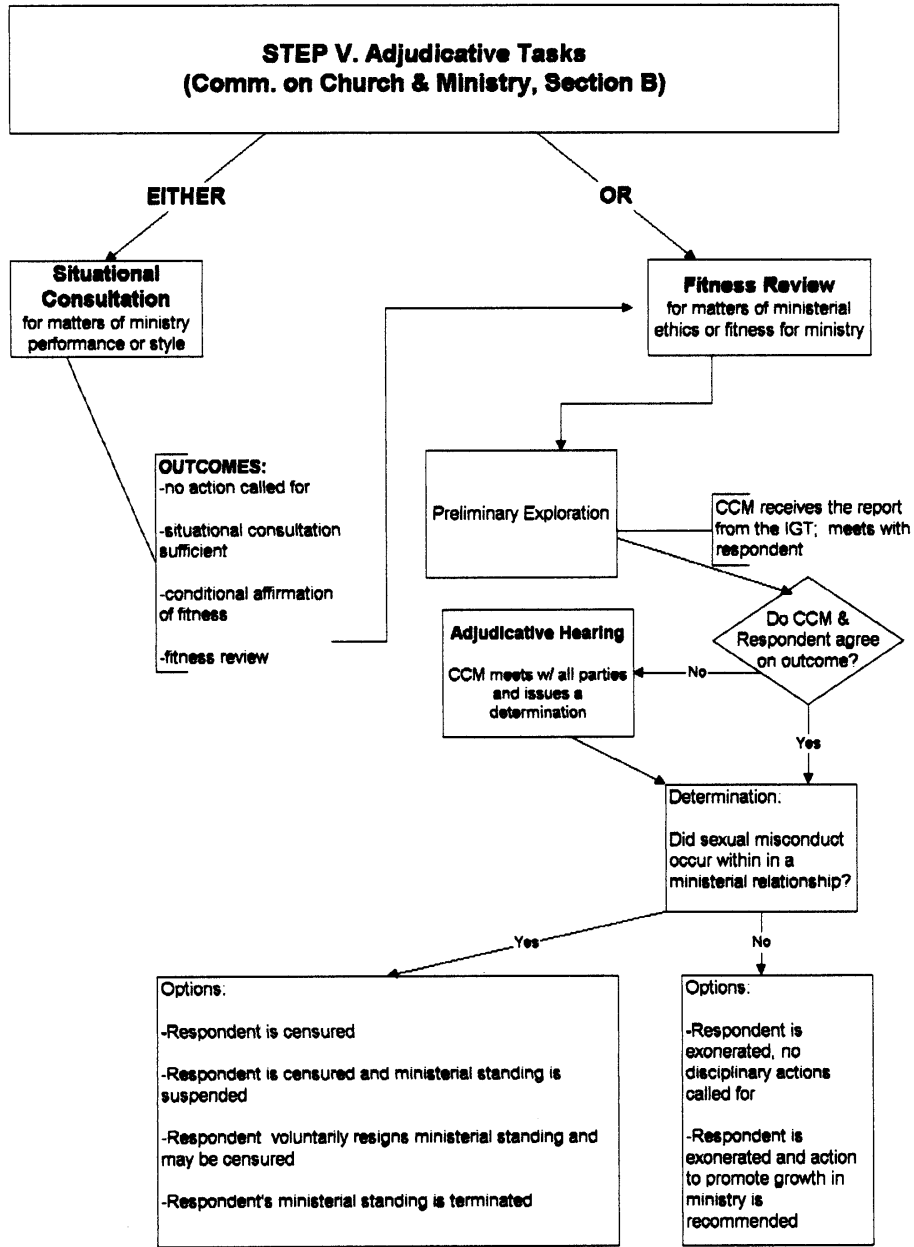
22         B. Once each of the above interviews or meetings has taken place, the  
23 Information Gathering Team prepares a report for the use of the Association Committee  
24 on Church and Ministry. The report is to convey as accurately as possible an account of  
25 what happened. It is to focus upon the three things noted in the descriptions of  
26 interviews in section A above: the pastoral, ministering or supervisory role of the  
27 respondent, the relationship of the respondent and the complainant, and the specific  
28 behaviors that form the basis of the allegation. A report is not to contain opinions,  
29 interpretations or recommendations of the Information Gathering Team, but is to be  
30 confined to what they were told and what they observed in the interview.

1           The report of an interview or meeting will be completed within 72 hours  
2 following the event. Complainants and respondents are given an opportunity to read the  
3 report of their interview and comment upon it. They are asked to sign it indicating that  
4 they have read it and agree that it accurately reflects the interview. They may make  
5 written comments on any aspect of the report. If the interview is with the leaders of a  
6 calling body, a leader designated by the persons interviewed (usually a church moderator,  
7 chairperson of a board of directors, etc.) is asked to sign the report on behalf of the  
8 calling body.

9           C. After all reports are completed, reviewed and signed, the Information  
10 Gathering Team submits them to the Association Committee on Church and Ministry.  
11 One or more members of the Information Gathering Team will meet with the committee  
12 to present the written reports and the responses of the interviewees.

13           The Information Gathering Team will respond to questions from the committee.  
14 Ordinarily, such questions and responses should not seek the team's opinions or  
15 recommendations. If Committee on Church and Ministry members initiate such a  
16 request, and if a member of the Information Gathering Team has specialized training and  
17 expertise that would inform the committee beyond what is contained in the report, such  
18 material can be shared.

19           D. Once the reports are given, the Information Gathering Team plays no further  
20 role in the Committee on Church and Ministry's process, unless the Committee on  
21 Church and Ministry asks them to gather more information (e.g., to interview additional  
22 persons, including complainants not known earlier, or others who can provide  
23 information helpful in the Committee on Church and Ministry's decision making  
24 process).



**Step V. Adjudicative Tasks (Committee on Church and Ministry)**

- A. Decision #1 - What is the appropriate procedural model for deliberation?
  - 1. Situational Consultation
    - a. A matter involving the performance of ministry usually focused on specific gifts and skills.
    - b. An individual's relationship skills or leadership style may be matters for Situational Consultation.
  - 2. Fitness Review
    - a. A matter involving ministerial ethics and/or criminal activity.
    - b. A matter involving an individual's overall and general fitness to serve as an authorized minister of the UCC.
    - c. If a Fitness Review is decided upon, immediately notify the UCC placement system (OCLL).
- B. Decision #2 If a Situational Consultation is held:
  - 1. Procedures included in the Manual on Ministry shall be followed.
  - 2. Possible outcomes of a Situational Consultation:
    - a. No Action called for or deemed appropriate or necessary.
    - b. No Further Action: The situational consultation itself is deemed sufficient to address the concern.
    - c. A conditional affirmation of fitness with a plan for growth, is mutually agreed upon by the Committee on Church and Ministry and the respondent.
    - d. Fitness Review necessary to resolve disagreement between Committee on Church and Ministry and respondent as to desired outcome.
    - e. Fitness Review necessary to address matters involving the respondent's fitness for ministry.
- C. Decision #3 A Fitness Review is held
  - 1. Procedures included in the Manual on Ministry shall be followed.
  - 2. Two stage process:
    - a. Preliminary Exploration
      - i. Meeting with the respondent to consider the allegation.
      - ii. If allegation and outcome agreed to, outcome may be reached without a hearing.
      - iii. Others not required to attend.
      - iv. Information Gathering Team may report to the Committee on Church and Ministry at this stage.
      - v. Committee on Church and Ministry may request additional information from Information Gathering Team or others.
    - b. Adjudicative Hearing
      - i. Necessary if Committee on Church and Ministry and respondent cannot agree to either the allegation or the outcome.

