

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

This *Policy and Procedure* may be used for investigating complaints related to abuse, harassment, sexual misconduct, and other forms of ministerial misconduct.

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PREAMBLE:

Why was this document created?

The *ONMB* has created this policy and procedure to describe the steps to be followed to investigate a formal complaint of misconduct against a minister who is or was under the authority of the *ONMB*. No policy or procedure will ever be perfect. It is impossible to anticipate every situation. Please understand that this document was created to provide clarity for all parties who are working together to resolve the conflict.

We take misconduct seriously and want to support those who experience it within our churches and conference. We value a culture of goodness and safety and the responsibility that pastors have to represent Christ to those they are called to minister to. Therefore we seek to provide healthy accountability by providing a safe and just investigative process

The Power of Prayer

Scripture affords us wisdom and understanding. Let us avail ourselves of His Word to glean truth. The Bible reminds us to pray continually, to pray in all things. (See 1 Th 5:16-24) Before each step in this procedure, the words “Pray and ...” could be inserted. Prayer is powerful because God is powerful. Prayer changes things. Everyone mentioned in this document should be praying. The complainant, contact persons, support person, all committee members, the credentialed minister, investigators and provincial conference leaders should all be in prayer throughout this process. It is understood that this process shall be bathed in prayer as we ask for wisdom and guidance through the Holy Spirit.

Copyright

This document has been created, with permission, using a copy of the “Mennonite Church Canada/Mennonite Church USA Ministerial Sexual Misconduct Policy and Procedure 2016” as well as including information from the “ABMB Conflict Policy Final 2017-04” to develop a procedure for the *ONMB*.

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Ministerial Misconduct Policy and Procedure Flowchart

The complainant contacts the ONMB. (Section 3A, pg. 10)

Executive Director will ... (Section 3B, pg. 10)

- contact National Office (3B1)
- report any child abuse/other violation according to law (3B2)
- give the complainant copy of Policy and Procedure (3B3)
- assign a contact person to complainant (3B4)
- contact legal counsel (3B5)

Contact person will meet with complainant to (Section 3C, pg. 10)

- review the Ministerial Misconduct Policy and Procedure (3C1)
- help person put complaint into writing (3C2)
- serve as connector between complainant and process (3C3)
- deliver written complaint to Executive Director (3C4)
- encourage selection of a Personal Supporter (3D) Role (3E)

Executive Director determines jurisdiction within 7 days of receiving written complaint.

(Section 4, pg. 12-13)

Within 7 days of receiving the written complaint, the Executive Director will (Section 5A, pg. 14-15)

- contact National Office (5A1)
- determine if Executive Director has a conflict of interest with complainant (5A2)
- take steps to prevent any interaction between accused and complainant (5A3)
- ensure confidentiality of the identity of complainant (5A4)
- determine if immediate suspension of the minister's credential is needed (5A5)
- notify accused, assign contact person and give Policy and Procedure (5A6-8)
- notify congregational leaders (5A9)
- consider non-disciplinary leave (5A10)
- appoint three investigators (5A11)
- announce appointment of investigators to complainant and minister (5A12)
- notify complainant and accused via contact persons that investigation will begin (5A13)
- locate all personnel files including any ministerial misconduct files (5A14)
- notify insurance carrier of area conference (5A15)

21 days after ONMB receives written complaint investigators will (Section 5B, pg. 15-16)

- review written complaint (5B1)
- interview complainant (5B2)
- interview minister (5B3)
- advise minister and give 5 days for minister's response (5B4)
- review relevant evidence (5B5)
- interview other persons (5B6)
- keep accurate records of interviews (5B7)
- if necessary ask for extension to conclude (5B8)
- prepare written report (5B9)

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14 days after Investigators Report, *Judicial* Committee chair convenes meeting (Section 5C pg. 16-17)

Decline to charge (5C1, pg. 16):

- inform minister (5C1a)
- inform complainant and contact person (5C1b)
- deliver file to the provincial Executive Director (5C1c)
- send file to National Office (5C1d)
- report to those involved (5C1e)
- work with congregation (6A1c)

OR

Bring a charge (5C2, pg. 16):

- change credential status (5C2a)
- file charge with *ONMB* (5C2b)
- deliver charge to minister and contact person with request
- respond within 5 days (5C2c)
- inform complainant (5C2d)

Upon receipt of minister's response, *Judicial* Committee will either (Section 5C2e-h, pg. 16-17)

If accused agrees with allegation

(Section 6A2, pg. 18)

- determine judgment and send letter naming judgement (6A2)
- report appropriate people (6B1-7)
- update credential status (6C)
- monitor the sanctions (6D)
- provide Follow-up care (6E)

OR

If accused disputes allegation will set up a hearing within 7 days of receipt of Minister's written dispute

(Section 5C2f-h pg. 17)

***Judicial* Committee conducts a hearing** (Section 5D, pg. 17)

- notify the minister, investigative team of the hearing (5D1)
- notify the complainant (5D2)
- hear testimony of investigative team, minister and all witnesses (5D3)
- deliberate to make a decision concerning judgement (5D4)
- file written record of hearing (5D5)

Following hearing, *Judicial* Committee will (Section 6, pg. 18-19)

- determine a judgment (6A)
- if judgment is the minister, more likely than not, did not engage (6A1)
- if judgment is the minister, more likely than not, did engage then (6A2)
- report to all appropriate people (6B1-7)
- update credential status (6C)
- monitor sanctions (6D)
- provide follow-up care (6E)

Appeal (Section 7, pg. 20-21)

Minister or complainant may appeal in writing within 5 days of judgement (Section 7A-B, pg. 20)

No later than 14 days after appeal is registered, NFLT appoints Appeal Committee (Section 7C, pg. 20)

The Appeal Committee shall (Section 7D, pg. 20-21)

Credential Status of a Sanctioned Minister (Section 8, pg. 22)

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SECTION 1. Introduction

1.1 This document sets out the formal procedures to be followed by the Ontario Conference of Mennonite Brethren Churches (*ONMB*) when there is a need to address a concern regarding the conduct of a *credentialed minister* or other *minister* in a Member Church or MB affiliated organization.

1.2 Any error or omission to the implementation of the process, as outlined, does not invalidate the process. Corrective action will be taken where possible and may be grounds for an appeal. In addition, if any aspect of this procedure is found to violate the law in the legal jurisdiction in which the *investigation* is being implemented, that illegal action will not invalidate the rest of the protocol nor the determination/outcome of the *investigation*. This *Policy and Procedure* should not be considered the sole source of redress for anyone who believes they are the victim of sexual harassment or abuse.

1.3 While our biblical objective is reconciliation and restoration (Matthew 18), the focus of this document is disciplinary as it relates to the issue of ministerial conflicts under *ONMB's* authority. Specifically, the *ONMB* is responsible for granting and terminating *credentials*.

