

CHURCH OF THE BRETHREN

ETHICS IN MINISTRY RELATIONS – 1996 ¹

I. INTRODUCTION

The query “Ethics in Ministry Relations,” adopted by the 1991 Annual Conference, directs the church to develop a code of ethical principles for clergy in the Church of the Brethren that would include the concern of the “Guidelines for Ministerial Relationships” paper (formerly named the “Ethics in Ministry Relations” paper passed by Standing Committee in 1988).

The 1988 statement, prepared by a special committee for Standing Committee, offers beginning reflections on ministerial ethics and on the effectiveness of the church’s current polity and structures for guiding and overseeing clergy in relation to ethical matters. The Standing Committee paper is rather general and addresses few specific ethical issues confronting clergy and other church leaders. The 1988 statement does not directly address the issue of sexual misconduct raised by the Oregon/Washington District’s 1991 query to Annual Conference.

This paper attempts to carry on and expand the previous work. What follows is:

- II. A Theology of Ministerial Ethics
- III. Code of Ethics for Ordained and Licensed Ministers and Lay Speakers
- IV. Process for Dealing with Allegations of Ministerial Misconduct
- V. Additional Recommendations

In this paper the term *clergy* includes all Church of the Brethren ordained and licensed ministers and lay speakers, both salaried and self-supported.

The “Theology of Ministerial Ethics” section is intended to undergird the clergy/congregation relationship. Biblical insights into pastoral ministry, as well as the congregation’s responsibility to care for and support its leadership, are included.

An ethical code for ministers is included in the 1978 *Pastor's Manual: Church of the Brethren*, as well as in earlier editions of similar manuals. The Code of Ethics in this paper adds specific reference to matters of sexual conduct. “We” language is used in the code to model the conviction that the Code of Ethics is a statement clergy will choose to affirm and accept as part of accepting the call to ministry. Furthermore, though the focus of this paper is on clergy, it is hoped that all called and elected leaders of the church, clergy and laity alike, will embrace the code of ethics as a call to accountability. It is recommended that this Code of Ethics be adopted by all Church of the Brethren agencies and institutions, including the General Board, districts,

1. This paper, passed by the 1996 Annual Conference, replaces the 1992 “Ethics in Ministry Relations” paper and all interim ethics papers.

Bethany Theological Seminary, colleges, retirement homes, and camps and for their leaders and employees.

The fourth section of the paper, "Process for Dealing with Allegations of Ministerial Misconduct," is intended to demonstrate the church's commitment to justice, fairness, and compassion for all those involved in cases of ethical misconduct. It describes the church's way of responding to allegations of such misconduct, particularly sexual misconduct, underscoring a willingness to respond immediately to complaints and to provide assistance to aggrieved persons, as well as to clergy, congregations, and others who are affected.

The final section of the paper outlines additional recommendations for Annual Conference delegates, individuals, and congregations, licensed and ordained clergy, districts, the Council of District Executives, the denomination, General Board, and Bethany Theological Seminary.

II. A THEOLOGY OF MINISTERIAL ETHICS

A. Our Ministry to the World

We in the Church of the Brethren regard believers' baptism into Christ Jesus to be enrollment into ministry. The synoptic Gospel stories of Jesus' baptism are the soil in which this belief is rooted. According to these traditions, Jesus launched his mission immediately following his baptism and subsequent testing in the wilderness. Being baptized with the baptism of our Lord implies that we, too, are being commissioned into ministry. We have entered into a covenant relationship with God. While baptism symbolizes much for the believer, our richest understanding includes the conviction that baptism is the believer's covenant to ministry.

In affirming the covenantal ministry of all baptized believers, we remember that we are "a chosen race, a royal priesthood, a holy nation" (1 Pet. 2:9). As such, we are under love's directive: "Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received" (1 Pet. 4:10). Effective ministry demonstrates good stewardship of our gifts. The varied gifts described in Ephesians 4 come from Christ for enhancing the church's ability to accomplish its mission (Eph. 4:11-13). Good stewardship leads the believer/minister to exercise these gifts in service of God. We have become covenanted members of Christ's incarnate, living body, God's agent to save creation. We live under the covenant sealed in baptism to minister: to serve God with our whole lives.

From our earliest beginnings, sisters and brothers have sought to live as Jesus' faithful disciples, guided by the conviction that whatever we do to others we do to Christ and therefore to God (Matt. 25:40, 42-43). This is symbolically acted out at the love feast, where we recall that we are ministers sent to serve as Christ served (John 13:15-17). In the service of the bread, we recall our covenant with Christ to be his body, broken for others. In the service of the cup, we renew our covenant of love and ministry to God and God's children everywhere.

We recognize that initiation into ministry and discipleship by baptism is not so much an appointment to elevated position and prestige as it is an invitation to obedient faithfulness. It is a call to so rely on Christ that we model a lifestyle pointing to God. "Whoever says, 'I abide in him,' ought to walk just as he walked" (1 John 2:6). Because of our relationship

with Christ, we are called to live by the highest ethical standards. “As he who called you is holy, be holy yourselves in all your conduct” (1 Pet. 1:15).

Our covenant is not only with God, but with each other in the body of Christ. The covenantal nature of our relationship with God and with each other is particularly applicable to ethics. We stand in direct violation of our covenant with God and each other when our actions betray trust or intentionally violate the person of a sister or brother. We are one and are therefore “members one of another” (Rom. 12:5). We are members of Christ’s body called to “offer our bodies as living sacrifices” so that “in Christ we who are many form one body, and each member belongs to all the others” (Rom. 12:1, 5 NIV; 1 Cor.12).