- ii. Requires testimony. Witnesses, including complainant(s) and Information Gathering Team appear before Committee on Church and Ministry.
  - iii. Complainant(s) and other persons involved would only be identified and would testify before the Committee on Church and Ministry only in an adjudicative hearing.
- 3. Finding
  - a. The Committee on Church and Ministry issues a determination that: 1) the respondent did or did not have a pastoral or ministering role in relation to the complainant or other persons specified in the allegation of misconduct; and 2) that sexual misconduct did or did not occur. A finding is the Committee on Church and Ministry's judgment of what occurred that prompted a Fitness Review. The finding provides a fundamental rationale and justification for the outcome.
- 4. What is the appropriate outcome in the light of this finding?
  - a. If the finding is that the specific behaviors described in the allegation did not occur, the outcome will be one of the following:
    - i. "It is our judgment that the alleged behavior did not occur. The respondent is exonerated. No disciplinary action is called for."
    - ii. "It is our judgment that the alleged behavior did not occur. The respondent is exonerated. Action which will promote growth in ministry is recommended."
  - b. If the finding is that the specific behaviors did occur, the outcome will be one of the following.
    - i. "It is our judgment that the alleged behavior did occur. The respondent is censured."
    - ii. "It is our judgment that the alleged behavior did occur. The respondent is censured and suspended."
    - iii. "It is our judgment that the alleged behavior did occur. The respondent is censured, and voluntarily relinquishes authorization for ministry."
    - iv. "It is our judgment that the alleged behavior did occur. The respondent's authorization for ministry is terminated."
- 5. Documentation: It is very important that a careful account of the outcome of the adjudicative hearing be recorded in the official minutes of the Committee on Church and Ministry and the Association Ecclesiastical Council, if involved.

## 1 **Step V. Adjudicative Tasks**

2 **Adjudication** is the process by which a Committee on Church and Ministry  
3 reaches a finding once an allegation has been received and information has been  
4 gathered. It is an ecclesiastical process, not a civil or criminal process. Models of the  
5 latter, which focus upon crime and punishment, guilt and penitence, outrage and  
6 retribution, may only make appropriate adjudication more difficult. The final decision  
7 the Committee on Church and Ministry is called upon to make is whether the respondent  
8 is fit for authorized ministry in the United Church of Christ. That decision will reflect  
9 the Committee on Church and Ministry's careful judgment as to whether sexualized  
10 behavior occurred involving the respondent and a person served or supervised by him or  
11 her.

12 As the Committee on Church and Ministry begins its adjudicative task, it must  
13 seek clarity as to the decisions it will be called upon to make, the procedures to be  
14 followed, and the terminology to be used throughout. In these guidelines, for example,  
15 language implying that one person is perpetrator and the other abused, or that one is  
16 victimizer and the other victimized, has been avoided; such judgments cannot be made in  
17 advance. Care must be taken to be sensitive to all parties involved, with no presumptions  
18 as to what the finding may ultimately be. The Committee on Church and Ministry must  
19 model for all who are involved in the process the justice and compassion that are its  
20 ultimate goal.

21 The final decision of the Committee on Church and Ministry will be preceded by  
22 a number of other decisions. Each should be articulated clearly in writing and recorded  
23 as a vote of the Committee on Church and Ministry. No decision should be rendered by  
24 the chair alone or arrived at by informal consensus. Care must be taken to document  
25 each decision as to date and time.

26 A. The first decision of the Committee on Church and Ministry is to choose the  
27 appropriate procedural model for deliberation. In accordance with the Manual on  
28 Ministry of the United Church of Christ, this will be a Situational Consultation or a  
29 Fitness Review.

30 A Situational Consultation is initiated by an Association Committee on the  
31 Ministry, often in response to the request of a covenantal partner to deal with a situation,

1 concern, or problem that has arisen in relation to an authorized minister or ministry  
2 setting. A Situational Consultation is primarily developmental and consultative in nature  
3 and is not intended to address matters of overall fitness for ministry or possible ethical  
4 violations. The primary goal of a Situational Consultation is to determine whether there  
5 is a problem with, or concern about, the person or ministry setting that is within the  
6 purview of the Committee on the Ministry and, if so, to identify corrective actions to  
7 address or resolve the problem.

8         If the allegation is that the respondent has engaged in pastoral sexual misconduct,  
9 has violated pastoral ethics, or has engaged in criminal activity, then the Committee on  
10 Church and Ministry will use the model of the Fitness Review. As a general rule, any  
11 allegation which, if substantiated, calls into question the respondent's fitness for  
12 authorized ministry requires that a Fitness Review be held. The outcome of such a  
13 review may range from exoneration to removal of standing. Persons authorized for  
14 ministry, and against whom such allegations are made, may request that a Fitness Review  
15 be held in order to clear their name. They should view the procedures outlined here and  
16 in the Manual On Ministry as a reasonable means of seeking information, weighing  
17 conflicting perspectives, and arriving at a decision as to their fitness for ministry.

18         If Fitness Review is the procedural model decided upon, the Committee on  
19 Church and Ministry, through the ACM and Conference staff, will immediately notify the  
20 UCC placement system (the Office for Church Life and Leadership) that such a review is  
21 pending.

22         In the face of allegations of sexual misconduct, a respondent sometimes submits  
23 her or his resignation from authorized ministerial standing. When this occurs it greatly  
24 abridges the authority of the church (through the Committee on Church and Ministry) to  
25 pursue disciplinary action. In such a case, the Committee on Church and Ministry should  
26 assemble all relevant documents. An Information Gathering Team may still be appointed  
27 to interview those who allege misconduct, and the complainant(s) may be given  
28 opportunity to meet with the Committee on Church and Ministry. The Committee on  
29 Church and Ministry can then take action to receive the resignation from standing with  
30 the notation that the resignation was received while Fitness Review was pending. This  
31 action will be reported to the Office for Church Life and Leadership so that it will be

1 available in the future if the person applies for reinstatement of standing. All documents  
2 relating to the situation will be kept in a confidential file in the Conference office.

3 B. If Situational Consultation is the model chosen by the Committee on Church  
4 and Ministry for its deliberation, it will be conducted using the procedures outlined in the  
5 UCC Manual on Ministry.