1.4 This *Policy and Procedure* is a means for the *ONMB* to make factual determinations about *complaints* of *ministerial misconduct* and to discipline when warranted. The *ONMB* may address several *complaints* against a *minister* in one proceeding or may conduct a separate proceeding for each *complaint*.

ONMB Jurisdiction

1.5 This document applies to a care, concern, or conflict, that arises and has been formally brought forward to the *ONMB*, with regard to a *credentialed minister* in relationship to the Code of Christian Conduct and other ministerial policies.

1.6 The *ONMB* has jurisdiction over the conduct of a *credentialed minister* during the time they were a *credentialed minister* of the *ONMB* and during any period of suspension.

1.7 The jurisdiction over a *credentialed minister* continues even though the person is no longer a *credentialed minister* as it pertains to matters of the *ONMB*.

1.8 No *credentialed minister* shall resign or otherwise voluntarily terminate his or her membership in the *ONMB* once the *ONMB* receives a formal complaint, or initiates an investigation of a concern, until the matter is finally disposed of. Should a minister resign, this investigation will continue. (See Section 4.5 and 5.)

Interpretation

1.9 The *ONMB* may provide clarification to a *minister* about the interpretation of the Family Covenant of the Ontario Conference of MB Churches, *ONMB's* Code of Christian Conduct, or the MB Confession of Faith if requested to do so. Any such request shall be in writing and shall specify all material facts. The advice is not binding on the *ONMB* if any material fact was omitted or inaccurately stated in the request.

Statute Of Limitations

1.10 There is no statute of limitations, and therefore a *charge* of *ministerial misconduct* may be brought for acts that allegedly occurred many years before. Reliability of memory and availability of witnesses and *evidence* should be taken into account when deciding whether to *charge*. In some such cases, the *ONMB* through its *Judicial Committee* may decide in consultation with the *National Office* that an adapted process of this procedure is appropriate to address the alleged *misconduct*.

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Previously Disciplined Ministerial *Misconduct*

1.11 A *credentialed minister* who was previously charged with *misconduct* shall not be charged again for that situation, provided that the *ONMB* confirms at the time of the new *complaint* that the *credentialed minister* has followed through with any requirements that arose from that previous *charge*. However, the *investigation* and the *judgment* in an earlier disciplinary proceeding will be considered when relevant to a current *charge* by the *ONMB*. Relevancy may include prior *misconduct* of the type described in a current *complaint*. Following a disciplinary process, if *complaints* from additional *complainants* come forward, the *ONMB* will engage in another investigation.

Conflicts Involving the *Executive Director*

1.12 When there is a *complaint* against the *Executive Director*, or other individuals in the *ONMB* leadership such that a conflict of interest might be perceived, the *National Office* will be consulted to determine who should facilitate this process.

Informal Process & Local Churches

1.13 As conflicts arise, they are to be processed in the natural relationships in which they are situated. An informal process seeks to limit those outside of the natural relationships to resolve the matter. Such processes typically involve the local church. As part of an informal process, a member of the *ONMB Provincial Faith & Life Team* may be assigned by the *Executive Director* to assist in this matter and it is still considered to be “informal”. If a satisfactory resolution is not reached, a formal *complaint* may be filed as described in SECTION 3. Formal Complaint by an Individual.

1.14 Local churches are required by law to have developed appropriate workplace policies and procedures related to sexual harassment, workplace abuse, protection of vulnerable individuals, and other matters. A complaint might begin at the local church level, and depending upon jurisdiction, may also involve the *ONMB*.

Application to Member Churches

1.15 While written specifically for *ministers*, the principles in this procedure may also be applied to a Member Church of the *ONMB* and/or affiliated organization that may experience a matter of significant care, concern, or conflict.

Other Documents

1.16 The *ONMB* will also maintain specific policies related to sexual harassment (under the Ontario Humans Rights Code) and workplace harassment policies (under the Occupational Health and Safety Act). These policies are to be applied in conjunction with this Policy and Procedure. Please see the *ONMB* website for additional documents.

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SECTION 2. Definitions

All words defined in this section are italicized throughout the document.

Words importing the singular include the plural and vice versa; words importing a male person include a female person and may include non-human entities such as corporations.

Definitions of terms used in this *Policy and Procedure*:

- 2.1 *Appeal Committee*: Three persons appointed by the *National Faith & Life Team (NFLT)* to hear an *appellant's* appeal following a *judgment*. (See Section 7C.)
- 2.2 *Appellant*: The *minister* or the *complainant* who registers an appeal to the *ONMB*.
- 2.3 *CCMBC*: The Canadian Conference of Mennonite Brethren Churches (*CCMBC*) represents the Mennonite Brethren denomination in Canada. All MB churches in Canada are members of the *CCMBC*.
- 2.4 *Charge*: Verb: Action by the *ONMB* to formally accuse a *minister* of *misconduct*, based on a written *complaint*. Noun: A formal accusation of *misconduct*, brought by the *ONMB*, based on a written *complaint*.
- 2.5 *Commissioner*: A person assigned by the *ONMB* Board to provide oversight to the proceedings of a formal complaint, concern, or conflict in place of the *Executive Director*. (See Section 3 and Section 5)
- 2.6 *Complainant*: One who alleges that a *minister* engaged in *misconduct*.
- 2.7 *Complaint*: A written allegation of *misconduct*, signed by a *complainant*, including the name of the accused and, as much as possible, the date, time, location, circumstances, names of any witnesses and other relevant information.
- 2.8 *Contact Person*: A *contact person* is appointed by the *Executive Director/Commissioner* for the *complainant* to assist the individual in reviewing this *Policy and Procedure*, assist the person in putting the *complaint* into writing, assure that the written *complaint* is received by the *ONMB*, and remain the *contact person* for the *complainant* if a *charge* is brought. The *minister* will also be offered a *contact person*.
- 2.9 *Credential*: Verb: To license a *minister* by the *provincial conference* and/or to accept responsibility for the continued authorization of a licensed *minister* to act as a *minister*. Noun: The recognition of ministerial authority that is granted to a *minister* by a credentialing *provincial conference*.
- 2.10 *Credentialed Minister*: A *minister* who has been *credentialed* by a *provincial conference* and is accountable under the Code of Christian Conduct used by the *ONMB* and *CCMBC*.
- 2.11 *Evidence*: Witness testimony, documents, objects, or other information that make a claim or defense more likely or less likely to be true.
- 2.12 *Executive Director*: The *ONMB Executive Director* serves as pastor to *ministers*, and/or pastors, including the oversight of those with *credentials*. In other provinces, this role is described as *provincial conference minister*.
- 2.13 *Investigation*: Upon receipt of a written *complaint*, *investigators* conduct an *investigation* to gather more information about the *complaint* in order to issue a report to the *Judicial Committee*.
- 2.14 *Investigators*: Qualified and independent persons appointed to participate in a panel investigating a *complaint*. (See Section 5)

