

1 **AN ECCLESIASTICAL POLICY AND A PROCESS**
2 **FOR REVIEW OF MINISTERIAL STANDING**
3 **of the**
4 **AMERICAN BAPTIST CHURCHES OF NEBRASKA**

5
6 **PREAMBLE:**

7
8 **DEFINITION: Professional Church Leader**

9
10 All employees or former employees (whether full-time or part-time – lay, licensed,
11 ordained, or non-ordained) of the ABC/NE churches currently residing in Nebraska who
12 are or were professionally engaged in local church, regional or national ministries
13 (including but not limited to: Pastoral Ministry, Directors of Christian Education,
14 Worship Leaders, Music Ministry, Youth Ministry, Family Ministry, and other
15 specialized ministries) are understood to be Professional Church Leaders (PCLs).

16
17 The American Baptist Churches of Nebraska will not tolerate sexual or ethical
18 misconduct by *Professional Church Leaders* (PCLs). The Region is concerned about all
19 forms of sexual and ethical misbehavior by PCLs, regardless of whether or how the
20 behavior is characterized by the law.

21
22 The American Baptist Churches of Nebraska, seeking to be faithful disciples of Jesus
23 Christ, acknowledge that sexual misconduct does occur within our churches. As clergy
24 and lay persons, we have a responsibility to minister to the needs for justice, forgiveness
25 and reconciliation of persons who are involved in situations of sexual misconduct. This
26 concern extends to the person who has been harmed, and the church, families and friends
27 affected by the misconduct.

28
29 We seek to do this as faithful followers of Christ who acknowledge that PCLs play a role
30 in the lives of others which carries with it a high degree of trust placed in them by those
31 with whom they minister. This responsibility implies that PCLs are trusted to not
32 intentionally use another person in ways that harm the other and benefit the PCL. This
33 involves setting appropriate boundaries and seeking help to deal with the temptation to
34 cross those boundaries. This responsibility also implies that PCLs who have been
35 involved in sexual misconduct have an obligation to acknowledge that misconduct and to
36 accept the consequences of their actions.

37
38 Civil authorities have created statutes that directly impact all churches, PCLs, and
39 denominational bodies. Every attempt should be made to cooperate with criminal and
40 civil investigations that involve a PCL. However, churches have the right and the
41 obligation to protect themselves from excessive interference by civil authorities.

42
43 We hope that any sexual contact, such as between a PCL and a congregant, counselee,
44 employee, volunteer, or others to whom the PCL minister will be reported to the Region.
45 We also hope that any unwelcome sexual advance, request for sexual favor, sexually

46 motivated physical contact, or other verbal or physical contact or communication of a
47 sexual nature will also be reported.

48
49 We encourage anyone who knows or suspects that a PCL has been involved in sexual
50 misconduct to report that information to the Region Executive Minister, who will attempt
51 to resolve the situation promptly.

52
53 In the ongoing care for churches and their ministerial leaders, there are occasions in
54 which allegations may be raised about a PCL. Frequently, these allegations are handled
55 within the ongoing service of care of the Region. In those rare instances in which a
56 satisfactory resolution cannot be reached, it may be necessary to have a more formal
57 process for review of the recognition of ordination with PCLs or a process of censure.
58 This review must be seen as part of an ongoing process of care. Its primary goal ought to
59 be concern for justice, reconciliation, and healing for both the congregation and the
60 individual(s). For this reason all participants must exercise great care to assure that the
61 allegations and the process remain confidential unless some decision is reached which
62 requires notification.

63
64 One reason Regions exist is to strengthen the spiritual health and vitality of its constituent
65 churches and their ministerial leaders. Programs, services, and pastoral care are ways in
66 which this central concern is expressed for local churches and their ministerial leadership.
67 Personal, professional, and pastoral care for PCLs is an ongoing process. One aspect of
68 that process is the recognition of ordination by which the whole denominational family
69 gives affirmation and support to PCLs.

70
71 The Department of Professional Ministry of a Region has the responsibility for the
72 recognition of ordination as well as responsibility for the Region's review of the
73 recognition of ordination in the event of misconduct by a PCL. This process is guided by
74 the biblical mandate of Matthew 18:15-17. According to this passage, the goals are: first,
75 to deal directly with the person (verse 15), second, to deal with a small, more informal
76 group (verse 16); third, only when the process has failed, to bring resolution to move before
77 the Region represented by the Department of Professional Ministry (verse 17).