6 A Situational Consultation is pastoral and collegial rather than adversarial or  
7 confrontational in nature. It is used for two general purposes: to resolve differences of  
8 understanding as to an authorized minister's skills, style or use of time, or to gather  
9 information to be used in determining whether further investigation or review is needed.

10 A Situational Consultation results in one of the following outcomes:

11 -- The concern is unfounded. No action is called for or deemed appropriate or  
12 necessary.

13 -- No further action is needed. The Situational Consultation has provided the  
14 opportunity for reflection and/or counsel. This is deemed sufficient to address the  
15 concern.

16 -- A conditional affirmation of fitness, with a plan for growth mutually agreed  
17 upon by the Committee on Church and Ministry and the respondent. Such a plan  
18 will include checkpoints to review progress. The plan may or may not call for the  
19 respondent to take a leave of absence from the ministry position. Whatever the  
20 plan, it should be clearly articulated, written, dated and signed, with a carefully  
21 stated plan for follow-up, which may include one or more additional meetings  
22 with the Committee on Church and Ministry.

23 -- A Fitness Review is needed because there is disagreement between the  
24 Committee on Church and Ministry and the respondent as to the appropriate  
25 outcome (e.g., the details of a prescribed plan for growth).

26 -- A Fitness Review is necessary to address matters that call into question the  
27 respondent's fitness to continue authorized ministry in the United Church of  
28 Christ.

29 Whatever the outcome, it will be expressed in writing, voted upon by the  
30 Committee on Church and Ministry, and recorded.

1 C. If Fitness Review is the model chosen by the Committee on Church and Ministry for  
2 its deliberation, it will be conducted using the procedures outlined in the Manual on  
3 Ministry. The Fitness Review will be based upon the materials provided by the  
4 Information Gathering Team. The role of the Committee on Church and Ministry is not  
5 to gather information, much less to be advocate or adversary in relation to either the  
6 complainant or the respondent. It is to adjudicate the situation with justice and  
7 compassion for all persons involved.

8 The Committee on Church and Ministry must be fully aware of the powers  
9 delegated to it by the Bylaws of the Association, as well as the limits described. In the  
10 polity of the United Church of Christ, it is the Association that authorizes persons for  
11 ministry, and may withdraw or abridge that authorization.

12 Before a Fitness Review begins, it is important to determine whether any member  
13 of the Committee on Church and Ministry should abstain from participating in the  
14 review. All Committee on Church and Ministry members should practice full disclosure  
15 as to any relationship with the complainant(s) or the respondent, including membership  
16 in the calling body served by the respondent. If a member of the Committee on Church  
17 and Ministry has such a relationship, the Committee on Church and Ministry may vote to  
18 suspend him or her for the duration of the Fitness Review.

19 The Fitness Review will proceed in two stages.

20 A preliminary exploration of the allegation is held by the Committee on Church  
21 and Ministry. Making use of the material provided by the Information Gathering Team,  
22 the Committee on Church and Ministry will meet with the respondent. If the respondent  
23 acknowledges that the allegation is true, and if the respondent and the Committee on  
24 Church and Ministry can come to mutual agreement as to outcome, then an outcome may  
25 be reached without a full adjudicative hearing. In no sense should such an outcome be  
26 seen as analogous to a "plea bargain" in criminal law. Instead, it represents the judgment  
27 of the Committee on Church and Ministry that justice and compassion for complainant,  
28 respondent and calling body can best be served by this means.

29 Such a preliminary exploration does not require the presence of persons other  
30 than the Committee on Church and Ministry, the respondent, and the respondent's  
31 support/process person. The Committee on Church and Ministry will have access to the

1 Information Gathering Team's report. The Committee on Church and Ministry will meet  
2 with no one except the members and any *ex officio* members of the Committee on Church  
3 and Ministry present in order to decide upon an appropriate outcome. The Committee on  
4 Church and Ministry may require the gathering of additional information - for example,  
5 by means of additional interviews by the Information Gathering Team, or through the use  
6 of a person qualified to provide a psychological assessment.

7 If the respondent disputes the allegation, if the Committee on Church and  
8 Ministry requires further information, or if the respondent and the Committee on Church  
9 and Ministry cannot agree on an appropriate outcome, the Committee on Church and  
10 Ministry will proceed to a full adjudicative hearing.

11 An adjudicative hearing is a process that may take place in one or more meetings.  
12 In an adjudicative hearing, the Committee on Church and Ministry first listens and then  
13 adjudicates. Because the hearing includes certain procedures that are common to civil  
14 and criminal trials, it is important that the ecclesiastical nature of the hearing be stressed.  
15 The focus of the hearing is the information that will enable the Committee on Church and  
16 Ministry to make a decision as to the respondent's fitness for ministry.

17 The adjudicative hearing will include testimony from the following:

18 -- The Information Gathering Team, which will present the allegation(s) of  
19 pastoral misconduct and the results of its efforts to gather information, including  
20 documents and reports relating to its interviews with the complainant(s) and the  
21 respondent.

22 -- The complainant(s) and other persons supporting his or her allegations.

23 -- The respondent and other persons who support her or his claim that the  
24 allegation is unfounded.

25 The respondent and/or the complainant may request that legal counsel be present  
26 during the adjudicative hearing. Since the Fitness Review is an ecclesiastical matter, the  
27 UCC Manual on Ministry outlines no role for legal counsel. It is the prerogative of the  
28 Committee on Church and Ministry to allow or disallow the presence of an attorney. If

1 allowed to be present, the attorney should be advised that she or he may accompany the  
2 complainant or respondent, but may not participate as an advocate.\*<sup>1</sup>

3 After hearing all of the information it requires, the Committee on Church and  
4 Ministry enters the deliberative phase of its work. All persons who are not Committee on  
5 Church and Ministry members or ex officio members will be dismissed from the hearing  
6 as the Committee on Church and Ministry adjudicates the issue. Their finding, recorded  
7 as a formal vote of the Committee on Church and Ministry, presents the judgment of the  
8 Committee on Church and Ministry on two matters: that a pastoral, ministerial or  
9 supervisory role did or did not exist, and that sexual misconduct did or did not occur.

10 The finding also provides the basis for deciding upon an outcome. If the  
11 Committee on Church and Ministry determines that there was no pastoral, ministerial or  
12 supervisory role, it may still choose to issue a finding and outcome following the UCC  
13 Manual on Ministry's outline for Fitness Review.

14 An appropriate outcome will be determined by the Committee on Church and  
15 Ministry.

16 1. If the finding is that, in the judgment of the Committee on Church and  
17 Ministry, the specific behaviors described in the allegation **did not occur**, the  
18 outcome will be one of the following.

19 -- **Exoneration.** The alleged behavior did not occur, and **no disciplinary action**  
20 **is called for.** Recognizing the harm that the allegation may have caused, public  
21 notice must be given and pastoral support provided the respondent and his or her  
22 family. The appropriate wording for this outcome is, "It is our judgment that the  
23 alleged behavior did not occur. The respondent is exonerated. No disciplinary  
24 action is called for."