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- 2.15 *Judicial Committee*: Three or more individuals appointed by the *ONMB* Board to serve as the *Judicial Committee* that provides judgment and administers the discipline process according to this *Policy and Procedure*. (See Sections 3G, 5C, 5D, 6, 7.)
- 2.16 *Judgment*: Determination by the *Judicial Committee* of whether a minister engaged in misconduct or did not engage in misconduct, based on the investigation.
- 2.17 *Jurisdiction*: The appropriate *provincial conference* to have disciplinary authority over the *minister* for whom a *complaint* has been filed. (See Section 4)
- 2.18 *Minister*: Noun. A *minister* may be:
- one who has been credentialed to act as a *minister* in a *provincial conference*, or
 - one who serves as a non-credentialed pastor in a congregation, or
 - one who is an employee of an organization that a *provincial conference* acknowledges is affiliated and requires credentialing.
- 2.19 *Ministerial Misconduct File*: The *provincial conference's* personnel file regarding a *minister's* *misconduct* or alleged *misconduct*, maintained by the *provincial conference*. The *National Office* will receive a duplicate file from the *provincial conference*.
- 2.20 *Misconduct*: An act or omission by a *minister* that is contrary to the policies or principles of the *provincial conference* or MB denomination as defined in the MB Confession of Faith, Code of Christian Conduct and other approved policy documents related to *ministers*.
- 2.21 *National Office*: The *CCMBC* is the *National Office* of the MB denomination.
- 2.22 *NFLT*: The *National Faith and Life Team (NFLT)* is a committee of the *CCMBC* that oversees the doctrinal and spiritual aspects of the Canadian MB denomination.
- 2.23 *Non-disciplinary Leave of Absence*: A leave with pay, granted to a *minister* for non-disciplinary reasons, by a congregation or other employer at its discretion.
- 2.24 *Personal Supporter*: A person selected by the *complainant*, or a person selected by the accused *minister* to provide pastoral care and practical support. (See Section 3D)
- 2.25 *ONMB*: Noun or Adjective: The *ONMB* is the Ontario Conference of Mennonite Brethren Churches, incorporated in the province of Ontario, whose membership includes Mennonite Brethren Churches in Ontario and whose authority is defined in the General Operating Bylaw.
- 2.26 *Policy and Procedure*: This *ONMB* Ministerial Misconduct Policy and Procedure.
- 2.27 *Preponderance of Evidence*: The greater weight of the evidence required for the *Judicial Committee* to decide in favor of one side or the other.
- 2.28 *Probable Grounds*: Facts and circumstances that reasonably justify a determination that an alleged event has, more likely than not, occurred.
- 2.29 *Probation of Credentials*: The *credential* status given when the *minister* has been placed under close supervision for a specified period of time in order to determine whether the *credential* will be continued. At the conclusion of the probationary period, it is determined whether the *credential* becomes active, suspended, or terminated.
- 2.30 *Professional Relationship*: The relationship between a *minister* and one who relates or has related to the *minister* as congregant, student, counselee, employee or in a comparable role, or a relationship in which the religious role gives the *minister* privilege and power. A *professional relationship* does not include:
- A married *minister's* relationship with the *minister's* spouse; or
 - An unmarried *minister's* dating relationship with an unmarried person with whom the *minister* has had a *professional relationship*, if the *minister* has clearly communicated to the person that

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the *minister* will not provide for any one-to-one professional ministry care and there is acknowledgement and accountability with the *Executive Director*.

- 2.31 *Provincial Conference*: A provincial Mennonite Brethren conference of churches in Canada that is member of the CCMBC. This includes BCMB, ABMB, SKMB, MBCM, ONMB and AEFMQ.
- 2.32 *Provincial Conference Minister*: The *provincial conference minister* serves as pastor to *ministers*, and/or pastors, including the oversight of those with *credentials*. The *ONMB Executive Director* typically serves as the *conference minister* in Ontario. Note: The *ONMB Executive Director* may also serve on the *PFLT* and *NFLT*.
- 2.33 *Provincial Conference Moderator*: The *ONMB Moderator* or person designated by the *ONMB Board* shall serve in the provincial conference leadership role for the purpose of this *Policy and Procedure*. (See *ONMB General Operating Bylaw*.)
- 2.34 *PFLT*: The Provincial Faith and Life Team (*PFLT*) is a standing committee of the *ONMB* that grants credentials to ministers. The duties and authorities of the *PFLT* are defined in the *ONMB General Operating Bylaw*.
- 2.35 *Sanction*: Verb: To discipline a *minister*. Noun: A reprimand, the probation, suspension or termination of *credentials*.
- 2.36 *Suspension of Credentials*: The status given when the ministry *credential* is laid aside for a specific period of time for disciplinary reasons. Suspended *credentials* are not valid for performing ministerial functions.
- 2.37 *Termination of Credentials*: The status given when the *provincial conference* has removed the *credential* because of a disciplinary action. The individual will no longer have any *credential* and the credential cannot be reinstated within the MB denomination. (See 8.1)
- 2.38 *Withdrawn Credential*: The status given when the *provincial conference* has removed a *minister's credential* for cause as determined by *provincial conference*. The individual will no longer have any *credential*. The expiry or non-renewal of a *credential* is not withdrawal. When a minister joins another denomination, their credential is withdrawn.

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SECTION 3. Formal Complaint by an Individual

This section applies to a formal and written complaint filed by an individual with the *ONMB*. If an informal process is desired, see 1.13 Informal Process.

STEP 3A. Report of Potential *Misconduct*.

A person who believes that a *minister* has engaged in *misconduct* should contact the *ONMB* office (usually through either the *Executive Director* or the *Provincial Conference Moderator*) with a report of *misconduct*. If the *complaint* is against the *Executive Director*, or if the *ONMB* Board discerns that there is a significant conflict of interest related to the complaint, then the report is filed directly with the *National Office* who shall work with the *ONMB* Board. (See 1.12). In the absence of their own policy, the *CCMBC* will execute this *Policy and Procedure*, or *CCMBC* will designate a third party to handle the dispute resolution.

STEP 3B. Responsibility of *Executive Director/Commissioner*.