Being part of the body of Christ necessitates ethical behavior not only with other Christians, but with people outside the church. As Christ’s ambassadors, we are sent to reconcile the world to God in Christ (2 Cor. 5:19-20). We subvert the Christ we serve when we exploit or betray the trust of people outside the church. We are called to live lives worthy of the covenant granted us by God’s good grace. In this way we bear witness to God, who is self-giving love (1 John 4:16).

God calls all members, including those in leadership, to live by the high standards upheld in the scriptures. The Church of the Brethren has spelled out how it understood these standards in various Annual Conference statements over the last few decades.

B. Called to Leadership

To help us achieve the ministries of our calling and covenant, we accept that God has granted leadership gifts to certain individuals. We have recognized these persons by calling them to guiding roles in the church. In Schwarzenau, the first seven of our tradition cast lots to see who would baptize Alexander Mack, whom the others called to baptize them in turn. Our congregations have nurtured various forms of specialized leadership, including self-supported pastors, salaried pastors, and chaplains. The service of ordination is the means by which we identify some of our members as clergy (Eph. 4:11-16). We call to ordained leadership those who show themselves able to discern the mind of Christ in the context of our lives and who have skills to encourage us to faithfulness.

While no arbitrary rank is held by our leaders, pastors and other ordained leaders are worthy of respect and attentiveness by virtue of the confidence placed in them, resulting in ordination and a call to specific ministries of leadership. “Obey your leaders and submit to them, for they are keeping watch over your souls and will give an account. Let them do this with joy and not with sighing—for that would be harmful to you” (Heb. 13:17). This scripture should in no way be interpreted to justify submission to unethical conduct by a church leader. Rather, the Bible links respect for leaders with their lifestyle, role, and gifts. Many leaders may feel uncomfortable being role models; yet such modeling has been part of the expectation for church leaders since biblical times.

*Remember your leaders, those who spoke the word of God to you;
consider the outcome of their way of life, and imitate their faith. (Heb. 13:7)*

*I exhort the elders among you to tend the flock of God that is in your charge,
exercising the oversight, not under compulsion but willingly, as God would have
you do it—not for sordid gain but eagerly. Do not lord it over those in your
charge, but be examples to the flock. (1 Pet. 5:2-3)*

Show yourself in all respects a model of good works, and in your teaching show integrity, gravity, and sound speech that cannot be censured; then any opponent will be put to shame, having nothing evil to say of us. (Tit. 2:7-8)

C. Unique Roles Have Unique Expectations

We expect some things from our leaders that are not necessarily applicable to all members. Scripture alludes to this reality when it says, “Not many of you should become teachers, my brothers and sisters, for you know that we who teach will be judged with greater strictness” (James 3:1). Although ethical standards are universally applied to all Christians, spiritual leaders have a higher degree of accountability for maintaining the ethical norms that apply to all believers.

The Old Testament suggests that while God calls all people to live with high moral standards, additional responsibility is placed upon persons in leadership roles. The responsibility of leaders was difficult and demanding, for unfaithful leaders brought danger to all Israel. We recall how the leaders of the Northern and Southern Kingdoms disregarded God in their hearts. The results for Israel and Judah were chaos and exile.

The degrees of expectation set forth in Israel’s story appear again in the New Testament. During Jesus’ life, many people followed him while some sought an apprenticed relationship with him. Upon his death and the formation of the church, only a few were church leaders and fewer still were apostles. The faith of the leaders greatly affected the shape of faith and life in the larger church. The whole community suffers when a false spirit is in the hearts of leaders and ordained ministers.

The biblical witness invites us to understand that standards for leadership in the church are important. “The saying is sure; whoever aspires to the office of bishop desires a noble task. Now a bishop must be above reproach, married only once, temperate, sensible, respectable, hospitable, an apt teacher, not a drunkard, not violent but gentle, nor quarrelsome, and not a lover of money. He must manage his own household well, keeping his children submissive and respectful in every way—for if someone does not know how to manage his own household, how can he take care of God’s church? He must not be a recent convert, or he may be puffed up with conceit and fall into the condemnation of the devil. Moreover, he must be well thought of by outsiders, so that he may not fall into disgrace and the snare of the devil” (1 Tim. 3:1-9). The Church of the Brethren has consistently affirmed a similar expectation for all our leaders. These affirmations have included calls for accountability in ethical behavior.

While this is the ideal, we recognize the difficulty in living in full accord with these standards; we have all “fallen short” of God’s ideal, yet maintain usefulness solely by the grace of God.

D. Ethics of Discipline

Realizing that the biblical ideal is not always maintained, the church needs to have in place a procedure for calling leaders to accountability. We must use great care in approaching any member whose behavior has been called into question. “My friends, if anyone is detected in a transgression, you who have received the Spirit should restore such a one in a spirit of gentleness” (Gal. 6:1). Through any proceedings designed to deal with unethical behavior, we must exercise compassion as well as judgment.

Ethical misconduct requires serious response. Each situation is different and will require careful examination and discernment. Consequences will be determined by the nature and seriousness of the misconduct. For example, some actions may make a leadership role unredeemable even though the person may be forgiven. Restoration in the body of Christ may not always include a restoration into formal leadership roles. In other situations, under circumstances of full repentance a person might be restored to a position of leadership (2 Tim. 2:21 RSV).

E. Congregational Ethics

Our statement of theology began by recalling our conviction that all baptized believers are ministers. Ministerial ethics, therefore, is related to congregational ethics. Scripture is persistent in its expectations for appropriate support of leadership.