25 --The alleged behavior did not occur, and the respondent is **exonerated. Action**  
26 **intended to promote growth in ministry is recommended.** This could include  
27 a subsequent Fitness Review based upon information gathered and/or a prescribed  
28 plan for growth in an area of ministry considered to be weak or inadequate. Any  
29 requirements prescribed will be clearly articulated, with copies of the plan for

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<sup>1</sup> See appendix to "Reviewing Authorized Ministries," dealing with "Legal Questions Committees on Ministry May Encounter."

1 growth signed by the former respondent, the chair of the Committee on Church  
2 and Ministry, and the ACM. Specific dates for the review of results will be  
3 established. The Committee on Church and Ministry may recommend whether or  
4 not the authorized minister should remain in her or his present position while  
5 working on the prescribed plan, though all such employment decisions will be  
6 made by the calling body. The appropriate wording for this outcome is, "It is our  
7 judgment that the alleged behavior did not occur. The respondent is exonerated.  
8 Action which will promote growth in ministry is recommended."

9 2. If the finding is that, in the judgment of the Committee on Church and  
10 Ministry, the specific behaviors **did occur**, the outcome will be one of the  
11 following.

12 --The alleged behavior did occur and the respondent is **censured**. Censure is an  
13 official statement by an Association of the church's disapproval of a behavior as  
14 unbecoming one who has been authorized to practice ministry in the United Church  
15 of Christ. The action of censure is given as a warning, clearly stating that further  
16 similar conduct is unacceptable and could lead to suspension or termination of the  
17 person's authorization for ministry. This action may also be combined with a  
18 prescribed plan for growth. The appropriate wording for this outcome is, "It is  
19 our judgment that the alleged behavior did occur. The respondent is censured."

20 --The alleged behavior did occur and the respondent is **censured and suspended**.  
21 The suspension of authorization for ministry is for a period of time in order to  
22 implement a program prescribed by the Association or to underscore the  
23 seriousness of the offense. Suspension removes the rights and privileges of  
24 authorized ministry until the suspension has been lifted. The action to suspend  
25 will clearly designate time limits, specify the conditions under which the  
26 suspension may be lifted, and be signed by the ACM, the chair of the Committee  
27 on Church and Ministry, and the person suspended. A person whose  
28 authorization for ministry has been suspended may not circulate his or her  
29 ministerial profile until the suspension is lifted. The appropriate wording for this  
30 outcome is, "It is our judgment that the alleged behavior did occur. The  
31 respondent is censured and suspended."

1 --The alleged behavior did occur, **the respondent is censured and voluntarily**  
2 **resigns authorization for ministry.** Resignation is the permanent relinquishing  
3 of a person's authorization for ministry in and for the United Church of Christ. It  
4 is to be distinguished from resigning from a particular position in relation to a  
5 calling body, a matter over which the Committee on Church and Ministry has no  
6 jurisdiction. At times a respondent will resign her or his authorization for  
7 ministry rather than face censure, suspension, or involuntary termination. If such  
8 a resignation occurs when the adjudication process is near its conclusion, the  
9 Committee on Church and Ministry may choose to complete the process, so that a  
10 permanent record of the Committee on Church and Ministry's judgment may be  
11 made. If the Fitness Review is underway but is not near completion, the person's  
12 action is reported as "resigned while a Fitness Review was in progress."

13 The decision will be reported to the Association as well as to the  
14 Conference, to the Secretary of the United Church of Christ, and to the Office for  
15 Church Life and Leadership. (In certain circumstances the Committee on Church  
16 and Ministry may agree not to divulge the particulars. The record is then placed  
17 in a sealed file of the Committee on Church and Ministry, with the provision that  
18 the file may be opened if the person requests reinstatement at some time in the  
19 future.)

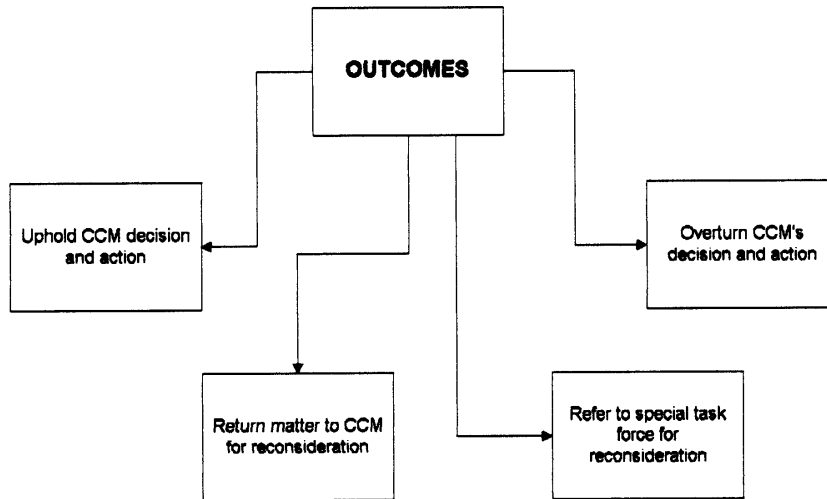
20 --The alleged behavior did occur and the respondent's **authorization for ministry**  
21 **is terminated.** Termination of a person's authorization for ministry is permanent.  
22 Such a person may not serve or seek to serve any UCC church as an authorized  
23 minister. The appropriate wording for this outcome is, "It is our judgment that  
24 the alleged behavior did occur. The respondent's authorization for ministry is  
25 terminated."

26 **Documentation.** A careful account of the procedures and outcome of the Fitness  
27 Review will be recorded in the official minutes of the Committee on Church and Ministry  
28 and of the Association Ecclesiastical Council, if such a council is held. A complete  
29 record of the review, including copies of the testimony given, along with any written  
30 documents considered by the Committee on Church and Ministry, will be placed in a  
31 permanent confidential file of the Association. At its discretion, the Committee on

1 Church and Ministry may place this complete record in the confidential files of the  
2 Conference. All censures, suspensions and terminations will be reported to the  
3 Conference Minister, the Secretary of the United Church of Christ and to the Office for  
4 Church Life and Leadership, so that such outcomes can be reported throughout the  
5 placement system of the United Church of Christ.

**STEP VI. Appeal**  
(Association Ecclesiastical Council)

An appeal may be made to an Ecclesiastical Council which rules only on whether the adopted procedures were followed. The merits of the case itself are not reopened unless the EC finds that the CCM did not follow procedure.



