

Christian Church (Disciples of Christ) in Florida

Principles and Procedures Regarding Accusation of Clergy Misconduct

I. Principles

- A. The Christian Church (Disciples of Christ) in Florida and its Commission on the Ministry, recognizing its responsibility to the church and its members, must deal fairly and expeditiously with any accusation of misconduct by persons with standing in the Order of Ministry of the Region. These “Principles and Procedures...,” allow the Commission to work toward education and prevention of misconduct by clergy while also dealing with accusations in a responsible way.
- B. These “Principles and Procedures...” are understood to be within the framework of the “Design of the Christian Church (Disciples of Christ),” the “Policies and Criteria for the Order of Ministry...,” “My Ministerial Code of Ethics” and the By-Laws of the Christian Church (Disciples of Christ) in Florida.
- C. Within the Christian Church (Disciples of Christ), persons who have standing for ministry agree to abide by commonly held values and norms for the ethical conduct of ministry. Clergy misconduct is unethical behavior and provides the basis for disciplinary action within the Christian Church (Disciples of Christ) in Florida.
- D. The Church seeks to protect those entrusted to its care and must address accusations of clergy misconduct in a redemptive way with all parties involved.
- E. The Church declares to all parties the distinction between civil or criminal matters and ecclesiastical matters. Although there may be civil or criminal implications, the Church addresses itself only to ecclesiastical matters. Disciplinary procedures seek to address behavior unbecoming to the ministries of the Christian Church (Disciples of Christ) for which ecclesiastical authorization is required.
- F. These “Principles and Procedures...” are intended to provide a course of action for justice with mercy to be carried out for the accuser(s) and/or person(s) alleged to have suffered harm, the accused and the congregation(s) affected by clergy misconduct. All persons involved will be treated with respect.
- G. The Region assumes no liability for the damage resulting from clergy misconduct.
- H. Clergy in the Region with standing, ordained or commissioned, are under the jurisdiction and oversight of the Regional Commission on the Ministry.
- I. Clergy in the Region without standing are not recognized ministers of the Christian Church (Disciples of Christ) and are outside the jurisdiction of the Regional Commission on the Ministry.

- J. Confidentiality will be required throughout the process of investigation. All mail and emails will be marked “Confidential”.
- K. Once begun, an investigation of clergy misconduct will be taken to its conclusion.

II. Definition of Terms

- A. Accusation – An allegation of clergy misconduct by an accuser, or by indictment, or by arrest on criminal charges.
- B. Accused – Any clergy with standing who has a written accusation of clergy misconduct filed against them.
- C. Accuser – Complainant making an accusation. This may be the person who is alleged to have suffered harm, or it may be a third party who witnessed the alleged misconduct.
- D. Advocate – A person chosen by (1) the accused, (2) the accuser, or (3) person alleged to have suffered harm, who may accompany the accused, the accuser or the person alleged to have suffered harm in various meetings. The advocate will not be viewed as legal counsel or as a witness. The advocate will not have voice in the meetings but is there to be a support person for the accused, accuser, or person alleged to have suffered harm.
- E. Censure – A warning and call for remedial steps when the offender has clearly participated in misconduct which resulted (or could have resulted) in harm to others.
- F. Clergy – Any individual who has standing in the Christian Church (Disciples of Christ) in Florida, as defined in the “Policies and Criteria for the Order of Ministry...”
- G. Clergy Misconduct –
Clergy misconduct occurs when any person in a ministerial role of leadership or pastoral counseling engages in sexual contact or sexualized behavior with a congregant (beyond the bounds of marriage or domestic partnerships), client, employee, student, lay volunteer or staff member or commits egregious violations of the Ministerial Code of Ethics including but not limited to embezzlement, fraud, misuse of power within the context of ministry, etc.

Sexual misconduct refers to a range of behaviors which include the use of sexuality by the authority figure as a means of physical, mental, emotional, or spiritual abuse.

Sexual exploitation includes, but is not limited to: harassment by means of sexually suggestive remarks, threats, or unwanted physical contact: sexually intimate relations including, but not limited to, intercourse when the relations have arisen out of the clergy person’s role as pastor, counselor or authority figure in the church.

Sexual abuse, harassment, and/or misconduct can take many forms, including but not limited to:

- **Written:** sexually suggestive or obscene letters, emails, texts, notes, invitations.
- **Verbal:** sexually suggestive or obscene comments, jokes, propositions; derogatory remarks based on the gender or sexual orientation of another person.
- **Visual:** displaying sexually suggestive pictures or posters, leering, or staring at another person’s body.