78
79 It must be stressed that this is an ecclesiastical process conducted within the confines of the
80 church's structure and polity. It is NOT a legal process. Consequently, parties involved
81 are not bound by the dictates of the judicial system. We are, however, bound by our
82 commitment to justice and fairness for all concerned. Being an ecclesiastical process, there
83 is no official role or place for attorneys in this review process. If any involved parties wish
84 to seek legal counsel, they must do so outside the official review process. Attorneys are
85 not permitted to participate in the preliminary exploration, the review hearing, or the appeal
86 process. This process was recommended to Regions acknowledging the autonomy of the
87 local church and the extremely limited authority of the ABC/USA in matters of ordination
88 and recognition of ordination.

89
90 In every sexual misconduct case, the Executive Minister and his/her staff will attempt to
91 make pastoral care available to the person making the allegations of misconduct, the family

92 of the person making the allegations, the PCL who allegedly committed the misconduct,
93 the PCLs family, the members of the PCLs congregation, the PCLs colleagues, and others.
94 However, the Executive Minister and his/her staff cannot themselves function as pastor,
95 counselor, advocate, attorney, or other “fiduciary” of any of these people. The ultimate
96 responsibility of the Executive Minister and his/her staff is to the Region and not to any
97 individual within the Region. If a conflict arises between what is in the Region’s best
98 interests and what is in the interest of someone else, the Executive Minister and his/her
99 staff are obliged to act on the Region’s behalf.

100
101 Every report of sexual misconduct by a PCL involves unique people and unique
102 circumstances. The Process of Review merely describes a general approach that the
103 Region will follow in responding to reports of sexual misconduct by a PCL. It will not be
104 appropriate, or even possible, for the Region to follow this approach in every case. The
105 Region reserves the right to depart from this Process for Review to assure a fair and just
106 process for all persons involved.

107
108 **1. Written Allegations:** When allegations about a particular PCL have not been resolved
109 in the ongoing process of service and care of a Region, formal allegations are to be
110 addressed to the Chair of the Department of Professional Ministry with a copy to the
111 Executive Minister of the Region. The allegations must be specific in content, made in
112 writing, and signed. These allegations, which may come from Region staff, other
113 ministerial leaders, or from lay persons, are to be related to the following categories:

- 114
- 115 • Delinquency of a moral, ethical, or financial nature that brings the church into
116 disrepute.
- 117 • Violation of expectations the church has about ethical behavior for its PCLs as
118 articulated in the Covenant and Code of Ethics for Professional Church Leaders of
119 the ABC/USA.
- 120 • Any court action that would bring the church into disrepute.

121
122 These allegations do not include issues of compatibility between a PCL and congregation.

123
124 **2. Pastoral Intervention:** When the normal processes have failed to bring resolution, and
125 formal charges have been developed, there is an ongoing need for pastoral intervention
126 for the persons making the allegations, the PCL in question, their families, if any, and
127 the congregation being served. These pastoral interventions may be done by members
128 of the Region staff, by members of the Department, or by members of the Region’s
129 Ministers Council who are not directly involved in the process.

130
131 **3. Informing the Person about the Allegations:** The Department of Professional
132 Ministry shall inform the person in writing of the allegations. It shall provide him or
133 her with information about the process of review and request a meeting with this person
134 for a preliminary exploration of the allegations. The Department of Professional
135 Ministry will request written acknowledgement that the allegation was received and the
136 review process understood.