**Step VI. Appeal (Association as Ecclesiastical Council)**

- A. All Church and Ministry Committees of the Southern California Conference are authorized to act on behalf of the Association in matters of authorization and discipline.
  1. An appeal of the Church and Ministry Committee decisions may be made on the basis of process.
  2. Those who may make an appeal are the complainant, the respondent, and elected officers of the calling body.
  3. If an appeal is made, the Association will gather as an Ecclesiastical Council.
    - a. Attendance throughout Ecclesiastical Council.
    - b. Orientation of the Ecclesiastical Council.
  4. The Ecclesiastical Council will decide whether to hear the appeal.
    - a. It may refuse to hear the appeal and allow the Church and Ministry Committee's decision to stand.
    - b. If the appeal is heard, the Ecclesiastical Council will listen to the following persons:
      - i. The one who makes the appeal.
      - ii. The Chair of the Church and Ministry Committee.
      - iii. A representative from the Information Gathering Team.
      - iv. The ACM.
      - v. The CM.
  5. Possible outcomes of an appeal:
    - a. Affirm the process and decisions of the Church and Ministry Committee.
    - b. Return the matter to the committee for reconsideration and either
      - i. Recommendation to Ecclesiastical Council or
      - ii. Decision and action based upon reconsideration. (May be subject to future appeal.)
    - c. Referral to special task force for reconsideration and
      - i. Recommendation to Ecclesiastical Council or
      - ii. Decision and action based upon reconsideration. (May be subject to future appeal.)
    - d. Disaffirm any part of the process and decisions.

There is no appeal beyond an Ecclesiastical Council.

1 **Step VI. Ecclesiastical Council and Appeal**

2           Once the Committee on Church and Ministry has adjudicated an allegation of  
3 pastoral misconduct, their decision will be handled in a manner that is consistent with the  
4 Bylaws of each Association.

5           A. The four Associations of the Southern California Conference have empowered  
6 their Committees on Church and Ministry to adjudicate cases of alleged clergy  
7 misconduct, to make decisions as to fitness for authorized ministry, and to enact  
8 disciplinary measures. In the Central, Eastern and Northern Associations, it is Section B  
9 of the Committee on Church and Ministry which is empowered. In the Southern  
10 Association, Section B makes recommendations to the Committee of the Whole, which in  
11 turn is empowered to adjudicate and to discipline. Those decisions are subject to appeal.  
12 The Association, acting as an Ecclesiastical Council, is the appellate body.

13           An appeal of the Committee on Church and Ministry's decisions may be made on  
14 the basis of process. That is, *did the Committee on Church and Ministry follow the*  
15 *procedures adopted by the Association?* Those who may make such an appeal are the  
16 complainant, the respondent, and the elected leaders of the calling body.

17           If an appeal is made, the Association will gather as an Ecclesiastical Council at  
18 the earliest possible time. Every person who will vote in the appeal process must be  
19 present for the entire time during which the appeal is being considered.

20           Prior to addressing the particulars of a given case being appealed, the committee  
21 needs to spend a considerable period of time orienting those who will be voting on the  
22 appeal about Association processes and policies, the task of the appeal body, and any  
23 pertinent legal and ethical implications of their work.

24           The first action of the Ecclesiastical Council will be to decide whether to hear the  
25 appeal. If the Ecclesiastical Council judges that the appeal is not based upon a  
26 reasonable question of process, it may refuse to hear the appeal and allow the Committee  
27 on Church and Ministry's decision to stand.

28           If the Ecclesiastical Council agrees to hear the appeal, the person making the  
29 appeal presents his or her objections to the way in which the Committee on Church and  
30 Ministry followed the procedures adopted by the Association. The Committee on Church  
31 and Ministry, the Information Gathering Team, the ACM and the CM will respond,

1 describing in detail their perception of the Committee on Church and Ministry's  
2 procedure in adjudicating the issue.

3         The role of the Ecclesiastical Council is not to reopen deliberations on the case,  
4 examine testimony, or question the complainant(s) or the respondent, but rather to  
5 consider the process, decisions and recommendations of the Committee on Church and  
6 Ministry.

7         The Ecclesiastical Council will consider the appeal, and decide the matter in one  
8 of four ways:

- 9         -- The Ecclesiastical Council may affirm the process and the decisions of the  
10 Committee on Church and Ministry. Any decisions made by the Committee on  
11 Church and Ministry will stand.
- 12         -- The Ecclesiastical Council may disaffirm any part of the process and the  
13 decisions of the Committee on Church and Ministry and return the case to the  
14 Committee on Church and Ministry for further consideration. The Committee on  
15 Church and Ministry will reconvene and reconsider the case. The Committee on  
16 Church and Ministry may either return the matter to the Ecclesiastical Council  
17 with recommendations for action, or may reach a second decision and take action  
18 based on that decision. Any decisions of the Committee on Church and Ministry  
19 are subject to further appeal.
- 20         -- The Ecclesiastical Council may disaffirm any part of the process and the  
21 decisions of the Committee on Church and Ministry and refer the case to a special  
22 task force for reconsideration. The special task force may either return the matter  
23 to the Ecclesiastical Council with recommendations for action, or may reach a  
24 decision and take action based on that decision. Any decisions of the special task  
25 force are subject to further appeal.
- 26         -- In extraordinary circumstances, with careful deliberation and with consultation  
27 of Conference staff and the Office for Church Life and Leadership, the  
28 Ecclesiastical Council may make a separate decision regarding the allegations, the  
29 respondent's fitness for ministry, and any appropriate disciplinary actions, as  
30 outlined in Part V above.

1           B. The decisions of the Ecclesiastical Council are final. In the polity of the  
2 United Church of Christ, it is the Association that authorizes persons for ministry and  
3 may withdraw that authorization.

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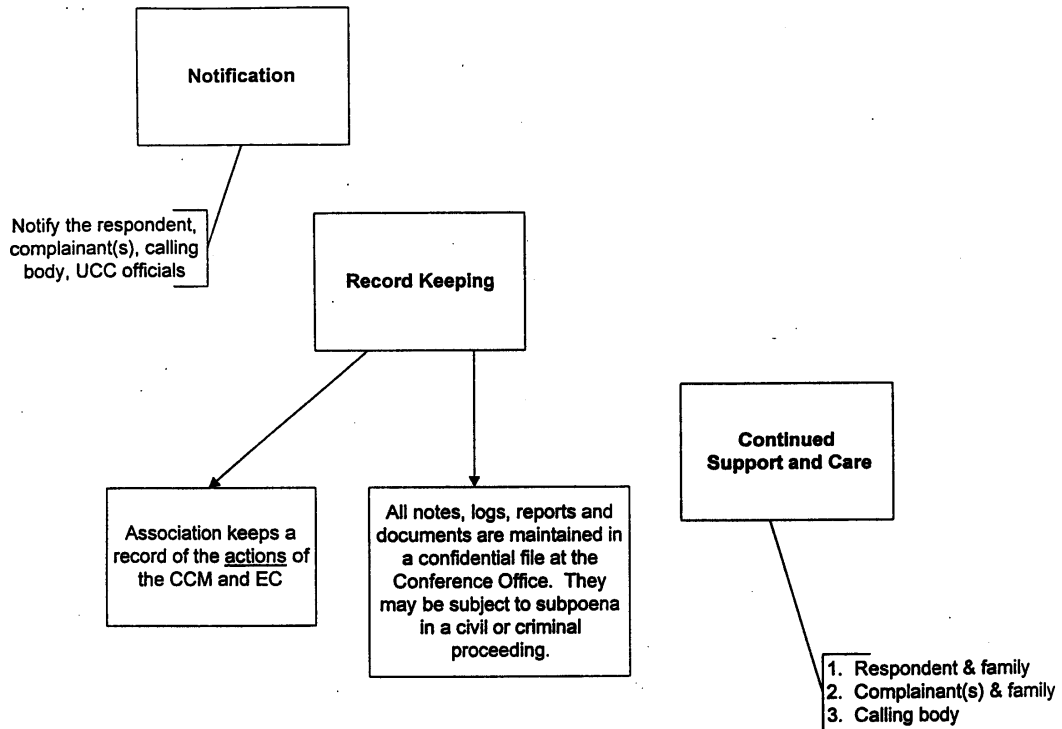
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**STEP VII. Follow-Up**