The *Executive Director* or *Commissioner* will:

- 3B1. Consult with the *National Office* to determine whether the *Executive Director* has a conflict of interest with the *complainant* or the accused *minister*. When a conflict of interest exists, the *ONMB* Board will appoint an alternative facilitator, a *Commissioner*, of this *Policy and Procedure*.
- 3B2. Report to governmental authorities any child abuse or other violation that requires reporting according to the laws of the country or province.
- 3B3. Give the *complainant* this *Policy and Procedure*. The *Executive Director/Commissioner* should also, depending on the circumstance, encourage the *complainant* to seek medical (including mental health) and/or legal assistance. If there is a concern that the *complainant* is in physical danger or that a crime has been committed, the *Executive Director/Commissioner* will immediately contact the police as noted in 3B2. This *Policy and Procedure* is not the *complainant's* only source of redress.
- 3B4. In the case of a formal complaint, assign a *contact person* to assist the person reporting *misconduct* in preparing a written *complaint*, and to walk with the individual through the process. Refer to STEP 3F below regarding the content of the *complaint*. The *contact person* will not have supervisory responsibilities for the *complainant* or the accused *minister* nor have any other shared responsibilities related to the accused *minister* or the *complainant*.
- 3B5. In the case of abuse or sexual misconduct, contact legal counsel to assure that the *ONMB* is following regional laws.

STEP 3C. Responsibilities of *Contact Person*.

The *contact person* will meet with the *complainant* to:

- 3C1. Review this *Policy and Procedure*.
- 3C2. Help the person put their *complaint* into writing.
- 3C3. Serve as the connector between *complainant* and the process.
- 3C4. Deliver the written *complaint* directly to the *ONMB* office, or the *National Office* when it is against the *Executive Director* whereby the *National Office* will oversee this *Policy and Procedure*.
- 3C5. Encourage the selection of a *personal supporter*.

STEP 3D. Selecting a *Personal Supporter*.

The *complainant* may select a *personal supporter*. A *personal supporter* shall not have supervisory responsibilities for the *complainant* or *minister* nor have any other responsibilities related to the *complainant* or *minister*.

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STEP 3E. Responsibilities of *Personal Supporter*.

The *personal supporter* will:

- 3E1. Provide pastoral care, practical support and assure the *complainant* has structures around them to help them be safe.
- 3E2. When requested, accompany *complainant* as an observer to meetings required by this *Policy and Procedure*.
- 3E3. Not advocate to the *provincial conference*, the *Judicial Committee*, the *Executive Director/Commissioner*, the *investigators* or the *Appeal Committee*.
- 3E4. Make timely objection on behalf of the *complainant* to the *investigators* or the chair of the *Judicial Committee* if the *personal supporter* believes the *Policy and Procedure* is not being fairly administered.

STEP 3F. Writing the *Complaint*.

The *complaint* should include:

- 3F1. The name of the *minister*.
- 3F2. The name of the *complainant*.
- 3F3. The nature of the alleged *misconduct*.
- 3F4. Sufficient information about date, time, place, and circumstance to specifically inform each incident of complaint. (Describe multiple incidents of alleged *misconduct* in separately numbered paragraphs.)

STEP 3G. Judicial Committee.

The *ONMB* Board will create a *Judicial Committee* of at least three members, where a majority of members are from the *ONMB* Board so that the *ONMB* ministry context is being understood. External appointments may be necessary if special skills, such as experience in dealing with sexual or workplace misconduct, are required. The committee chair will be appointed by the *ONMB* Board.

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SECTION 4. Denominational Jurisdiction

Mennonite Brethren churches in Canada are admitted first as members of a *provincial conference* and then become members of the *CCMBC*. *Ministers* credentialed in one province may have reason to serve in other provinces. This section explains how a complaint may be processed in a national denominational context. A copy of this *Policy and Procedure* shall be given to the *National Office* and the other *provincial conferences*.

4.1 Following receipt of the written *complaint*, *jurisdiction* is determined to be lodged in one of the *provincial conferences*. *Jurisdiction* to address a *minister's* alleged *misconduct* exists in:

- 4.1a) The *provincial conference* receiving the written *complaint*, for its *credentialed ministers*, whether the person remains in the church assignment or not, is dead or alive, refuses to cooperate with the *provincial conference* or has relinquished their *credential*.
- 4.1b) The *provincial conference* receiving the written *complaint* if the *minister* is serving as an agent of an organization which requires credentialing from the *provincial conference*.
- 4.1c) Any other conference that *credentials* the *minister* (this applies to dual denomination congregations).
- 4.1d) The *provincial conference* of the congregation in which the *minister* is or was previously serving even if there is no current *credential*.

4.2 The *provincial conference minister* receiving the *complaint* shall inform any other *provincial conference* that currently holds the *credential* of the accused that a *complaint* of *misconduct* by the accused is being investigated. The *provincial conferences* will confer regarding which *provincial conference* shall exercise *jurisdiction*. Generally, but not always, *provincial conferences* will exercise *jurisdiction* in the order of priority shown above. If there is disagreement or lack of clarity about which *provincial conference* should take priority in exercising *jurisdiction*, the *provincial conferences* will confer with the *National Office*, and the *National Office* may recommend which *provincial conference* shall exercise *jurisdiction*.

4.3 The disciplinary *jurisdiction* of the *ONMB* is not limited because another professional accrediting entity is investigating or has investigated an allegation of *misconduct* by an accused *minister*.

4.4 The *ONMB* may not revoke accreditations that currently are extended by another entity but is obligated to inform the accused *minister's* employer that a *complaint* has been received and will be investigated. When the *ONMB* has full and exclusive responsibility for the *credential* and finds that a *minister* has engaged in *misconduct* that would warrant *sanctions*, the *ONMB* may prohibit the *minister* from acting as a *minister* in Ontario or impose conditions that limit how the *minister* may serve in the *ONMB* and impose restrictions on transferring a *credential* to another *provincial conference*.

4.5 After the *ONMB* determines it has *jurisdiction*, *jurisdiction* shall continue until the *ONMB* determines otherwise. *Jurisdiction* may continue after a *minister* has relinquished or lost their *credential*. The *ONMB* is required and may be legally responsible to follow through in this process even if the congregation in which the accused *minister* serves does not want to participate in the process. If the accused *minister* refuses to cooperate with the *ONMB* according to this *Policy and Procedure*, then their *credential* will be *terminated* immediately by the *PFLT*. Such refusal will be noted in the *ministerial misconduct file* that the

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ONMB maintains concerning the *minister*, which is shared with the *National Office* and recorded in the *National Office* database for *credentialed* persons.

4.6 The *ONMB* will cooperate fully when law enforcement is involved and the *ONMB* will immediately suspend the accused *minister's credential*. (See 5A5.) On completion of that legal process, the *ONMB* will proceed with this *Policy and Procedure*.

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SECTION 5. Investigation

In a situation where the accused *minister* refuses to communicate and/or cooperate with this *Policy and Procedure*, the *minister's credential* will be *terminated* immediately as noted in 4.5. In order to provide an accurate record, the *Judicial Committee* will determine if the remaining steps of this *Policy and Procedure* will be completed to the best extent possible, fully documenting all attempts that were made to work with the accused *minister*.

STEP 5A. Responsibilities of Executive Director/Commissioner.