138 **4. Preliminary Exploration:** The Preliminary Exploration begins within thirty (30) days
139 after formal allegations have been brought to the Department. The Department
140 of Professional Ministry, either as a body or through delegated representatives, shall
141 meet with the person making the allegations to clarify the allegations or respond to any
142 questions. In a separate meeting, the Department of Professional Ministry, either as a
143 body or through delegated representatives, shall meet with the person in question to
144 explore the allegations and determine what steps to take. (If either person fails to
145 appear, the Department may proceed.) There are five possible courses of action:

- 146
- 147 a. The Department may discover that there is no warrant for a review hearing and
148 exonerate the person.
- 149
- 150 b. The person may acknowledge the truth of the allegations and work with the
151 Department deciding which of the actions listed under #6c below will be
152 followed.
- 153
- 154 c. The Department may, in the event of an unusually grave or emergency
155 situation, temporarily suspend recognition of ordination for a period of not
156 more than ninety (90) days. During this period the Department shall convene
157 a review hearing to consider the matter fully. Notice of this decision shall be
158 given to the person in question and the appropriate denominational bodies.
- 159
- 160 d. The person may dispute the allegations in full or in part, and yet work out with
161 the Department a plan to deal with the situation without utilizing the full
162 process of the review hearing.
- 163
- 164 e. The person may dispute the allegations and the Department may decide to
165 utilize the review hearing process to investigate and make a decision about the
166 allegations.
- 167

168 All persons are allowed to seek whatever counsel is appropriate, including legal counsel,
169 in preparation for the preliminary exploration. However, attorneys are not allowed to act
170 as legal counsel in the preliminary exploration process.

171

172 **5. Review Hearing Notice:** When a review hearing is scheduled, all parties involved
173 are to be notified and informed about the process and how to prepare for it. The
174 hearing should not be less than thirty (30) days nor more than ninety (90) days
175 following notification.

176

177 The PCL in question is to be supplied with a written copy of the allegations,
178 a description of the review hearing procedure, and a notification of his or
179 her rights. These include the right to be present, the right to present
180 evidence including witnesses on his or her behalf, and the right to have an
181 advocate present. This advocate may be clergy or lay and is intended to
182 provide support and assistance to the person throughout the process.

184 **6. The Review Hearing:** The hearing is held to thoroughly investigate the allegations.
185

186 a. The hearing shall be fair, impartial, and confidential for the person in
187 question, the persons making the allegations, and the wider church
188 family. The Department may specify the amount of time allowed for
189 presentation of the allegations, for the defense, and for summary
190 statements. (If a person fails to appear, the Department may proceed.)
191

192 All persons involved in the review hearing process are allowed to seek whatever counsel
193 is appropriate, including legal counsel in the review hearing process. However, attorneys
194 are not allowed to act as legal counsel in the review hearing process. It is not necessary
195 for the person making the allegations to personally confront the person in question. The
196 Review Hearing is an opportunity for the Department to hear all relevant information in
197 order that it may reach a decision.
198

199 Both the claimant and respondent have the right to have an advocate throughout the
200 review process. This advocate may be clergy or lay, and is intended to provide support to
201 the individuals through the process. The Department of Professional Ministry will make
202 available a list of possible advocates.
203

204 b. The following is a guide for how the hearing may progress:

205 (1) Opening statement

206 (2) Introduction.

207 (3) Statement about how the hearing will be conducted.

208 (4) Prayer

209 (5) Reading of the allegations

210 (6) Presentation of the information or testimony supporting the
211 allegations.

212 (7) Presentation of information or testimony refuting the
213 allegations.

214 (8) An opportunity will be given for those making allegations to
215 respond to the presentation of refutation.

216 (9) An opportunity will be given for the person in question, or by
217 his/her representatives to respond.

218 (10) Questions by the Department of Professional Ministry to any
219 of those offering information, testimony, refutation, or
220 response.

221 (11) Closing statement by those making allegations or his/her
222 designated representative.

223 (12) Closing statement by the person in question or his/her
224 designated representative.

225 (13) Prayer for continuing guidance and comfort for those involved
226 in this situation and for those who are given the responsibility
227 to come to a decision.

228 (14) Executive session of the Department of Professional Ministry.
229

230 c. Following the hearing the Department deliberates and makes its
231 decision from the following options.

232
233 *Make a finding that does not uphold the allegations.*

- 234 (1) Exonerate the person.
235 (2) Exonerate the person and take steps to stop continued
236 allegations.

237
238 *Make a finding that upholds the allegations.*

- 239 (3) Develop a plan for addressing the issues short of censure,
240 suspension of recognition of ordination or withdrawal of
241 recognition of ordination.
242 (4) Allow the person to voluntarily relinquish recognition of
243 ordination.
244 (5) Censure the person.
245 (6) Suspend the recognition of the person's ordination.
246 (7) Withdraw the recognition of the person's ordination.