But we appeal to you, brothers and sisters, to respect those who labor among you, and have charge of you in the Lord and admonish you; esteem them very highly in love because of their work. (1 Thess. 5:12-13)

Let the elders who rule well be considered worthy of double honor (or compensation), especially those who labor in preaching and teaching; for the scripture says, "You shall not muzzle an ox while it is treading out the grain," and "The laborer deserves to be paid." (1 Tim. 5:17-18)

Your leaders . . . are keeping watch over your souls. . . . Let them do this with joy and not with sighing—for that would be harmful to you. (Heb. 13:17)

Congregations and individual members are called to support, uphold, and strengthen their pastors. Helpful guidelines in this regard appear in some earlier versions of pastors' manuals and in some Annual Conference statements. While these statements are good beginnings, a Congregational Code of Ethics would be helpful for further clarification of the role and responsibilities of congregations in relation to the ministers who serve them.

III. CODE OF ETHICS FOR ORDAINED AND LICENSED MINISTERS AND LAY SPEAKERS

We believe that we have been called by God, through the church, to the set-apart ministry in the Church of the Brethren. It is our calling and our function to lead and facilitate the church in its mission to obey and serve Christ and to witness to the good news of the gospel. We are committed to fulfilling the trust the church has placed in us by maintaining a high standard of Christian conviction by sincerity of purpose, by nurturing and sharing our gifts, and by integrity of our character. We are dedicated to upholding the dignity and worth of every person who seeks or is reached by our care and proclamation. In order to uphold our standards we, as ministers in the Church of the Brethren, covenant to live out the following:

- A.** We will be true to the Judeo-Christian scriptures in our preaching, teaching, and manner of living.
- B.** We will be true to Christian convictions as revealed in the Bible and interpreted, taught to, and nurtured in us by the church under the guidance of the Holy Spirit.

- C.** We will live lives of integrity, upholding the commitments we make to God, to others, to the church, and to ourselves.
- D.** We will exercise lifestyles consistent with the teachings of Christ, giving serious attention to relevant Annual Conference statements.
- E.** We will assume responsibility for our physical and emotional health and for our spiritual growth and enrichment. We will strive to maintain reasonable expectations for ourselves and not allow others' unreasonable expectations for us to endanger our well-being.
- F.** We will treat members of our family with Christian love and respect.
- G.** We will treat our congregation with Christian love and respect.
- H.** We will not misuse the trust placed in us and the unique power inherent in our role by exploiting in any way those who seek our help or care.
- I.** We will not engage in any use of our role within the church to take advantage of the vulnerability of any person by causing that person to engage in sexual activity or contact with us.
- J.** We will not engage in any form of child abuse, sexual, physical, or emotional.
- K.** We will not use our office or authority to apply influence upon a parishioner or others in order to get bequests, gifts, or loans that would personally benefit us.
- L.** We will endeavor to manage our affairs in order to live within our income and neither expect nor specify financial favors or gratuities because of our position.
- M.** We will be responsible and honest in the management of all resources and funds entrusted to our care in the course of our employment.
- N.** We will give credit for all sources quoted or extensively paraphrased in sermons and prepared papers. We will honor all copyrights.
- O.** We will respect the privacy of individuals and will not divulge information obtained in confidence without expressed permission. However, when an individual is a danger to self or others, we will take appropriate action, even when this breaks confidentiality.
- P.** We will neither exchange nor tolerate scandalous, malicious, or inaccurate information with or about other persons.
- Q.** We will, wherever possible, maintain a friendly, courteous, and cooperative relationship with other ministers, both within our denomination and in the larger Christian community. We will not proselytize people from other churches. We will not render professional service in the congregation being served by another pastor without the knowledge and consent of that pastor, except in emergencies.
- R.** We will not perform professional services in former parishes, unless invited to do so by the present pastor. We consider it unethical to be involved in the pastoral affairs of a

congregation after leaving it or upon retirement, or to cultivate such relationships with former parishioners as may hinder the ministry of the new pastor.

- S. We believe professional growth is a lifelong process, and we will seek out opportunities to continue to grow spiritually and in ministry skills. We will regularly participate in continuing education opportunities provided by the church and appropriate secular agencies.
- T. We will report all cases of suspected child abuse. We will be knowledgeable of and act in accordance with the mandated reporting requirements of similar professionals within our state.
- U. We will not engage in pastoral counseling that leads us beyond the limits of our training and experience. We will make appropriate use of both consulting and referral services in our community.
- V. We will participate in the denominational process for dealing with allegations of ministerial misconduct in the event of an allegation against us.

IV. PROCESS FOR DEALING WITH ALLEGATIONS OF MINISTERIAL MISCONDUCT

Matthew 18:15-22 has long been looked to for guidance regarding the appropriate way to address conflict in the church. The following process, modeled on this scripture, is recommended for dealing with cases involving clergy ethical misconduct, particularly sexual misconduct.

It must be stressed that this is a procedure to be conducted within the confines of the church's structure and polity. It is an ecclesiastical procedure outlining the way in which those leaders, set apart through licensing and ordination to the ministry, are held accountable to the church in matters related to ethical misconduct. It is not a legal procedure; hence, in relation to the church's process, parties are not bound by the dictates of the judicial system.