**Step VII. Follow Up****A. Notification**

1. Respondent.
2. Complainant(s).
3. Calling Body.
4. Association/Conference.
5. Officials of the United Church of Christ.

**B. Record Keeping**

1. The Association will keep a careful record of all actions and proceedings of the Church and Ministry Committee and the Ecclesiastical Council.
2. The Conference will maintain a confidential file of all allegations of sexual misconduct, regardless of the outcome. It will contain:
  - a. All deliberations and actions of the Church and Ministry Committee and Ecclesiastical Council.
  - b. All reports and documents regarding the allegation.
  - c. All logs maintained by Conference staff and the chair of the Church and Ministry Committee.
  - d. Even though confidential, the materials in this file may be subject to subpoena and discovery by a court if there are civil or criminal actions.

**C. Continued Support and Care**

1. Respondent and family.
2. Complainant(s) and family(ies).
3. Calling bodies.

1

2 **Step VII. Follow-Up**

3           When the difficult tasks of responding to allegations of misconduct have been  
4 completed, the work of Conference staff persons and Association Committees on Church  
5 and Ministry is not yet finished. Allegations of misconduct, Fitness Reviews, and other  
6 processes of adjudication have a long-term and often deleterious effect upon individuals  
7 and calling bodies. The emotional and spiritual needs of the persons involved in cases of  
8 pastoral sexual misconduct - complainants, respondents, members of the calling body,  
9 and all who must address the issue and adjudicate it - are likely to continue for a long  
10 time.

11           A. The people responsible for making decisions are also responsible for taking  
12 appropriate action to follow up their decisions. The first set of appropriate actions is to  
13 notify the appropriate people or bodies of the outcome of the adjudication and any appeal  
14 process. The people who must be notified include the respondent and the complainant.  
15 The bodies which must be informed of the decision include the calling body, the  
16 Association, the Conference, and the Office for Church Life and Leadership. Among  
17 these, the respondent, the complainant and the calling body require more than simply  
18 information as to the outcome. They may need continued support and care, as described  
19 in a later paragraph C, below.

20           B. Record keeping is another essential part of follow up action by the Committee  
21 on Church and Ministry, the Association, and Conference staff. The Association will  
22 keep a careful record of all actions and proceedings of the Committee on Church and  
23 Ministry and the Ecclesiastical Council. It is to be noted that some parts of those records  
24 are public, and some parts may be deliberately kept confidential. If there are confidential  
25 records, the public records must state the fact and describe where and how the  
26 confidential records are maintained. At its discretion, a Committee on Church and  
27 Ministry may deposit all of its records of such cases in the confidential file of the  
28 Conference.

29           The Conference will maintain a confidential file of all allegations of sexual  
30 misconduct, regardless of the outcome. Such a file will contain copies of all  
31 deliberations and decisions of the Committee on Church and Ministry and the

1 Ecclesiastical Council. It will also include copies of all reports and documents regarding  
2 the allegation, the respondent's defense, and the Information Gathering Team's interviews  
3 with all parties. All logs maintained by the CM, the ACM and the chair of the Committee  
4 on Church and Ministry will be included in the confidential file. Though these materials  
5 are confidential, they may be subject to subpoena by a court if there are civil or criminal  
6 actions.

7 C. Finally, continued support and care must be provided for those who are  
8 affected by the process. Respondents, complainants and their families will require the  
9 greatest amount of care, regardless of the outcome of the process. Any of them may be  
10 inclined to blame their continuing discomfort on the process or the persons empowered to  
11 make decisions. Likewise, a calling body or congregation may experience long term  
12 effects from the process. The support/process persons assigned at the outset cannot be  
13 expected to continue indefinitely in their ministry of listening and healing.

14 Conference staff persons and Association Committees on Church and Ministry, in  
15 continuing their responsibility for the welfare of churches and clergy, must be especially  
16 aware of the needs of complainants and respondents, calling bodies, congregations, their  
17 members, and their ministers long after the process of dealing with allegations of  
18 misconduct has been completed. Such persons and groups should be the subject of our  
19 prayers and our best efforts to extend the covenant of reconciliation, healing and renewal.  
20 Anecdotal evidence suggests that some of the effects of pastoral sexual misconduct may  
21 be felt in a congregation decades or even generations after the fact. Some studies liken  
22 pastoral sexual misconduct to incest in its capacity for long-term harm and residual  
23 wounds, often hidden by those who experience victimization. Likewise, if allegations are  
24 made which are not substantiated, resentment and alienation on the part of a former  
25 respondent, her or his family, and the calling body may persist for many years.

26 When the church is committed to seek compassion and justice for complainants,  
27 respondents, and calling bodies, it will learn that these qualities are not without cost and  
28 not without pain. Nevertheless, it is justice and compassion, along with reconciliation  
29 and renewal, that the Christian community must continue to seek, by the grace and  
30 guidance of God.

Southern California Conference  
United Church of Christ

**Information Sheet for the Complainant**

*(to be given to the complainant at the initial visit)*

You have just taken the first step in what has been, and will no doubt continue to be for you, a very painful and difficult process. We take your allegation seriously and will deal with it promptly and with utmost care.

We will be following a carefully developed process that strives for justice, while at the same time demonstrates compassion and concern for all concerned. The procedure is thorough, in some ways quite detailed, and at times may seem slow to you. However, of primary importance throughout will be the desire that all parties be treated fairly, that the truth be known, and that appropriate action be taken.

In this process, we shall use the term complainant to refer to the person(s) bringing the allegation. Respondent shall be used to refer to the person against whom the allegation is made; and calling body, the congregation or other agency that is the respondent's employer. The process will include both an information gathering phase and a review/decision phase.