247
248 The decision of the Region shall be based upon a "predominance of evidence" presented
249 at the hearing.

250
251 **7. Notification of decision:** The Department of Professional Ministry shall notify all
252 parties of its decision within fifteen (15) days of the review hearing. In the event a
253 person is exonerated, that individual shall receive a letter acknowledging this action, a
254 copy of which shall be sent to those making the allegations. In the event of
255 suspension or withdrawal of his/her recognition of ordination, the Inter-Regional
256 Appeal Task Force, the American Baptist Personnel Services, the Regional Executive
257 Ministers Council, the Ministers and Missionaries Benefit Board, the Ministers
258 Council, the originating church, the church (or church organization) being served at
259 the time of the allegations, the church (or church organization) now being served, and
260 any other bodies which have relied on American Baptist recognition for endorsement,
261 approval, or recognition shall also be notified.

262
263 **8. Appeal:** A person whose recognition of ordination has been suspended or withdrawn
264 may appeal the decision to the Executive Committee of the Region Board. If there is
265 no action by the Executive Committee of the Region Board within sixty (60) days, the
266 person may appeal to the Inter-Regional Appeal Task Force, provided that the appeal
267 is filed within one hundred twenty (120) days of the receipt of the notice of the
268 decision. All appeals will be conducted to determine the appropriateness of the
269 process used by the region to reach its final decision. An appeal is not to determine
270 an individual's fitness for ministry; rather, it is to determine if a fair and just process
271 was used by the Region. The decision of the Executive Committee of the Region
272 Board or the Inter-Regional Appeal Task Force shall be final.

273
274 **9. Pastoral Follow-up:** There is a need for pastoral care throughout the process, but
275 particularly following a review hearing. Once the hearing is complete, decision

276 made, and actions taken, there needs to be intentional effort made at reconciliation
277 and healing. The Region will assist the local church in its ongoing care and concern
278 to those who made the allegations or who were wronged, and find ways to express
279 forgiveness and grace to those who have been disciplined.

280
281 **10. Reinstatement:** A person's ordination may be subsequently recognized again, if
282 there is a desire to be reinstated. The Department of Professional Ministry will meet
283 with the person to review the original action, subsequent history and present
284 qualifications for ministry. In the event that the Department of Professional Ministry
285 is not the one that withdrew recognition, appropriate documentation will be secured
286 about the prior action so that full information will be available to the Department
287 considering reinstatement.

288
289 **Care for the Claimant:** The process of care for the claimant will include: careful
290 consideration of requests; prompt response to requests, and referrals for advocacy. The
291 Region cannot take responsibility for any costs incurred.

292
293 **Records:** A written summary of the Department's proceedings and a statement of
294 findings will be maintained permanently in the minutes of the Department of Professional
295 Ministry and in the personnel files of the Region office. Any decision to remove or clear
296 such a file of the Department's proceedings is to be made with the consent of the
297 Department. These files will be maintained to respond to requests for information
298 regarding sexual misconduct from future employers of persons who are ministers of the
299 Region.

300
301 **Civil or Criminal Lawsuits:** A claimant's decision to use the above policy and
302 procedures for handling complaints of sexual misconduct in no way precludes a
303 simultaneous use of the civil or criminal legal justice system.

304 305 306 **DEFINITIONS**

307
308 **Recognition of Ordination:** In our tradition, ordination is granted by the local
309 congregation working with the partner churches. The denomination does not ordain; it
310 recognizes (or chooses not to recognize) ordinations of a local church, or from other
311 denominations. A person may voluntarily give up the recognition of his or her
312 ordination. The denomination may choose to withdraw recognition of ordination either
313 for cause or after a period of inactivity.

314
315 **Restoration:** Restoration is the process of supervision and evaluation that returns a PCL
316 to recognized ministry. The Department of Professional Ministry for each situation
317 individually designs the process. The PCL must willingly cooperate and successfully
318 complete the process for his/her ministry to be restored and recognized again.