Upon receiving a *complaint* that alleges *misconduct* by a *minister* and after *jurisdiction* in ONMB is determined, the *Executive Director*, or a *Commissioner* (see STEP 5A2), as facilitator of this procedure will, within 7 days:

- 5A1. Contact the *National Office* that a *complaint* has been received, to provide accountability beyond the ONMB and to determine if there are any possible related records. In the case where the *complaint* is against the *Executive Director*, the complaint is sent by the contact person directly to the *National Office*. The *National Office* will facilitate this *Policy and Procedure* and not the ONMB.
- 5A2. Consult with the *National Office* to determine whether the *Executive Director* has a conflict of interest with the *complainant* or the accused *minister*. When a conflict of interest exists, the ONMB Board will appoint an alternative facilitator, a *Commissioner*, of this *Policy and Procedure*.
- 5A3. Take steps to prevent any interaction between accused *minister* and the *complainant*.
- 5A4. Ensure confidentiality. The identity of the *complainant* is to be protected and is not to be named publicly or in any form of communication either directly or indirectly by the accused *minister* or anyone involved in the *investigation*.
- 5A5. Determine if immediate *suspension of credential* is needed and make an appropriate announcement. If the law is involved, the ONMB will immediately suspend *credentials* and cooperate with the authorities.
- 5A6. Notify accused *minister* that a written *complaint* alleging *ministerial misconduct* has been filed and an *investigation* will be conducted. The *minister* may be informed of the identity of the *complainant*, unless there is a concern for safety of the *complainant*, and the *minister shall be directed* not to communicate with the *complainant* about the *complaint* either directly or indirectly. As noted in 5A4, the *minister* is required to protect the identity of the *complainant*.
- 5A7. Give the *minister* this *Policy and Procedure*.
- 5A8. Offer a *contact person* to assist the *minister* through the process. The *contact person* will review this *Policy and Procedure* and serve as connector between the *minister* and the process.
- 5A9. Notify the leaders of the congregation in which the *minister* is serving (or other employer of the *minister*) and any other *ministers* for the congregation that a *complaint* has been received and give them this *Policy and Procedure*. Following consultation with the *Executive Director/Commissioner* and legal counsel, in the case of suspension, the leadership of the congregation's governing board will make a congregational announcement such as: "(The named *minister*) has been granted a *leave of absence* from all responsibilities as *minister* while a *complaint* is being investigated. The fact that a *complaint* is being investigated does not mean that *misconduct* has occurred, but the ONMB Conference takes complaints seriously and requires an *investigation*." Discernment must be exercised as it relates to informing other employers when outside the church.
- 5A10. Recommend that the congregational leaders provide a paid *leave of absence* to the *minister*.
- 5A11. Appoint at least three members, where a majority of members are from the *Provincial Faith & Life Team*, to be independent *investigators*. External appointments may be necessary if special skills are required such as experience in dealing with sexual or workplace misconduct investigations. A chair or lead *investigator* may be appointed.

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- 5A12. Following the announcement of the appointment of the *investigators* to the *complainant* and the *minister*, objections about partiality or other unfairness must be submitted in writing within two days to the *Executive Director/Commissioner*. The resulting decision of the *Executive Director/Commissioner* concerning the objection shall be binding for all purposes concerning the *investigation*, determination and appeal of the *complaint* and any resulting *charge*. Partiality shall not be assumed because a person is a member or a leader in the *ONMB*.
- 5A13. Notify the *complainant* and the accused *minister* through the *contact persons* that an *investigation* will begin.
- 5A14. Locate personnel files including any *ministerial misconduct file* that the *ONMB*, former *provincial conference(s)* and *National Office* maintain concerning the accused *minister*. These files must be shared with the *investigators*.
- 5A15. Notify insurance carrier of *ONMB* and follow required procedures while keeping the integrity to the process outlined in this *Policy and Procedure*.

STEP 5B. Responsibilities of Investigators.

Investigators will conduct an *investigation*, within 21 days of receiving the written complaint, including:

- 5B1. Review the written *complaint*.
- 5B2. Interview the *complainant* (who may have *personal supporter* present), to review any *evidence*, and request that the *complainant* give a signed written statement if they believe additional information may be needed to substantiate any of the allegations in the *complaint*.
- 5B3. Interview the accused *minister*. Inform the *minister* of the nature of the *complaint*.
- 5B4. Advise the *minister* that the *investigators* are willing to receive information and any statements by the *minister*. Inform the accused *minister* that any statement may be used in disciplinary proceedings. The *investigators* may, at their discretion, decline to show the signed written *complaint* if there is concern for safety, or if law enforcement or other civil authorities request that this not occur. If there are no such compelling reasons to not share the written *complaint*, the *minister* should receive a copy along with direction that within five days of the *minister's* receipt of the *complaint*, the *minister* shall deliver to the *investigators* a statement, responding to each numbered allegation in the *complaint* stating:
- 1) That the *minister* agrees with the allegation, or
 - 2) That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged.
- 5B5. Review any relevant *evidence* offered by the accused *minister* or the *complainant*.
- 5B6. Interview other persons who may have relevant information. These persons will be informed of the need for confidentiality.
- 5B7. Keep accurate records of interviews, including the date, parties present and name of the recorder.
- 5B8. If necessary, ask the *Judicial Committee* to extend the time to conclude the *investigators' written report*.
- 5B9. Prepare a written report to the *Judicial Committee*. The report shall be based, as much as feasible, on statements of witnesses with direct knowledge, rather than on second-hand sources or circumstantial *evidence*. The report shall include:
- 5B9a. *Evidence* that the *investigators* believe supports the allegation that the *minister*, more likely than not, engaged in *ministerial misconduct*, and the *evidence* that shows that the *minister* more than likely did not engage in *ministerial misconduct*.
 - 5B9b. Any reasons why the *investigators* believe they cannot present such *evidence*.
 - 5B9c. A recommendation to the *Judicial Committee*:
 - i. To drop the *complaint*, or

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

ii. To charge the minister

5B9d. Signatures and dates of all the members of the *investigation* team.

STEP 5C. Responsibilities of Judicial Committee.

Upon receipt of the report with the recommendation from the *investigators*, the Chair of the *Judicial Committee* will convene the committee, within 14 days, and decide to either:

OPTION 5C1. Decline to Charge.

If the *Judicial Committee* receives the report and accepts the recommendation from the *investigators* to drop the *complaint* because there does not seem to be *probable grounds* to support any allegation of *ministerial misconduct*, the Chair of the *Judicial Committee* will:

5C1a. Inform the *minister* and their *contact person* in writing.

5C1b. Inform the *complainant* and their *contact person* in writing.

5C1c. Deliver the complete file to the *Executive Director*, who will maintain it as a *ministerial misconduct file*.

5C1d. Send a copy of the complete *ministerial misconduct file* to the *National Office*. Update the *credential* status in the *minister's* file in the *National Office* database. In the status note section include the *judgement*, the date, the name of the *area conference* and the location of the *ministerial misconduct file*.