- **Physical:** intentional and unnecessary touching of another person's body: touching one's own body in a sexual manner in the presence of a constituent or client.
- H. Code of Ethics – The covenant for professional and personal conduct for ordained or commissioned Disciples clergy
 - I. Commission on the Ministry – A representative group of clergy and laity whose responsibility is to implement the Theological Foundations and Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ) also referred to as TFPCOM. [Hereafter called, Commission or COM].
 - J. Formal Review – A review and appropriate actions conducted by the Commission on Ministry.
 - K. General Commission on Ministry: A representative group of clergy and laity appointed by the General Minister and President to implement and revise TFPCOM on behalf of the Christian Church (Disciples of Christ.)
 - L. Investigation – The initial investigation by the Response Team to gather information about the incident in preparation of providing a report to the Commission on Ministry.
 - M. Investigation File – The official and confidential record maintained by the Response Team, Chair of the Commission on Ministry and Regional Minister.
 - N. Meeting – Meetings may be understood to be in person and/or by means of available technology
 - O. Offender – A clergy person against whom accusations have been substantiated.
 - P. Permanent File – Personnel records of the clergy held by the Office of Christian Vocation, located with Disciples Home Missions, Indianapolis. Files will also be held by the Regional Church at the Regional Office.
 - Q. Removal of Standing – The withdrawal of ecclesiastical endorsement of a minister and the withdrawal of rights.
 - R. Response Team – The Commission on Ministry shall appoint and prepare a Standing Response Team. The Response Team shall be composed of at least six persons not currently serving on the Commission on Ministry including both men and women appointed to three-year staggered terms. The chairperson of the Commission on Ministry shall be an ex-officio member of the team and kept regularly informed of the team's work but will not chair the team. The Commission on Ministry Chair will appoint the Chair of the Response Team. The Regional Minister will serve as an advisor to the Response Team but will not be included as a member. The Response Team will be trained in proper procedures for investigating misconduct allegations.
 - S. Restoration of Standing – The reinstatement of ecclesiastical endorsement and granting of ministerial rights.
 - T. Standing – Ecclesiastical recognition of Ordained or commissioned ministers who are presently engaged in the practice of ministry, with continuous accountability maintained with a congregation, organization, related institution, regional or general unit of the Christian Church (Disciples of Christ).
 - U. Suspension – Temporary withdrawal of standing for a specified period during which redemptive, corrective action can occur.

III. Structure

- A. The “Design” of the Christian Church (Disciples of Christ) in the United States and Canada charges Regions with the certification of the standing of ministers (IV.C.2).
- B. For the Christian Church (Disciples of Christ) in Florida this responsibility is lodged with the Commission on Ministry.
- C. The Commission delegates the responsibility for investigating the allegations and determining whether there is a violation of this policy to the Response Team.

IV. The Review Process

- A. Initiation of an Investigation of Clergy Misconduct
 - a. An investigation by the Commission may be activated when a potential case of clergy misconduct is reported to the Regional Minister or any member of the Commission on Ministry.
 - i. If the person alleged to have suffered harm is a minor (child), the Department of Children and Families (DCF) will be notified immediately by the Regional Minister or Chair of the Commission on Ministry.
 - b. An investigation will be initiated when the person accusing another of misconduct submits in writing and signs the accusation(s) dealing with the abusive behavior OR the accuser signs a written summary of interview(s) conducted by representative(s) of the Commission or the Regional Minister.
 - c. If the accusation is against the Regional Minister, the Chair of the Commission on Ministry will notify the chair of the General Commission on Ministry. Complaints against the Regional Minister are referred to and investigated by the General Commission on Ministry.
 - d. Should the complainant(s) and/or person(s) alleged to have suffered harm decide not to pursue the formal complaint process, the Commission may direct the investigation to be continued and proceed to a disciplinary review.
 - e. If the complaint is received by the Regional Minister, they will immediately forward the complaint to the Chair of the Commission on Ministry. Likewise, if the complaint is received by the Chair of the Commission, they will immediately forward the complaint to the Regional Minister.
 - f. The Regional Minister and the Chair of the Commission on Ministry will meet to review the allegations and determine whether, if true, they would rise to the level of misconduct and therefore require a full investigation. Alternatively, they may determine that even if true, the allegations would not rise to the level of misconduct and therefore a pastoral response is warranted instead.
 - g. If the determination is to initiate an investigation, the Chair of the Commission shall notify the Chair of the Response Team within 7 days of reception of the signed accusation.
 - h. Upon receiving a complaint, an Investigation File, which will include a written log of all phone calls and other communications that relate to the complaints, will be established.
 - i. NOTE: If the pastor resigns the position during an investigation, the investigation will continue until a determination is made. If the pastor relinquishes standing BUT continues to serve in a ministerial role with a Disciples of Christ congregation or related ministry, the investigation will continue until a determination is made and the congregation/employer will be