319
320 **The Region:** The process of recognition of ordination in the denomination is
321 decentralized; a Region acts on behalf of the whole denomination in recognizing, failing

322 to recognize, allowing recognition to lapse, or withdrawing recognition of ordination.
323 There is reciprocity among ABC bodies with all Regions and National Boards agreeing to
324 accept the process as applied in other partner Regions.

325
326 **Department of Professional Ministry** is that part of the Region structure which is
327 charged with the responsibility for recognition (and withdrawal of recognition) of
328 ordination

329
330 **Review Hearing** is the process by which allegations against an individual are reviewed
331 and a decision is rendered either for against the individual. This is not a criminal or
332 civil process; rather, it is a church process by which the churches are seeking to order
333 their life together under the leading of God's spirit.

334
335 **Censure** is an official written statement of the Department of Professional Ministry's
336 disapproval of a behavior as unbecoming one who is serving or who has served as a PCL
337 of the American Baptist Churches/USA. It is offered as an indication that further similar
338 conduct is unacceptable and, where applicable, could lead to suspension or withdrawal of
339 his/her recognition of ordination.

340

341

342 **IMPLICATIONS**

343

344 There are different kinds of implications of a decision by the Department of Professional
345 Ministry to censure a PCL. It may mean:

346

- 347 • That person's name will be deleted from any listing of Professional Ministers of
348 the ABC/USA,
- 349 • That the American Baptist Personnel Services will seek to deactivate any use of a
350 person's profile, and
- 351 • That all ABC Regions will be notified of the action.

352

353 Depending on the requirements of other bodies, this decision may directly effect an
354 endorsement, approval, or recognition which was predicated on ABC action; in some
355 instances this may mean termination of employment. Depending on the laws of the state,
356 this decision may mean that a person will no longer be authorized to perform pastoral
357 functions such as weddings, funerals, and / or pastoral counseling.

358

359 **Emergency Suspension of Recognition of Ordination** is intended to interrupt the
360 ministry and pastoral selection process while the investigative and decision-making
361 process proceeds. The recognition of ordination may be suspended for a period not to
362 exceed ninety (90) days in the event of an unusually grave or emergency situation.
363 Written notice of an Emergency Suspension shall be sent to the Inter-Regional Appeal
364 Task Force, the American Baptist Personnel Services, the Region Executive Ministers
365 Council, the church (or church organization) being served, the Ministers and Missionaries
366 Benefit Board, and any other bodies which have relied on American Baptist recognition
367 for endorsement, approval, or recognition.

367

368 **Suspension of Recognition of Ordination** is a withdrawal of recognition of ordination
369 for a specific period of time in order to implement a program prescribed by the
370 Department of Professional Ministry. The conditions of the suspension must be clearly
371 stated. Notice of a suspension will be given to the Inter-Regional Appeal Task Force, the
372 American Baptist Personnel Services, the Regional Executive Ministers Council, the
373 original ordaining church, the church (or church organization) being served at the time of
374 the allegations, the church (or church organization) now being served, the Ministers and
375 Missionaries Benefit Board, and any other bodies which have relied on American Baptist
376 recognition for endorsement, approval, or recognition.

377
378 **Withdrawal of Recognition of Ordination** means that the American Baptist Churches/
379 USA no longer recognizes the validity of an ordination. Notice of the withdrawal of
380 recognition shall be given to the Inter-Regional Appeal Task Force, the American Baptist
381 Personnel Services, the Ministers and Missionaries Benefit Board, the Regional
382 Executive Ministers Council, the original ordaining church, the church (or church
383 organization) being served at the time of the allegations, the church (or church
384 organization) now being served, and any other bodies which have relied on American
385 Baptist recognition for endorsement, approval, or recognition.

386
387

388 **IMPLICATIONS**

389

390 There are different kinds of implications of a decision by the Department of Professional
391 Ministry to suspend or withdraw the recognition of a person's ordination. It will mean:

392

- 393 • That person's name will be deleted from any listing of Professional Ministers of
394 the ABC/USA,
- 395 • That the American Baptist Personnel Services will seek to deactivate any use of a
396 person's profile, and
- 397 • That all ABC Regions will be notified of the action.