To help you during this process, we have appointed a support/process person who will be available to you if you so desire. This person has received special training to serve in this capacity. The support/process person will be someone with whom you (and your family if appropriate) may talk and raise questions, one who will help you through the emotional ups and downs of this period. Your support/process person is not intended to be your counselor; but should you want professional assistance, she or he can provide you with a partial list of area counselors who specialize in situations like this.

You are welcome to bring this support/process person and/or a support person of your own choosing (without voice) to any of the meetings you might be asked to attend.

We have asked you to put your account of what happened in writing and to sign the statement. Your signed statement is the best way to facilitate the process of information gathering and to bring to review the person(s) and event(s) you have named.

During the process, we will do our best to keep you informed. You will receive a written copy of the Information Gathering Team's interview with you, and you will be given the opportunity to respond to it. Likewise, you will be informed of the actions taken by the Church and Ministry Committee.

**(Complainant)**

For the protection of all parties and to ensure the integrity of the process, both you and the respondent will be asked to sign an "Understanding of Non-Disclosure and Non-Communication." This will remain in effect throughout the course of the process, unless special permission is granted by the Church and Ministry Committee.

For your information, we have included in your packet a copy of the Southern California Conference Policy on Sexual Misconduct, the draft dated \_\_\_\_\_ and a copy of the Procedures for Responding to Allegations of Pastoral Sexual Misconduct, the draft dated \_\_\_\_\_. These may seem to you quite detailed and complex. Certainly, many of the steps outlined will not involve you personally, yet we want you to have these documents for reference. If you want help in understanding them, your support/process person will be able to discuss them with you.

We thank you for coming forward with this matter. Know that you and all other parties involved will be in our prayers during this difficult time.

- ◆ The Support/Process Person appointed to assist you is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ The Associate Conference Minister coordinating the process is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ The Chair of the Church and Ministry Committee is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ If you have further information that is directly related to the allegations you have made, call either of these members of the Information Gathering Team:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

**(Complainant)**

Documents included in this packet:

- ◆ Southern California Conference Policy on Sexual Misconduct, the draft dated \_\_\_\_\_.
- ◆ Procedures for Responding to Allegations of Pastoral Sexual Misconduct, the draft dated \_\_\_\_\_.

Southern California Conference  
United Church of Christ

**Information Sheet for the Respondent**

*(to be given to the respondent at the initial visit)*

When an allegation of pastoral misconduct is made against an authorized minister, it is a painful and difficult time for all who are involved -- the respondent and his or her family, the complainant and her or his family, the calling body, the staff and colleagues of the respondent, the Church and Ministry Committee, and others designated to gather information. The ripples often extend to the larger community as well.

Though there is no way to prevent the pain, those who are responsible for dealing with the allegation will be following a carefully developed process that strives for justice, while at the same time demonstrates compassion and concern for all involved. Of primary importance throughout will be the desire that all parties be treated fairly, that the truth be known, and that appropriate action be taken.

There is a distinction between ecclesiastical and civil or criminal proceedings. If the allegations involve child abuse, elder abuse or other criminal behavior, they are immediately reported to the proper civil authorities. The Association Church and Ministry Committee addresses issues of fitness for ministry and ministerial standing.

For your information, we have included in your packet a copy of the Southern California Conference Policy on Sexual Misconduct, the draft dated \_\_\_\_\_, and a copy of the Procedures for Responding to Allegations of Pastoral Sexual Misconduct, the draft dated \_\_\_\_\_. Other documents, such as the complete draft of (Southern California Conference Procedures), and pertinent sections of the UCC Manual on Ministry, are available should you wish these.

Knowing that this will be an extremely stressful time for you and your family, a support/process person has been appointed and will be available to you if you so desire. This person has received special training to serve in this capacity, and will be available for pastoral care, consultation regarding the process, and support. It is not intended, however, that this person offer professional counseling. Should you desire professional assistance, she or he can provide you with a partial list of area counselors who specialize in situations like this.

You are welcome to bring this support/process person and/or a support person of your choosing (without voice) to any of the meetings you will be asked to attend.

**(Respondent)**

For the protection of all parties and to ensure the integrity of the process, both you and the complainant(s) will be asked to sign an "Understanding of Non-Disclosure and Non-Communication." This will remain in effect throughout the course of the process, unless special permission is granted by the Church and Ministry Committee.

Since the calling body is your employer, the appropriate elected church board or key leaders need to be informed that an allegation has been made and that pertinent information is being gathered. Though you will not be present at that meeting, you will receive a summary of the proceedings. If and when it is appropriate to inform the entire calling body regarding the allegations, you will be informed in advance how this will happen. It is the calling body, as employer who makes a determination about both a temporary paid leave of absence and continued employment. It is the Church and Ministry Committee that makes decisions about fitness for ministry and ministerial standing.

- ◆ The Support/Process Person appointed to assist you is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ The Associate Conference Minister coordinating the process is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ The Chair of the Church and Ministry Committee is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ If you have further information that is directly related to the allegations you have made, call either of these members of the Information Gathering Team:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

**(Respondent)**

Documents included in this packet:

- ◆ Southern California Conference Policy on Sexual Misconduct, the draft dated \_\_\_\_\_.
- ◆ Procedures for Responding to Allegations of Pastoral Sexual Misconduct, the draft dated \_\_\_\_\_.

Southern California Conference  
United Church of Christ

**Information Sheet for the Calling Body**

*(to be given to calling body leaders at the initial visit)*

When an allegation of pastoral misconduct is made against a clergy person, it is a painful and difficult time. Many persons are involved - the respondent and his or her family, the complainant and her or his family, the calling body (church or other agency employing the clergy person), and other staff members of the calling body, colleagues of the respondent, the Committee on Church and Ministry, and those designated to gather information. The ripples can also extend to the larger community as well. There is no way to prevent the pain inherent in the process, but those who are responsible for dealing with the allegations will be using a carefully developed process that strives for justice, while at the same time demonstrates compassion and concern for all involved.

To that end, we here present a brief overview of the procedures that have been adopted by the Southern California Conference and the Association in which your clergy person holds standing.

The primary document that shall guide the information gathering and review process is the "Procedures for Responding to Allegations of Pastoral Sexual Misconduct." Copies of this document have been made available to the calling body.

**REVIEW OF PROCESS**

When an allegation is made, it is directed to the Associate Conference Minister and the Chairperson of the Association Church and Ministry Committee. According to our UCC governance, the Church and Ministry Committee is the group which is responsible for ministerial standing and review.

In recent years, certain ramifications of clergy misconduct have involved legal issues as well as issues regarding "fitness for ministry." The Church takes all allegations seriously. There is, however, a distinction between an ecclesiastical process and a civil or criminal proceeding. If the allegations involve child abuse, elder abuse or other criminal behavior, they are reported immediately to the proper civil authorities. The Church and Ministry Committee addresses only those ecclesiastical issues that have to do with "fitness for ministry" and ministerial standing.