notified of the outcome. If the pastor relinquishes standing and relinquishes their position with a Disciples of Christ congregation or related ministry during an investigation, the investigation will cease, a note indicating there was an investigation will be placed in the pastor's file in the Regional Office and communicated to the Office of Christian Vocation. Records of the investigation will be kept in the Regional Office. Should the pastor seek reinstatement of standing, the investigation will be reopened and completed.

- j. If the allegation is deemed sufficiently egregious, the Regional Minister and Commission Chair may temporarily suspend standing during the investigation. Notice will be given to the Office of Christian Vocation and to the congregation/employer.

B. Investigation Process

- a. The Response Team shall begin the investigation in a timely manner after receiving the signed accusation.
- b. The Response Team chair will appoint two members of the response team, ideally a man and a woman, to conduct the initial interview with the accuser and the accused.
- c. The Response Team, as necessary, will be allowed to acquire professional counsel in such pertinent fields as law and psychology.
- d. Within 7 days of reception of the signed accusation, the Regional Minister will notify the accused of the accusation. A copy of the accusation(s) and a copy of this policy will be sent by email, mail, or other means. If an accusation is by way of indictment or criminal charge, the accused shall be notified as herein required but no copies of the accusation will be mailed. As appropriate, the leader of Obra Hispana, NAPAD, or the National Convocation will be notified.
- e. Within 7 days of reception of the signed accusation, the Regional Minister will provide a copy of this document to the accuser(s).
- f. Initial Meeting with the Accuser: Two members of the Response Team, preferably a man and a woman, will meet with the accuser(s) and/or person(s) alleged to have suffered harm. Only the accuser(s) and/or person(s) alleged to have suffered harm and one advocate of their choosing may attend the meeting. An accuser will be encouraged to have an advocate.
 - i. The purpose will be to (a) listen to the accusations, (b) express pastoral care and concern, (c) explain the process by presenting this document, and (d) determine the willingness of the accuser to proceed with the investigation.
 - ii. Within 7 days, a member of the interviewing team will develop a written summary of the meeting and provide it to the Response Team and the accuser. The accuser will then be given seven days to make a written response. The summary and the response will become a part of the Investigation File.
- g. Initial meeting with the accused and spouse/family of the accused, where appropriate
 - i. Two members of the Response Team shall meet with the accused and the spouse/family of the accused, where applicable and appropriate. It

- is preferable that it be the same two who met with the accuser.
 - ii. The purpose of the meeting will be to (1) present the accusation, (2) express pastoral care and concern, (3) explain the process and (4) hear the response to the accusation.
 - iii. Within 7 days, a member of the interviewing team will develop a written summary of the meeting and provide it to the Response Team, the accuser, and the accused. Both the accused and the accuser will be given seven days to make a written response. The summary and the response(s) will become a part of the Investigation File.
 - h. Initial meeting with Congregational Leaders
 - i. After the interview with the accused has taken place, the Regional Minister and/or the Chair of the Commission on Ministry shall meet with at least two appropriate key leaders of the congregation, chosen by the chair/moderator of the congregation in consultation with the Regional Minister.
 - ii. The purpose of the meeting will be to (1) present the accusation and explain the process that will be followed, (2) express pastoral care and concern, recognizing the enormous stress that is placed upon a congregation when charges of this nature are made of its minister, (3) stress the importance of confidentiality and reserving judgment until the investigation is complete, (4) help the congregational leaders discuss the pros and cons of the accused continuing pastoral duties during the investigation process, (5) help the congregational leaders prepare to determine whether or not to place the minister on a leave of absence during the investigation, and (6) determine what additional pastoral needs the congregation may have.
 - iii. Within 7 days, the Regional Minister or the Chair of the Commission on Ministry will develop a written summary of the meeting and provide it to the Response Team and the congregational leaders. The congregational leaders will then be given seven days to make a written response. The summary and the response will become a part of the Investigation File.
 - i. Gathering Additional Information
 - i. Additional information gathering is a function of the Response Team and may include other sources of information, interviews of other people who may have relevant knowledge, and/or further meetings with those previously interviewed.
 - ii. Summaries of additional interviews will be written by the interviewers and provided to the Response Team.
 - iii. Additional information gathered shall become a part of the Investigation File.
 - j. Evaluation of Investigation