We are, however, bound by our commitment to justice, fairness, and compassion for all concerned, as well as by our desire to live in keeping with the spirit and teachings of the New Testament. These values call us to respond to allegations of ministerial misconduct. We are concerned to uphold the integrity of our church's witness and ministry. Awareness of ministerial misconduct helps us to do so. Therefore, we take seriously all reports of this nature.

Our church also protects the rights of those accused of misconduct. Our willingness to respond immediately to complaints and to provide assistance to aggrieved persons is not to be construed as a "conviction" or judgment of accused persons.

Because every case is different, the intent of the process outlined below is to establish guidelines for district personnel and others who deal with allegations of ministerial misconduct. The intent is not to create legal rights or legal relationships. While all parties involved are usually best served by adhering closely to agreed-upon guidelines, we recognize that there are times when the church may need to vary from the recommended process. It is recommended that in those cases variance be made in consultation with the Coordinator of District Ministries, the Director of Ministry, or other district/denominational leadership.

This process is also recommended to congregations, camps, districts, and the denomination for use with their staffs. In addition, other church-related agencies, such as colleges, seminary, and retirement homes, may wish to follow the process if the need arises to deal with allegations of ethical misconduct by Church of the Brethren ministers on their faculty or staff. However, the issue of such persons' ministerial standing is always the responsibility of the District Board.

Prompt response to any claim of ministerial misconduct is imperative, regardless of when the alleged incident(s) occurred. It is possible that the incident(s) may have occurred years earlier; guilt and repression can delay the act of reporting. Efforts should be made to protect the integrity of all parties involved, including the congregation. Equally important is the need for careful investigation of any accusations of misconduct, as well as concern about the possibility of false accusations.

Where it is determined that ethical misconduct has occurred, efforts to respond should take into account the need for long range healing for victims, offenders, and their families; the life and ministry of the affected congregation; and, where possible, the hope for reconciliation and restoration.

Allegations of ministerial misconduct involving children, substantiated or not, should be of special concern. Each district should have clarity about the laws of states within the district relative to reporting child abuse. In addition, some states have laws related to the abuse of vulnerable adults; these laws should also be known and followed.

Appropriate district personnel should be prepared to receive complaints. The District Executive/Minister, ministry commission chair, and commission members; all members of the assessment team and the ethics committee; and any others designated to receive and process complaints, should understand the dynamics of ministerial misconduct.

In addition, information about procedures for making a complaint and about how the district will respond should be clearly stated and well publicized to congregations and individuals in the district.

It is the responsibility of the District Executive/Minister and ministry commission chair to receive a complaint and together to initiate the process for dealing with the complaint. The ministry commission should name two alternates to ensure that there is at least one man and one woman to receive a complaint and to have someone available in case of absence of the District Executive/Minister and/or ministry commission chair.

In so far as possible, response will be made to every complaint of ministerial sexual misconduct. However, it is difficult and sometimes impossible to follow through on anonymous complaints. Such complaints will not be ignored, but the person receiving the complaint will encourage the person making the complaint to identify him/herself and/or the alleged victim.

It is essential that confidentiality be maintained at all times. Careful and full documentation should be maintained throughout the process.

A. Roles and Responsibilities

1. *The Congregation.* The congregation is the community of faith in which love of God and love of neighbor are exercised in worship and in relationships. It calls and/or

employs a pastor when needed. In consultation with the District Executive/Minister, the congregation selects a person whose educational qualifications, faith, and aptness to teach, preach, provide pastoral care, and administer have set him/her apart for this responsibility. The congregation and pastor work together to carry out the ministry of the congregation. The district provides guidance and support to the congregation, to the pastor, and to other staff employed by the congregation.

2. *The District Board.* Denominational polity assigns responsibility for granting or terminating ordination to the District Board. From time to time, the District Board delegates authority to various officers, commissions, and committees to act on its behalf. The authority for ordaining persons to the ministry rests with the District Board. Although credentialing for licensed ministers is the responsibility of the ministry commission, disciplinary procedures for all ministers are ultimately the responsibility of the District Board. Except for cases of ministerial misconduct involving a recommendation of termination of license, or termination or inactivation of ordination, the District Board delegates authority to the ethics committee to make decisions related to clergy ethical misconduct, including sexual misconduct.
3. *The Ministry Commission.* On behalf of the District Board, the ministry commission gives counsel and guidance in matters related to ministry in the district.

The commission, in consultation with the District Executive/Minister and with the approval of the District Board, appoints an assessment team. The commission, in consultation with the District Executive/Minister and with the approval of the District Board, also appoints an ethics committee. It is suggested that the assessment team and the ethics committee comprise different people. The ministry commission chair may serve on the ethics committee.

Qualities desired for service on an ethics committee and assessment team include listening skills, maturity of faith and character, ability to maintain confidences, sensitivity to people, objectivity, courage to face the issues and confront individuals, and a willingness to become familiar with Church of the Brethren polity and practices. One or more individuals with expertise in understanding human behavior such as pastoral counselors, social workers, psychologists, family therapists, etc., should be included. In addition, membership should have a balance of men and women.