5C1e. Make appropriate reports to those involved and announce as widely as the earlier announcement about the original *complaint*.

OPTION 5C2. Bring a Charge.

If the *Judicial Committee* believes that *investigators* have presented *evidence* that the *minister*, more likely than not, engaged in *ministerial misconduct*, the Chair of the *Judicial Committee* will ensure the following steps take place:

5C2a. Change the *credential* status of the *minister* to either *suspended*, *probation* or *terminated*.

5C2b. File a *charge* with the *ONMB* Board, including:

(1) The name of the *minister*.

(2) The name of the *complainant*.

(3) The official *complaint* of *ministerial misconduct*.

(4) Sufficient information about date, time, place, and circumstance to specifically provide information about each incident of *complaint*. (Describe multiple incidents of alleged *misconduct* in separately numbered paragraphs.)

5C2c. Deliver the *charge* in writing to the *minister* and their *contact person*. If personal delivery of the *charge* is not practical, then it should be sent by certified mail to the last known address with return receipt requested. Electronic mail is not appropriate. The *charge* will include direction that within five days of the *minister's* receipt of the *charge*, the *minister* will deliver to the Chair of the *Judicial Committee* a signed statement, responding to each numbered allegation in the *complaint*, stating:

(1) That the *minister* agrees with the allegation, or

(2) That the *minister* disputes the allegation and sets forth all the reasons the *minister* disagrees, as well as the *minister's* full account of each disputed incident that is alleged in the *charge*.

5C2d. Inform the *complainant* and the *contact person* in writing that a *charge* has been filed by the *ONMB* and a *hearing* may take place.

5C2e. Upon receiving the *minister's* signed statement responding to the allegations, the Chair of the *Judicial Committee* will convene the committee. If the *minister* agrees with the

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allegations, the committee will determine *judgement* and *sanctions* as outlined in Section 6.

- 5C2f. If the *minister* disputes the allegations, the *Judicial Committee* will give notice to the *minister* that a *hearing* will be scheduled to begin within seven days.
- 5C2g. Direct that the accused *minister* shall not communicate with the *complainant* directly or indirectly for any reason.
- 5C2h. If there is no *Judicial Committee* member with professional competency in the matter at hand, the *committee* will contract with a professional who does have the required competency and who has no history with the accused *minister* or the *complainant* for the duration of this proceeding.

STEP 5D. Hearing.

- 5D1. The Chair of the *Judicial Committee* will notify the *minister* and the *investigation* team of the date, time and location for the hearing. The hearing may be held in person or electronically or in writing, or a combination of them.
- 5D2. The *complainant* will be notified of the hearing. The *complainant* does not need to be present at the hearing nor does the *complainant* need to testify.
- 5D3. The *Judicial Committee* will hear the testimony of the *investigation* team (and their witnesses) and the *minister* (and the *minister's* witnesses), as well as the *complainant* (and their witnesses) if present.
- 5D4. The *Judicial Committee* deliberates to make a decision concerning *judgement*.
- 5D5. A written record of the hearing will be kept in the *minister's ministerial misconduct file* and will include the *investigator's* report, the testimonies and any additional information that came to light.

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SECTION 6. Judgment and Sanctions

The *Judicial Committee* will:

STEP 6A. Judgment.

Determine a *judgment* stating whether the *minister* did or did not engage in *ministerial misconduct*.

EITHER:

OPTION 6A1. If it is determined that the *minister* more likely than not **did not engage** in *ministerial misconduct*, the committee, in its sole discretion, and depending on the circumstances, may:

- a. Identify concerns regarding fitness for ministry and required steps.
- b. Notify the *minister* of the *judgement* and any requirements if needed.
- c. Affirm, support, and recommend how congregational leaders may affirm and support the *minister* and the *minister's* continued ministry.
- d. Offer support to the complainant.

OR

OPTION 6A2. If it is determined that the *minister* more likely than not **did engage** in *ministerial misconduct* the *Judicial Committee* will inform the *minister* in writing through certified mail of the *judgement* and resulting *sanctions* imposed by the committee. A *sanction* that results in a *credential* status of *terminated* is a permanent sanction. When the *credential* status related to the *judgement* is *suspended* or *probation*, the letter will identify if this *credential* status will continue for a stated period of time or until further notice and include the details of each *sanction*. The letter will also include steps for determining, with external verification, that the *minister* is in compliance with all *sanctions* imposed by the committee. The *sanctioned minister's* word will not determine compliance. See Section 8.

STEP 6B. Reporting.

The *Judicial Committee* will report to:

6B1. The *complainant* about the *judgment*.

6B2. The *Provincial Conference Moderator* regarding the *judgment* and *sanctions*, including a complete file to be maintained in a ministerial misconduct file.

6B3. The congregation of the charged *minister* regarding the *judgement* and *sanctions*.

6B4. Ministers within the *ONMB* where the charge took place, of the *judgment* and *sanctions*.

6B5. The employer who was notified of a *complaint*, of the *judgement* and *sanctions* regarding the charged *minister*.

6B6. Other *provincial conference ministers* regarding the *judgment* and *sanctions*.

6B7. The *National Office* and will submit the complete file.

STEP 6C. Credential Status.

Following reporting of the *judgment* and *sanctions*, the *Judicial Committee* will update the *credential* status in the *minister's* file on the *National Office* database. The status note section should include the *judgment*, the date, the name of the *provincial conference* and the location of the *ministerial misconduct file*. A minister with a *credential* with the status of *probation*, *suspended*, *terminated*, or *withdrawn* can not transfer their credential to any other *provincial conference*.

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STEP 6D. Monitor Compliance with Sanctions.

6D1. The *Judicial Committee* will set the times and guidelines for determining compliance with the *sanctions*. External verification such as direct reports from a counselor, accountability group and/or another compliance entity will be used to determine the *minister's* compliance.

6D2. The *Judicial Committee* may require the *minister* to appear before the committee at any time and may require additional *sanctions* if it finds that the *minister* is not in full compliance.

6D3. If the *minister* remains noncompliant, the *credential* will be *terminated*, recorded in *National Office* database and the *Judicial Committee* will report the termination to all those who were earlier informed of the *judgment*.

Step 6E. Provide Follow-up Care.

The *Judicial Committee*, with the assistance of the *PFLT*, will assure follow-up care for the *complainant*, the complainant's family, the *minister*, the *minister's* family and for the congregation.

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SECTION 7. Appeal

Either an accused *minister* or the *complainant* may appeal the *judgment* and direct the appeal to the *NFLT*. Upon request of an appealing *minister*, the *NFLT* shall decide, in consultation with the *ONMB* Board, whether to delay the imposition of any *sanction*, pending outcome of the appeal.

STEP 7A. Notice of Appeal.