The Response Team will meet to review the gathered information and determine their recommendations. At least 5 of the 6 team members must participate in this meeting. The recommendation should be based on two questions:

 - Does the alleged conduct by the accused person represent misconduct as

defined by the policy itself? This requires reviewing the policy and evaluating the situation within the context of the policy.

- If the alleged conduct is misconduct according to the policy, then is the complaint valid? In other words, does the Response Team believe this happened? The decision is based on the facts and information gathered from the investigation. The committee may wish to engage a neutral expert to advise the Response Team in the gathering of information and weighing the factual findings. Ultimately the Response Team must determine if the accusations of sexual harassment, sexual abuse, or other misconduct are supported by the evidence.

The standard for a determination that the evidence supports the complaint is based on a “greater weight of the evidence”, i.e. is it more likely that the behavior occurred than that it did not occur. A standard of “beyond a reasonable doubt” is not required. This standard considers the possibility of future professional misconduct by the accused and whether the person is fit for professional ministry. The first obligation of the Response Team is to protect those who are vulnerable to future misconduct.

The Response Team chairperson will prepare a report for the Commission on Ministry detailing the relation of the complaint to the policy and their determination as to whether the allegation is substantiated, unsubstantiated, or inconclusive. The report will include a summary of the persons interviewed and actions taken.

C. Formal Review by the Commission on Ministry

- a. Except in the case of accusation by indictment or criminal charge, the COM will endeavor to meet within 60 days after receiving the report from the Response Team, unless there are extenuating circumstances requiring a delay.
- b. In the case of criminal charges, the COM has the discretion to wait until the legal process has been completed or render a determination regardless of the outcome of the criminal investigation.
- c. The Commission on Ministry will investigate the accusation(s) through information and documentation gathered by the Response Team or otherwise available to the Commission on Ministry.
- d. The Commission on Ministry will complete its investigation and render its decision which shall be conveyed (in writing) to the accused, the accuser, and/or the person alleged to have suffered harm, and the congregation. The Response Team will also be notified of the outcome of the adjudication.

V. Appropriate Actions

A. If the accusations are not sustained:

- a. The investigation will cease and the accused will be exonerated.
- b. A summary of the review and its conclusions will be provided for the accused and may be included in their Permanent File.
- c. A public statement of exoneration by the Regional Minister may be made, if the accused so chooses.

- d. The Response Team, Commission on Ministry, and Regional Minister will respond with care and concern for the accuser.
- B. If the accusations are substantiated the following actions, any and/or all, will be imposed:
 - a. Censure:
 - i. The censure of the offender will consist of a statement to the offender that (a) the substantiated accusation(s) clearly represents misconduct, (b) that the behavior must cease, (c) a copy of the censure will be placed in the offender's Permanent File in the Regional Office and communicated to the Office of Christian Vocation, (d) rehabilitation may be required to maintain standing in the Region, and (e) restitution for personal cost of the accuser, person harmed and/or the Commission and/or Response Team may be required. The offender will make available to the Commission reports of the rehabilitation in a timely manner as determined by the Commission on Ministry.
 - ii. The Commission may disclose censure to those it deems necessary.
 - iii. Censure will not result in removal of standing unless the offender fails to comply with the requirements. If the censured offender fails to comply with the requirements the Commission will reconvene to review the standing of the censured offender
 - b. Suspension of Standing
 - i. The suspension of standing of the offender will consist of a statement to the offender that (a) the substantiated accusation(s) clearly represents misconduct, (b) that the behavior must cease, (c) a listing of the corrective and remedial actions that must be performed, and (d) a copy of the suspension will be placed in the offender's Permanent File in the Regional Office and communicated to the Office of Christian Vocation . Suspension may be lifted at the end of the specified period if the offender has successfully completed the remedial action prescribed by the Commission on Ministry.
 - ii. Copies of minutes concerning the suspension and the subsequent lifting of the suspension will be placed in the offender's file in the Office of the Regional Minister and the Permanent File in the Office of Christian Vocation.
 - iii. The offender will have the right to have placed in the files materials concerning remedial actions and experiences.
 - c. Removal of Standing:
 - i. The offender has exhibited misconduct which has resulted in harm to others and to the ministry. Protection of others from further harm and the protection of the integrity of the office of ministry require the removal of standing.
 - ii. The offender will be notified in writing that standing has been removed and that the behavior must cease.