398

399 Depending on the requirements of other bodies, this decision may directly effect an
400 endorsement, approval, or recognition which was predicated on ABC action; in some
401 instances this may mean termination of employment. Depending on the laws of the state,
402 this decision may mean that a person will no longer be authorized to perform pastoral
403 functions such as weddings, funerals, and / or pastoral counseling.

404

405 **ADOPTED ON MAY 22, 1997 BY DEPARTMENT OF PROFESSIONAL MINISTRY**
406 **OF ABC/NE. REVISED, 2007.**

407

408 **APPENDIX A**

409 **PROCEDURES IN CASE OF A PROFESSIONAL CHURCH LEADER SELF**
410 **REFERRAL IN MATTERS OF SEXUAL MISCONDUCT**

411
412
413 There are times when PCLs, under the conviction of the Holy Spirit, acknowledge that
414 they have crossed boundaries and participated in sexual misconduct and now seek
415 restoration.

416
417 In these cases, the self-referring PCL should meet with the Executive Minister to begin
418 the process of restoration.

419
420 It is assumed that these cases will enter the Ecclesiastical Process at paragraph 4b and
421 will continue according to the Ecclesiastical Process.

422
423 In step 4b of the Ecclesiastical Process, the self-referring PCL will provide the
424 Department of Professional Ministry with the names(s) of the victim(s) and enough
425 information about the nature of the misconduct, to ensure that the Department of
426 Professional Ministry has sufficient information on which to base its decision required in
427 paragraph 6c of the Ecclesiastical Process.

428
429 If the self-referring PCL has chosen to inform his/her spouse of the misconduct, the
430 Department of Professional Ministry will ensure that the pastoral care needs of the spouse
431 are addressed.

432
433 As part of the department's decision in paragraph 6c, the Department of Professional
434 Ministry will also make a determination concerning the need to communicate the results
435 of the process to the victims(s) and the need to provide pastoral care to the victim(s).

436
437 If the Department of Professional Ministry has chosen not to communicate with the
438 victim(s), and at a later time the victim(s) brings an allegation that is in substantial
439 agreement with the self-disclosure of the PCL, the victim(s) will be informed of the
440 process already followed, and the finding already made. If the actions taken up to this
441 point are acceptable to the victim(s) then they will continue in force. If the victim(s) is
442 not satisfied, then the allegation will be processed according to the Ecclesiastical Process
443 beginning at paragraph 1. Care should be taken to provide for pastoral care for the
444 victim(s)

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446
447 **ADOPTED ON AUGUST 19, 1997 BY DEPARTMENT OF PROFESSIONAL**
448 **MINISTRY OF ABC/NE. REVISED, 2007.**

450 **APPENDIX B**

451 **PROCEDURES IN CASE OF A PROFESSIONAL CHURCH LEADER SELF**
452 **REFERRAL IN MATTERS OF ETHICAL MISCONDUCT**
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454
455 There are times when PCLs, under the conviction of the Holy Spirit, acknowledge that
456 they have crossed ethical boundaries and now seek restoration.

457
458 In these cases, the self-referring PCL should meet with the Executive Minister to begin
459 the process of restoration.

460
461 It is assumed that these cases will enter the Ecclesiastical Process at paragraph 4b and
462 will continue according to the Ecclesiastical Process.

463
464 In step 4b of the Ecclesiastical Process, the self-referring PCL will provide the
465 Department of Professional Ministry with the names(s) of any victim(s) and enough
466 information about the nature of the misconduct, to ensure that the Department of
467 Professional Ministry has sufficient information on which to base its decision required in
468 paragraph 6c of the Ecclesiastical Process.