The *appellant* shall give written notice of any appeal to the *ONMB Moderator* within five (5) days after the *judgment* by the *Judicial Committee*. The notice of appeal shall be signed by the *appellant* and state all grounds for appeal of the *judgment*.

STEP 7B. Grounds for Appeal & Evidence.

The *appellant*, in writing, shall state facts and reasons that demonstrate grounds for appeal and why the *judgment* of the *Judicial Committee* should not be supported.

7B1. No party shall file with the *Appeal Committee* evidence that was not before the *Judicial Committee* without the prior written permission of the *Appeal Committee*.

7B2. The *Appeal Committee* shall not permit additional or fresh evidence to be filed unless the additional or fresh evidence:

- i. is apparently credible;
- ii. if admitted it would probably have an important influence on the result; and
- iii. only if it could not have been obtained by reasonable diligence at the time of the hearing before the *Judicial Committee*.

STEP 7C. Appointment & Powers of Appeal Committee.

7C1. Upon receipt of an appeal, the *ONMB Moderator* will contact the Chair of the *NFLT*. The *NFLT* shall appoint an *Appeal Committee* consisting of three persons, including a chair. No member of the committee shall be an *investigator*, a member of the *Judicial Committee*, a member of the same congregation as the *appellant*, nor have any relationship that materially affects impartiality.

7C2. The *Appeals Committee* shall only grant an appeal if the *Judicial Committee* made an error of law or procedure that made the hearing substantially unfair or if there are sufficient grounds that show that the *Judicial Committee* made a decision that exceeds its authority.

7C3. If the *Appeals Committee* decides that a ground of appeal should succeed, the *Appeals Committee* can vary or reverse the decision of the *Judicial Committee*, and the *Appeals Committee* shall assume all of the powers of the *Judicial Committee*.

STEP 7D. Appeal Process.

The *Appeal Committee* shall:

7D1. Inform the *minister*, the *complainant*, and the *Judicial Committee* that there will be an appeal hearing on the *judgment*; including the date of hearing within 30 days of the notice of appeal.

7D2. The *minister*, the *complainant*, and the *Judicial Committee* will be given the date, time and place for the appeal hearing.

7D3. Convene the appeal hearing with the appellant and *Judicial Committee* and:

7D3a. Read or otherwise identify the notice of appeal.

7D3b. Allow the *appellant* to explain why the *appellant* believes there are not *probable grounds* to support the *judgment*.

7D3c. Have one or more members of the *Judicial Committee* review the judgment and the evidence supporting the judgment.

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7D3d. Deliberate in private and determine *judgment* by consensus (but in the absence of consensus, by majority vote) to either:

i. Affirm the *judgment*, if the *appellant* was unable to demonstrate that there were not *probable grounds* to support the *judgment*. Generally, the *Appeal Committee* shall defer to findings made in the *investigator's* report and the *judgment* of the *Judicial Committee* and shall focus on whether the findings support the *judgment*;

OR

ii. Change the judgment, if the appellant was able to demonstrate that there were not probable grounds to support the *Judicial Committee* judgment.

7D3e. Give written notice of the *Appeal Committee's judgment* to the *minister*, the *complainant*, and the *Provincial Conference Moderator*. Give appropriate notice to all others informed of the earlier *judgment*.

7D3f. Give notice to the *Judicial Committee* of the *Appeal Committee's* judgment. If the *judgment* is affirmed, then the *Judicial Committee* will then follow through with the appropriate actions.

7D3g. Give minutes of the appeal hearing to the *Provincial Conference Moderator*. The minutes will be added to the *minister's ministerial misconduct file*. A copy of the minutes will also be sent to the *National Office*.

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ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

SECTION 8. Credential Status of a Sanctioned Minister

8.1 When the *minister* receives a *judgment of ministerial misconduct* and the *sanction* is *termination of the minister's credential*, this is a permanent action and the *credential* cannot be re-instated.

8.2 When the *credential* has been suspended due to a judgment of misconduct for a specified period of time, the *Judicial Committee* will determine whether the *credential* will move to *probation* or *terminated*.

8.2.1. The *Judicial Committee* will determine the status of the *credential* through external verification such as reports from an accountability group, counselor and other pertinent information. They shall determine whether contents of the reports are adequate to change the *credential*.

8.2.2. The *Judicial Committee* will notify the minister that the *credential* status has been changed from *suspended* to either *probation* or *terminated*. If they determine that *probation* status is a possibility, *sanctions* and accountability will continue for a specified period of time. The *Judicial Committee* will continue to use external verification to assess whether the *minister* has, as a result of the *sanctions*, altered beliefs, attitudes and behavior before a final determination of *credential* status is made.

8.3 *Termination of credentials* will occur if the *Judicial Committee* determines that the *minister* is not fit for ministry or if the *minister* refuses to comply with the *sanctions* or Code of Christian Conduct. Noncompliance will be determined through external verification. Noncompliance will also be determined by the *minister's* vocal refusal or by behavioral refusal including relocating out of province away from the *ONMB* without notification to the *ONMB*.

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Appendix 1: Frequently Asked Questions (FAQ)

QUESTION: **Who can file a complaint?**

ANSWER: A *complainant* is a person directly involved in the conflict who has been directly impacted by the *misconduct* of the *minister*. Typically, a third party cannot file a complaint on behalf of another person. If an organization has an ombudsman type of role, this individual may file a *complaint*. In the case of public misconduct, those with authority in the matter may file a complaint. For example, church leaders could file a formal *complaint* if a *minister* violates the Confession of Faith or Code of Christian Conduct.

QUESTION: **Should a lawyer be hired?**

ANSWER: Either the *complainant* or *minister* has the freedom to seek legal counsel, but this process is not a civil court case with a judge. A lawyer could be the designated support person, but the support person does speak into the process.

QUESTION: **How is discipline different from restoration and reconciliation?**

ANSWER: This policy operates under the authority of the *ONMB* and it addresses the accountability of a *minister* to the denomination based on items such as the Code of Christian Conduct. This process focuses on whether disciplinary action is required by the *ONMB* based on a formal *complaint* against a *minister*. The disciplinary action might result in the termination of a *minister's credential*. A process of restoration and reconciliation focuses on the relationship of the individuals involved in the conflict. The local church leadership is more likely to be the facilitator of this process.

QUESTION: **What is the role of the church as it relates to accountability of a minister?**

ANSWER: The *minister* will be a member of their church and may also be an employee of the church. The local church leadership must discern the appropriate steps to take as it relates to their own authority in the matters at hand. These steps can be performed in consultation with the *ONMB*.

QUESTION: **How is this process impacted if legal action is also being taken?**

ANSWER: When legal action is being taken (such as sexual harassment or abuse charges), certain policies are immediately enacted (see 4.6 and 5A5). These procedures will be completed separately from any legal action, but must consider the legal process and how due process may impact the timing of proceedings. While the nature of the legal charges must be considered, the charges investigated under this policy may not be identical to the legal charges.