- iii. Restitution may be required for personal expenses of the accuser/person harmed, the Commission and/or Response Team.
- iv. Relevant minutes of all proceedings pertaining to the termination will be placed in the minister's file in the Office of Regional Minister and the Permanent File in the Office of Christian Vocation.
- v. The Chair/Moderator of the Board and the Chair/Moderator of the Elders of the congregation or the chief executive officer of another institution where the offender serves will be notified by the Regional Minister that the offender no longer has standing.

VI. Process of Appeal

A. Policy

- a. Should the accuser(s)/person alleged to have suffered harm or the accused be dissatisfied with the actions, recommendations, or decision(s) of the Commission on Ministry, each has the right to appeal.
- b. Grounds for appeal are:
 - i. Failure of the Commission to follow the process outlined in this document
 - ii. Failure to find sufficient evidence
 - iii. Belief that the sanctions imposed do not match the severity of the investigative findings.
- c. Appeals must be made in writing to the Regional Minister within 30 days of the date of notification of all parties of the decision of the Commission on Ministry. The Regional Minister will forward the appeal to the chairperson of the General Commission on Ministry of the Christian Church (Disciples of Christ.)
- d. The General Commission on Ministry is bound by its own processes for receiving appeals. The decision of the General Commission on Ministry is final.

VII. Restoration of Standing

- A. Persons whose Standing has been removed for cause may apply in writing to the Commission on Ministry after a period of no less than twelve months, requesting restoration of Standing. The Commission on Ministry will consider the request at its next regularly scheduled meeting.
 - i. The applicant will provide all available necessary documents and information pertaining to the Standing request. These may include but are not limited to: evidence of rehabilitation, proof of relationship with a Christian Church (Disciples of Christ) congregation in Florida, letters of support and recommendation from the local congregation and others who have known the applicant in the intervening times, and other documents as requested by the Commission on Ministry.
 - ii. The Commission on Ministry will gather further information from the files of the process that resulted in removal of Standing about the circumstances that

resulted in the removal of Standing and the basis for the decision for removal of Standing. When possible, a member of the Commission on Ministry involved in the original decision will be consulted.

- iii. The complainant (and the person harmed if the complainant is not the person harmed) must be notified in writing that they may make a written statement to the Commission about the applicant's request for reinstatement of Standing.
 - iv. The Commission on Ministry may require documentation of professional assessment.
 - v. The Commission on Ministry may require the minister to demonstrate strategies for long-term treatment, monitoring of behavior, and supervision.
- B. The Commission on Ministry will determine if restitution, rehabilitation, and preparation for return to ministry have occurred in the intervening time since the loss of Standing and if reinstatement of Standing is in the best interests of the minister and the whole church.
- C. If Standing is restored, this decision will be communicated to the minister, affected parties and the Office of Christian Vocation. Records of any disciplinary action and restoration will remain in the minister's investigative file.
- D. Any minister whose Standing has been restored after removal must disclose that Standing was removed for cause and restored in all Search and Call disclosure forms from that time forward. Failure to disclose will be cause for termination of Standing [*Theological Foundations and Policies and Criteria for the Ordering of Ministry of the Christian Church (Disciples of Christ), F. 4. d.*]

VIII. Additional General Guidelines

- A. The Regional Minister and Commission Chair will serve as interpreters of the policy in places where the policy is ambiguous.
- B. Reasonable adjustments to the timelines and deadlines may be made by the Regional Minister and Commission chair based on circumstances
- C. Throughout the process, the Response Team may request and/or the Regional Minister and Commission Chair may decide to engage outside investigators if needed. These situations may include but are not limited to: significant conflicts of interest within the current investigative team, the complexity of the investigation, expediency, or language or cultural considerations.
- D. In the event of competing policies for addressing allegations or situations, the Regional Minister will decide which policy to follow.
- E. The Regional Minister and Commission Chair may share information about the investigation and outcome as deemed appropriate.
- F. This policy will be reviewed annually by the Commission on Ministry.

Approved by the Commission on Ministry: Feb. 1, 2024
Approved by the Leadership Council: Feb. 24, 2024