4. *The Assessment Team.* The assessment team comprises two or three people (at least one man and one woman) plus the District Executive/Minister. It determines whether there is at least reasonable cause to believe that ministerial misconduct has occurred. The assessment team investigates complaints and brings a recommendation to the ethics committee about whether to resolve the complaint by the mutual agreement of both parties or whether to pursue a full scale formal complaint. Any member of the assessment team who cannot be fair for any reason, or whose participation may give rise to the appearance of unfairness, should excuse him/herself from the committee, be excused by the majority vote of the other committee members, or be removed by the District Executive/Minister or designated alternate.
5. *The Ethics Committee.* The ethics committee comprises three to five people (with a balance of men and women) plus the District Executive/Minister. The ethics

committee receives formal complaints. It conducts hearings on such complaints and makes decisions about the disposition of cases except in instances concerning termination or inactivation of ordination or license. Where termination or inactivation is recommended, final decisions must be made by the District Board or ministry commission as stated in denominational polity. It is also responsible for follow-up, monitoring progress toward resolution for all parties involved, and establishing an end point for the case. With the exception of any delegated follow-up procedures, the ethics committee's findings and recommendations as approved constitute the church's official resolution of the case. Any member of the ethics committee who cannot be fair for any reason, or whose participation may give rise to the appearance of unfairness, should excuse him/herself from the committee, be excused by the majority vote of the other committee members, or be removed by the District Executive/Minister or designated alternate.

6. *The District Executive/Minister.* The District Executive/Minister receives complaints, works with the ministry commission chair to activate the assessment team and ethics committee, and manages and coordinates the functions involved in implementing the process. Since one person cannot care for pastoral, ecclesiastical, and legal concerns, the District Executive/Minister should solicit assistance from qualified persons to ensure that all parties involved have the opportunity to receive appropriate pastoral care from the outset. The District Executive/Minister also arranges for adequate record keeping and documentation, including the keeping of a log of important telephone calls and meetings pertaining to the complaint from the first time it is shared. He/she also ensures that all affected parties are kept informed, particularly in terms of their role, responsibilities, and options within the proceedings. It is recommended that the District Board chair be kept informed as the case develops. The District Executive/Minister attends meetings of both the assessment team and the ethics committee. He/she ensures that follow-up occurs.
7. *Legal Counsel.* The church recognizes that even though this is the church's process, parties involved are likely to consult with attorneys. The role of any attorney must be clearly defined and communicated. The aggrieved, the accused, and/or the district may request to have his/her/its counsel present at the meetings including the hearing. While such requests will be received, it is the prerogative of the ethics committee in consultation with the District Executive/Minister to allow or disallow the presence of any attorney. If attorneys are present, it is recommended that they participate in the role of supporter, friend, or advocate. In any of these roles, attorneys have none of the rights and privileges accorded to attorneys in the secular courts. If either the accused or the aggrieved threaten a lawsuit against the church or each other, the district's attorney should be notified of this threat so that he/she may protect the legal interests of the district by, for example, notifying the district's insurer of the threat.

B. Using the Process

1. Making a Complaint

Anyone with a concern about possible ministerial misconduct can make a preliminary phone call to the District Executive/Minister. Without giving a name, the person may describe his/her concern in general. The District Executive/Minister will explain how the district responds to such a complaint. (If the complaint is against the District

Executive/Minister him/herself, the complaint should go directly to the ministry commission chair or designated alternate[s].) Anyone who has knowledge of possible ethical misconduct by ministers can make a complaint in several ways, including . . .

- a. Calling the District Executive/Minister, ministry commission chair, or designated alternate(s). The names of these people are available through the district office. A caller need not give his/her name.
- b. Writing a letter marked “personal and confidential” to the District Executive/Minister, ministry commission chair or designated alternate(s). The letter should indicate by what means the writer expects a response to be given (by phone, by letter, in an arranged meeting).
- c. Making an appointment to meet with the District Executive/Minister, ministry commission chair, or designated alternate(s).

2. Responding to a Complaint

The District Executive/Minister and the ministry commission chair together activate the assessment team. If either the District Executive/Minister or ministry commission chair is named in the complaint, the other activates the assessment team.

C. The Work of the Assessment Team

1. The Initial Meeting of the Assessment Team with the Aggrieved

The aggrieved is invited to meet with the assessment team as soon as possible after the initial report of the grievance. He/she should be invited to bring an advocate/support person to the initial meeting and to any subsequent meetings during the process.

The purposes of the initial meeting with the aggrieved are to . . .

- a. Hear the aggrieved’s story as both the first step in pastoral care and the first step in an investigation;
- b. Determine the extent to which the aggrieved is willing to participate in formal proceedings. The assessment team should request that a clear and concise written statement be provided by the aggrieved as soon as possible. While a statement prepared and signed by the aggrieved is preferred, if the aggrieved person is not willing or able to place his/her complaint in writing, he/she may sign or initial the District Executive/Minister’s written summary of the meeting.

2. Follow-up to the Initial Meeting with the Aggrieved

Promptly after the initial meeting, the District Executive/Minister facilitates the preparation of a factual written summary of the meeting. The assessment team considers the possible need for gathering additional information and carries out any investigation in a confidential manner.

3. Initial Meeting with the Accused

The goal, at this point, is to create a situation with the greatest potential for learning the truth.

The purposes of the initial meeting with the accused are to . . .

- a. Notify the person that an accusation has been made and is being taken seriously;
- b. Share the nature of the complaint. If a written complaint is available, it is shared with the accused; if not, the complaint is shared verbally;
- c. Provide an opportunity for the accused to respond to the accusation;
- d. Invite the accused to prepare a written response to the accusation. Such a written response becomes part of the record of the case;
- e. Express the pastoral concern of the team and the church for the accused and offer through the District Executive/Minister the opportunity for the accused to receive ongoing pastoral care by someone who is not involved in the case.

4. Follow-up to the Initial Meeting with the Accused

Immediately following the initial meeting, the District Executive/Minister facilitates the preparation of a factual written summary of the meeting.