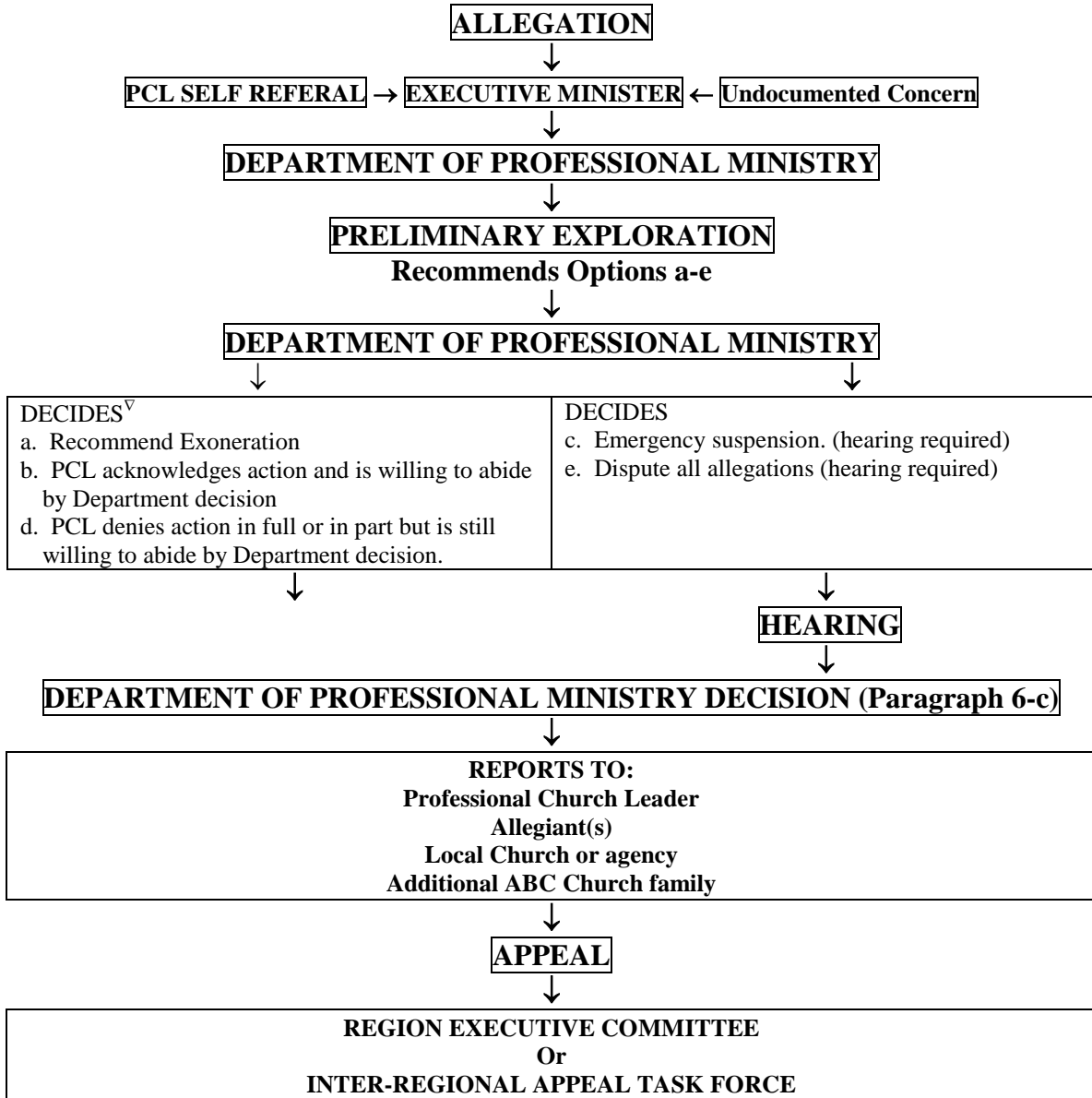
469
470 As part of the department's decision in paragraph 6c, the Department of Professional
471 Ministry will also make a determination concerning the need to communicate the results
472 of the process to the victim(s) (if any) and the need to provide pastoral care to the
473 victim(s)

474
475 **ADOPTED ON OCTOBER 24, 1997 BY THE DEPARTMENT OF PROFESSIONAL**
476 **MINISTRY OF ABC/NE. REVISED, 2007. APPROVED ON FEBRUARY 16, 2008**
477 **BY ABC/NE BOARD OF DIRECTORS**
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APPENDIX C
GUIDELINES FOR RESPONDING TO
ALLEGATIONS OF PROFESSIONAL CHURCH LEADER MISCONDUCT

FLOW CHART



[∇] The letters designating the five options are intentionally not in order. They refer to the sub paragraphs in paragraph 4 dealing with possible findings of the preliminary exploration.