As soon as an allegation is received, the Associate Conference Minister, in consultation with the Chairperson of the Association Church and Ministry Committee, initiates an

**(Calling Body)**

information gathering process. Your clergyperson has already been notified that a complaint has been filed.

Since the calling body is the employer of the clergyperson, representatives from the Information Gathering Team and from the Conference have come to you who are the official board of the calling body or its elected key leaders to inform you that an allegation has been made and that the gathering of information is proceeding.

IT IS IMPERATIVE that all parties withhold judgment as to the veracity of the allegations until information gathering has been completed and a decision has been reached by the Church and Ministry Committee. This process will be moved to a conclusion as quickly as possible. In deciding, the Church and Ministry Committee may choose from among several possible outcomes: exoneration, action to promote growth in ministry, censure, censure and suspension, or termination of ministerial standing.

Only the calling body can decide employment issues. When an allegation is made known to the elected key leaders of the calling body, the following questions should be carefully considered and answered:

- ◆ Should the clergyperson be placed on paid leave without prejudice until the process has been completed?<sup>2</sup> The seriousness of the allegations, the need to prevent further misconduct, and a concern for all parties, including your clergyperson the respondent, should be considered in making this decision. (If the allegations include child abuse, elder abuse, or other criminal actions such as rape, it is especially important that the respondent be put on paid leave without prejudice until the process is completed.)
- ◆ What information shall be shared with members of the calling body? When and how will it be shared? The respondent needs to be fully informed about this decision, but should not be allowed to control or influence it.
- ◆ How will you help members of the calling body process the information and their responses to it?
- ◆ How will you communicate with your clergyperson, the respondent, during the information gathering and review process?
- ◆ How will you help the calling body deal sensitively with the pain of the (complaint(s)) who may be a part of the calling body?
- ◆ Who in the calling body will be designated to handle media inquiries should the allegations become public? The Conference guidelines indicate that only the Conference Minister should act as a spokesperson to the wider community/media.

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<sup>2</sup>See attached memo: LEAVE OF ABSENCE.

If the calling body has an insurance company other than the UCC\*IB, an appropriate official of the calling body should give preliminary notification that an information gathering and review process is under way which may have insurance implications.

There are some circumstances where the calling body will need to obtain legal counsel. Consult with the Associate Conference Minister if and when this becomes an issue.

- ◆ The Support/Process Person appointed to assist you is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ The Associate Conference Minister coordinating the process is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ The Chair of the Church and Ministry Committee is:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

- ◆ If you have further information that is directly related to the allegations you have made, call either of these members of the Information Gathering Team:

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

\_\_\_\_\_ (name) \_\_\_\_\_ (phone)

Document included in this packet:

- ◆ Procedures for Responding to Allegations of Pastoral Sexual Misconduct, the draft dated \_\_\_\_\_.

## LEAVE OF ABSENCE

When an accusation of pastoral misconduct is presented to a Church and Ministry Committee, a local church and a pastor very painful and strong feelings are experienced. This is a normal response. People are dismayed and shocked that an allegation could even be expressed. They experience hurt and anger at the complainant, those bringing the accusation forward, the local church leadership and the pastor. Persons with positions of authority need to work together in a responsible way so that all persons are treated fairly and lovingly. Because the feelings are deep, the details of the accusation are confidential, personal integrity is challenged and careers may be on the line, following procedural guidelines for the protection of all parties is extremely important. One of these guidelines is for the respondent to request and/or be granted a Leave of Absence without prejudice and with full pay until the accusation is investigated and the Church and Ministry Committee reaches its conclusion.

- 1.) Because the local church is in an employer - employee relationship with the pastor, release from professional duties is important. Employers are liable if they knowingly continue an employee's work while an accusation is pending. It is common practice in any profession where employees have contact with others to limit their professional contact until an issue is resolved. Examples include teachers, medical personnel, police officers, social workers, etc.
- 2.) Because an allegation elicits strong feelings, those feelings may easily carry over into professional relationships, doing damage between the relationships of the pastor, local church, association and conference. Giving some distance through a Leave of Absence lessens the potential damage.
- 3.) Sometimes when one allegation is made others follow. There may be persons in the local church where the pastor serves who will be motivated to come forward with their accusation after the first accusation becomes known. Because the church is called to minister and serve all people, the local church can not take a partisan position which seems to favor either the pastor or the accuser. To favor the pastor may inhibit a church member from bringing forth a legitimate issue. To favor the complaint will undermine the otherwise good work the pastor has done in the past. The local church must be neutral. A Leave of Absence maintains the neutrality.
- 4.) The process of resolving an allegation takes enormous emotional energy and time for all involved. For the respondent, the process can be especially spiritually and emotionally draining. There may not be the vitality to minister adequately to a local congregation. In fairness to the pastor's own health, a Leave of Absence frees up time and serves as a stress reducer in the midst of all the stress the accusation itself creates.

*Complainant*

Southern California Conference  
United Church of Christ

**An Understanding of Non-Disclosure and  
Non-Communication**

You have made some allegations of pastoral misconduct. During the investigation of these allegations, we seek to protect you and all parties involved. It is important to insure the confidentiality and integrity of the process until its conclusion.

Therefore, we ask you and the respondent to agree to an “**Understanding of Non-Disclosure and Non-Communication**” to be honored for the duration of the information gathering and review. This means that you will not contact the respondent or his or her family, or disclose her or his identity to any persons who are not immediately involved in the information gathering and review process. If you feel a need to make an exception to this, you will consult your Support/Process Person and get the approval of the Committee on Church and Ministry.

Failure to abide by the above may complicate or prejudice the overall process.

I have read and understand the above.

\_\_\_\_\_  
(Complainant's signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Information Gathering Team  
Member's signature)

\_\_\_\_\_  
(date)

*This form will be included with  
documentation compiled by the Information  
Gathering Team which will be turned over  
to the Committee on Church and Ministry at  
the conclusion of the information gathering  
phase of the process.*

*Respondent*

Southern California Conference  
United Church of Christ

**An Understanding of Non-Disclosure and  
Non-Communication**

Allegations of pastoral misconduct have been made against you. During this difficult time, we seek to protect you and all parties involved. It is important to insure the confidentiality and integrity of the process until its conclusion.

Therefore, we ask you and the complainant to agree to an “**Understanding of Non-Disclosure and Non-Communication**” to be honored for the duration of the information gathering and review. This means that you will not contact the complainant or his or her family, or disclose her or his identity to any persons who are not immediately involved in the information gathering and review process. If you feel a need to make an exception to this, you will consult your Support/Process Person and get the approval of the Committee on Church and Ministry.

Failure to abide by the above may complicate or prejudice the overall process.

I have read and understand the above.

\_\_\_\_\_  
(Respondent’s signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Information Gathering Team  
Member's signature)

\_\_\_\_\_  
(date)

*This form will be included with  
documentation compiled by the Information  
Gathering Team which will be turned over  
to the Committee on Church and Ministry at  
the conclusion of the information gathering  
phase of the process.*