5. Assessment Team Follow-up to Both Initial Meetings

After careful evaluation of the information received in relation to the complaint, the assessment team prepares a written recommendation to be presented to the ethics committee.

- a. The recommendation may be to accept a *negotiated settlement*. If so, the assessment team, in consultation with the District Executive/Minister, prepares a written statement explaining the case, the nature of the negotiations, and the agreements supported by the aggrieved and the accused.
- b. The recommendation may be that there is *no reasonable cause* to believe that misconduct occurred. If so, the assessment team, in consultation with the District Executive/Minister, facilitates the preparation of a statement to the ethics committee explaining the case (the nature of the charges, the investigation that occurred, the determination that no reasonable cause was found, and other appropriate supporting information). As much as possible, the statement should be written in such a way as to protect the minister from prejudice related to this experience in future employment.

The statement is placed in the minister's permanent file. The minister has the prerogative of preparing a personal statement to be made part of his/her permanent file. The recommendation may be that there is at least *reasonable cause* to believe that misconduct may have occurred. Working together, the District Executive/Minister and the assessment team shall . . .

- 1) Prepare the formal complaint for presentation to the ethics committee. The formal complaint is a statement of the alleged offense(s). It is to be accompanied by any written statements of the aggrieved and accused, the summary statements of each of the initial meetings, and any other relevant documentation;

- 2) Contact the aggrieved and the accused, and inform them that a formal complaint will be brought and that they will be provided with relevant materials prior to the ethics committee hearing. They should receive copies of the formal complaint and all supporting materials;
- 3) Inform the District Board chair of the nature of the complaint;
- 4) Notify the denominational Office of Ministry;
- 5) Inform the board chair and/or moderator of the accused's congregation, and make plans to meet with the leadership. In many cases, it may be in the best interest of all parties for the congregation to grant the accused a leave of absence with pay and without prejudice of ministerial standing until the matter is resolved. The District Executive/Minister works with the congregation's leadership to determine what, when, and how to tell the congregation, as well as how the reactions and feelings of individuals and the group as a whole will be dealt with.

D. The Work of the Ethics Committee

The ethics committee receives the assessment team's statement, reviews all information gathered to that point, and decides on the procedures to be followed to resolve the complaint.

If a review hearing is deemed necessary, the ethics committee, in consultation with all parties, sets the date.

The aggrieved and the accused are informed about the review hearing procedure and their right to present evidence, including witnesses.

Decisions should be made about who should attend the hearing: assessment team, accused, aggrieved, their support persons, legal counsel acting as support persons, etc.

If criminal charges have been or will be filed, the process may need to be suspended pending the outcome of the criminal proceedings. The district's attorney should be consulted.

1. The Review Hearing

The ethics committee is responsible for the character and conduct of the review hearing. Every attempt should be made to insure that the hearing is fair, impartial, and confidential. In preparation for the hearing, any person involved is allowed to seek whatever counsel is appropriate, including legal counsel. The following outline is offered as a guideline for conducting the hearing:

- a. Introduction, including a statement about how the hearing will be conducted.
- b. Reading of Matthew 18 with appropriate comments and prayer.
- c. Reading of the allegations.
- d. Presentation of information or testimony supporting the allegations.
- e. Presentation of information or testimony refuting the allegations.
- f. Opportunity for those making the allegations to respond to the presentation of refutation.

- g. Opportunity for those refuting the allegations to respond to this response.
- h. Closing statement by those making the allegations.
- i. Closing statement by those refuting the allegations.
- j. Prayer for continuing guidance and comfort for those involved in this situation and for those who are given the responsibility to come to a decision.
- k. Executive session of the ethics committee. Deliberations and discussions are informal and not recorded or transcribed. However, the committee's findings and recommendations must be reduced to writing.

2. Follow-up to the Review Hearing

Following the hearing, the ethics committee promptly prepares a report of its actions and recommendations as appropriate. This report and all other documentation should be gathered into a permanent record of the case. Some possible actions include . . .

- a. Full exoneration.
A statement is placed in the minister's permanent file explaining what occurred. The District Executive/Minister and others, as appropriate, should meet with congregational leaders to determine how information will be shared with the congregation and to plan steps to restore confidence in pastoral leadership.
- b. Exoneration, but with censure for poor judgment.
- c. Substantiation of charges.
The ethics committee will substantiate the charges if it determines that it is more likely than not that the charges are true. Disciplinary action(s) should reflect as much as possible the misconduct and circumstances of each particular case. Possible actions include one or more of the following:
 - 1) Substantiation of charges with warning.
 - 2) Inactivation of ordination or termination of license with continuing covenanted relationship with the ministry commission. Inactivation or termination with a continuing covenanted relationship is for a period of time in order to implement a program to underscore the seriousness of the offense and to provide an opportunity for rehabilitation. Inactivation of ordination must be approved by the District Board or its designated representative. Termination of license must be approved by the district ministry commission or its designated representative.
 - 3) Initiation of a program with the goal of restoration. Elements of such a program may include one or more of the following:
 - a) Personal counseling/therapy by a professional approved by the committee or chosen by the minister from a referral list provided by the committee.
 - b) Voluntarily leaving pastoral ministry.
 - c) Payment or reimbursement of all or part of the costs of counseling/therapy for the aggrieved for a specified time period.
 - d) Career evaluation.

- e) Early retirement.
 - f) Relevant educational experiences.
 - g) Peer support and supervision.
 - h) Leave of absence.
 - i) Other appropriate directives.
- 4) Termination of license or ordination. This requires approval by the District Board or its designated representative.

3. Follow-up with the Accused

The ethics committee is responsible for follow-up with the accused. Follow-up should include appropriate care and support of the minister and his/her family.

4. Follow-up with the Aggrieved

The ethics committee on behalf of the District Board is responsible for initiating ways for the church to offer ongoing support and concern to the aggrieved for the purpose of healing and restoration.

5. Follow-up with the Congregation

The District Executive/Minister works with the leadership of the congregation to assess what is needed for healing and restoration in the congregation.

E. Concluding Matters

1. Disclosure

The process of healing for individuals, the congregation, and the wider church is enhanced through appropriate disclosure of information. At each step in the process, determination needs to be made of who needs to know and how much information should be shared.

In cases in which charges are judged to be unsubstantiated or false, the District Executive/Minister, in consultation with the assessment team and the accused, decides how much, if any, information should be shared with congregational leaders and/or members. Depending on the individual circumstances, leadership needs to weigh what will be gained by disclosing various information over against what additional problems will be created by sharing less or more than necessary. For example, if rumors are circulating, it may be helpful to state that the case has been investigated and a determination made.

In cases in which the assessment team finds that there is reasonable cause to believe that misconduct occurred, disclosure at that point to at least the leadership of the congregation is almost always appropriate. The District Executive/Minister, with the assistance of the assessment team, will inform the board chair and/or moderator of the accused's congregation and make plans to meet the leadership at an appropriate time to discuss notifying the congregation as a whole. At that meeting, those present assess the situation. If the accused is granted a leave of absence, the process for disclosure will be one of informing the congregation that an allegation of ethical misconduct has been made and explaining the process that is underway. The congregation should be made aware that congregational leadership will be kept informed as the case develops. Again, every effort should be made to assure appropriate confidentiality for all parties involved.

Following the review hearing, in all cases, the District Executive/Minister reports the results of the hearing to the congregational board chair and/or moderator. If the accused was exonerated, the decision needs to be made how much, if any, information is to be shared with the congregation. If charges were determined to be true, a plan of disclosure to the congregation should be established. Experience has demonstrated that where disclosure is made to the congregation, the healing within the congregation is better realized, even though the initial trauma may be greater. Also, other victims of misconduct may be identified. Disclosure should not involve revealing the identity of the aggrieved or facts that would make the aggrieved readily identifiable, unless he/she specifically requests to be identified.

Decisions as to how allegations or admissions of ethical misconduct by a minister should be disclosed to the congregation must be made on a case-by-case basis. Experience has shown the usefulness of sending letters to the membership, holding congregational meetings and educational forums, and involving professional counselors. It is important that shared information be as accurate and as factual as possible.

Decisions regarding disclosure to the wider church and the community should be made in consultation with the denominational Offices of Ministry, Communications, and Congregational Ministries, following denominational guidelines.

2. Records

Statements about any complaints of misconduct are to be documented and recorded in the minister's personnel file. Such statements should include the facts relevant to the complaint and an explanation of how the complaint was resolved.

The District Executive/Minister maintains the records while an inquiry is in process, and such records shall be kept confidential. All records of cases, regardless of the outcome, are to be kept indefinitely and are to be considered confidential.

Copies of the primary documents of a case are to be kept in the minister's permanent personnel file; the District Executive/Minister keeps the detailed file of the case. When the minister and/or District Executive/Minister leave the district, appropriate determination should be made about the file. Other than the District Executive/Minister, no participants in the proceedings may make any of the written records available to others.

3. Sharing Information

For purposes of placement, the Director of Ministry and District Executives/Ministers who have information regarding allegations of ethical misconduct must provide it to colleagues who request placement clearance. This includes the confidential summary of any complaint, the minister's statement(s), and a statement of the district's disposition of the complaint.

When a congregation's search committee indicates an interest in interviewing a candidate, decisions must be made about what, if anything, is to be shared from the minister's personnel file. What is shared will depend on the circumstances. The District Executive/Minister, possibly in consultation with other appropriate persons, such as the ministry commission chair or District Board chair, should make appropriate decisions.

4. Appeal

The aggrieved, the accused, or the congregation through its official board has the right to appeal decisions made by the ethics committee or District Board. In cases decided and implemented by the ethics committee alone, appeal may be made to the executive committee of the District Board within thirty (30) days of the ethics committee's action. In cases involving inactivation or termination of license or ordination as decided by the District Board, appeal may be made to Standing Committee of Annual Conference within thirty (30) days of the District Board's action. Standing Committee will hear all such appeals received forty-five (45) days prior to its next regularly scheduled meeting. If the appeal is received less than forty-five (45) days prior, it will be heard at a subsequent meeting of Standing Committee. In the meantime, the action will be implemented.

The task of those hearing an appeal is not to repeat the deliberative process of the committee, but to make sure that the disciplinary process was properly carried out and that the decision of the committee or board was well-founded and the action fitting and appropriate.

V. ADDITIONAL RECOMMENDATIONS

A. To Annual Conference Delegates:

1. That Standing Committee delegates ensure that this report is promptly presented and explained to their respective District Boards;
2. That congregational delegates ensure that this report receives attention and study within their congregations so that all members of the church are aware of the content of this paper and the availability of grievance forms.

B. To Individuals and Congregations:

1. That attention be given to providing spiritual and emotional support for ordained and licensed ministers. Pastors who receive such support from their congregations feel less stress and exercise better judgment than when it is absent. Adequate salary and professional growth opportunities are also critical;
2. That local church bodies charged with pastoral relations become familiar with this paper;
3. That congregations take measures to ensure a smooth transition when there is a change of pastors.

C. To Licensed/Ordained Ministers and Lay Speakers:

1. That licensed and ordained ministers and lay speakers be made aware of and accept the Code of Ethics contained in this paper;
2. That the Ministers' Association and pastors' support groups across the denomination study this paper.

D. To Districts:

1. That pre-licensing and pre-ordination interview committees become familiar with this paper;
2. That candidates for licensing and ordination and lay speaker positions and ordained ministers coming from other denominations be required to study and accept the Code of Ethics;
3. That pre-licensing and pre-ordination interview committees request a statement from the candidate that he/she has not been involved with nor charged with ethical misconduct at any time, or that, if charged, has been cleared of such charges or has achieved reconciliation;
4. That districts provide seminars in ethical awareness and personal and spiritual disciplines;
5. That the district ministry commission designate and provide training for the ethics committee before the need arises;
6. That district ethics committees be provided adequate financial and personnel resources;
7. That careful attention be given to necessary publicity—as to what information shall be released, to whom it shall be released, and who makes the release;
8. That districts consider establishing a revolving fund to provide counseling for victims abused by clergy, or provide for counseling by making competent therapists available to victims;
9. That any procedures dealing with misconduct that were instituted before this paper is adopted by Annual Conference be carried to completion under the process and by those persons under whom the procedures were begun.

E. To the Council of District Executives (CODE):

1. That CODE encourage districts to follow the procedures in this paper and in the manual that is to be developed to effect consistency throughout the denomination;
2. That arrangements are made for careful training of their members so that they can skillfully counsel with individuals and congregations in the various aspects of ethics included in this report, and so that they can guide inquiries and disciplinary processes toward eventual healing of brokenness;
3. That members be encouraged to preserve all important information in the pastor's file, keeping it intact as the file is moved from district to district;
4. That executives share pertinent ethical information in the pastor's file, or such information otherwise known, when that pastor is under consideration for placement in another district.

F. To the Denomination:

1. That measures be taken to ensure that there is greater consistency across the denomination in requirements for licensing and ordination, ordaining practices, and evaluations of pastoral work;
2. That copies of this paper be made available, including appropriate translations, to all Brethren-related institutions and agencies and, upon request, to any church member, church officer, employee, or volunteer;
3. That a congregational code of ethics and a system whereby congregations may be called into accountability for unethical behavior be developed.

G. To Bethany Theological Seminary and Other Clergy Training Programs:

1. That Bethany Theological Seminary offer training in pastoral ethics, including the material contained in this paper;
2. That other clergy training programs, such as the Brethren Academy for Ministerial Leadership (TRIM, EFSM, or district-administered training), the Academy for Church Leaders, and the Center for Biblical Studies require full knowledge of this paper.

H. To the General Board:

1. That the General Board through the Office of Ministry develop the manual “Dealing with Allegations of Sexual Misconduct”;
2. That the General Board through the Office of Ministry and in consultation with CODE update the manual annually and inform all districts and Brethren-related institutions or agencies of changes in the manual;
3. That the General Board in cooperation with the Annual Conference and CODE take measures to ensure that there is greater consistency in requirements for credentialing, ordaining practices, and evaluations of pastoral work.

Action of the 1995 Standing Committee: Standing Committee, at its June 24–27, 1995, meeting, adopted the preceding “Ethics in Ministry Relations” statement as the interim statement for the Church of the Brethren, and directed this statement to the 1996 Annual Conference for consideration by the delegate body. The Standing Committee expressed its appreciation to Pamela Leinauer, Donna Ritchey Martin, and Karen Peterson Miller, who drafted this statement as a subcommittee of Standing Committee.

Action of the 1996 Annual Conference: Dale Dowdy, a Standing Committee member from the Western Plains District, presented the recommendation from Standing Committee that the statement of “Ethics in Ministry Relations” be adopted. Dowdy also presented on behalf of Standing Committee a procedural recommendation and several proposed revisions in the text of the statement. The delegate body adopted the recommendation of Standing Committee by the required two-thirds majority vote. The statement of “Ministry Relations” as adopted includes six amendments, which have been incorporated into the preceding text.

1/2000

Recommended for Further Reading

- Baker, Don. *Beyond Forgiveness: The Healing Touch of Church Discipline*. Multnomah Press, 1984.
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- Boyajian, Jane A., ed. *Ethical Issues in the Practice of Ministry*. United Theological Seminary of the Twin Cities, 1984.
- Fortune, Marie M. *Is Nothing Sacred? When Sex Invades the Pastoral Relationship*. Harper and Row, 1989.
- Lebacqz, Karen, and Ronald G. Barton. *Sex in the Parish*. Westminster/John Knox Press, 1991.
- Lebacqz, Karen. *Professional Ethics: Power and Paradox*. Abingdon, 1985.
- Noyce, Gaylord. *Pastoral Ethics: Professional Responsibilities of the Clergy*. Abingdon Press, 1988.
- Poling, James. *Abuse of Power*. Abingdon, 1991.
- Rediger, G. Lloyd. *Ministry and Sexuality*. Fortress Press, 1990.
- Rhodes, Lynn N. *Co-Creating: A Feminist Vision of Ministry*. Westminster Press, 1987.
- Rutter, Peter. *Sex in the Forbidden Zone*. Jeremy P. Tarcher, Inc., 1986.
- Wiest, Walter E., and Elwyn A. Smith. *Ethics in Ministry: A Guide for the Professional*. Fortress Press, 1990.