QUESTION: **Does this policy include a minister's performance?**

ANSWER: This policy focuses on *misconduct*, not performance. A complaint about teaching style or number of hours being worked is not deemed *misconduct* under the authority of the *ONMB*. Unethical or immoral behaviour violating the Code of Christian Conduct is a form of misconduct.

QUESTION: **What are the potential outcomes of a complaint?**

ANSWER: The *ONMB* must operate under its authority. The *ONMB* can terminate a *minister's credential*, but the *ONMB* cannot terminate the minister's employment with a church or impose fines. The *ONMB* is not a civil court where a complainant can seek restitution. (Note: If a *minister's credential* is terminated, then the church likely has grounds to terminate the *minister's* employment.)

QUESTION: **What if the ministers resigns?**

ANSWER: While the minister is not allowed to resign during this process (See 1.8), the *ONMB* cannot prevent a resignation. The process will continue so that a ruling can be made. (Also see 4.5.)

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

Appendix 2: FORMS for Ministerial Misconduct Policy and Procedure:

Form-1 Provincial Conference Resolution Adopting Ministerial Misconduct Policy and Procedure 2022

Form-2 Announcement of Ministerial Misconduct Policy

Form-3 Complaint Form Concerning Ministerial Misconduct

Form-4 Notice to Minister that Complaint was Received

Form-5 Notice to Congregational Leaders that Complaint was Received

Form-6 Announcement of Appointment of Investigation Team

Form-7 Announcement of Investigation

Form-8 Investigators' Report to Judicial Committee Regarding Complaint

Form-9 Notice that ONMB Declines to Charge

Form-10 Notice that ONMB Brings a Charge of Misconduct

Form-11 Minister's Response to Charge

Form-12 Notice of Hearing

Form-13 Notice to Accused Minister of Judicial Committee's Judgment

Form-14 Notice to the Complainant of Judicial Committee's Judgment and time of appeal

Form-15 Minister's Appeal of Judgment of Guilt

Form-16 Complainant's Appeal of Judgement

Form-17 Notice of Appointment of Appeal Committee

Form-18 Notice the Appeal Hearing

Form-19 Notice of Appeal Committee's Judgement

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

PROVINCIAL CONFERENCE RESOLUTION ADOPTING MISCONDUCT POLICY AND PROCEDURE 2022

Whereas,

- We thank God for the faithful service of *ministers* who serve in the Ontario Conference of Mennonite Brethren Churches (*ONMB*);
- We regret, however, that some *ministers* engage in *misconduct*; and
- We desire to adopt a *policy and procedure* regarding *ministerial misconduct*;

Therefore, it is resolved that

1. The *ONMB* adopts the *Ministerial Misconduct Policy and Procedure 2022* presented at this meeting, and it is the policy of the *ONMB* that

A minister shall affirm, in all its aspects, the Canadian Conference of Mennonite Brethren Churches (CCMBC) Confession of Faith, and shall live in accordance to the CCMBC Code of Christian Conduct. The *ONMB* shall investigate and sanction *ministers* who engage in *misconduct*.
2. The *ONMB* shall periodically publish announcements of this policy and of the *complaint* procedure.
3. Copies of the current *Ministerial Misconduct Policy and Procedure* and of an Announcement of Ministerial Misconduct Policy and Procedure shall be given to all who now or in the future are serving in a formal ministry position of congregational leadership whether they are credentialed or not in the *ONMB*.

Form-1

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

ANNOUNCEMENT OF MINISTERIAL MISCONDUCT POLICY AND PROCEDURE

We thank God for the faithful service of *ministers* who serve in Ontario Mennonite Brethren Conference of Churches (ONMB). We regret, however, that some *ministers* engage in *misconduct*. The ONMB has adopted this 2022 policy regarding *ministerial misconduct*:

Policy

A *minister* shall affirm, in all its aspects, the Canadian Conference of Mennonite Brethren Churches (CCMBC) Confession of Faith, and shall live in accordance with the CCMBC Code of Christian Conduct. The ONMB will investigate and sanction *ministers* who engage in *misconduct*.

Complaint Procedure

A person who believes that a *minister* has engaged in *ministerial misconduct* shall inform

- The ONMB Executive Director.
- The *National Office* when the *complaint* is against the ONMB Executive Director.

The ONMB Executive Director (or *National Office*) will provide a copy of the Ministerial Misconduct Policy and Procedure and a complaint form.

Executive Board of ONMB

Form-2

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

COMPLAINT FORM CONCERNING MINISTERIAL MISCONDUCT

A person who believes that a minister has engaged in ministerial sexual misconduct or other unethical behavior may inform the Executive Director or the National Office when the complaint is against the Executive Director.

If you report *misconduct*, the *area conference* will offer a contact person, acceptable to you, to assist you in preparing this *complaint* and, if you so desire, in selecting an individual to provide personal support to you.

This form is to be used to submit a *complaint*. Attach additional sheets, as needed.

1. Your name (*complainant*): ____...
2. Your address: ____...
3. Your phone numbers: ____...
4. Name of the accused *minister*: ____...
5. Describe each incident of *misconduct* (please include information about date, time, place and circumstances on attached additional pages as needed)
6. Where possible identify any witnesses or persons who may be able to corroborate any of the incidents.
7. Identify any written material or other physical *evidence of misconduct*.
8. Provide any additional information that you believe is relevant.

Signature of *complainant*: _____

Date: _____

Form-3

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE TO MINISTER THAT COMPLAINT WAS RECEIVED

Minister: _____

Address: _____

By this notice we inform you that a complaint alleging ministerial _____

misconduct by you has been filed with the *ONMB* {by _____, the *complainant*}. This *complaint* will be addressed according to the *ONMB Ministerial Misconduct Policy and Procedure*, a copy of which is enclosed.

If the name of the complainant has been shared, do not communicate with the *complainant* through any form of communication, either directly or indirectly. The name of the complainant is to remain CONFIDENTIAL as noted in Section 5A4 and 5A6.

The *ONMB* will appoint an investigation team to investigate the *complaint* and recommend whether a charge of misconduct should be brought by the *ONMB*.

We recognize that this will be a difficult time for you. We urge you to call _____, a *contact person* (Phone: _____) who will assist you through this process and help you select a *personal supporter* during this time. We have informed the *contact person* that we have received a *complaint of ministerial misconduct*, but we have not otherwise informed the *contact person* about the *complaint*.

Sincerely,

Executive Director or Commissioner

Form-4

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE TO CONGREGATIONAL LEADERS THAT COMPLAINT WAS RECEIVED

TO:

_____, Chair of the Governing Board of

(name of congregation)
_____, Minister(s) [other than the accused]

By this letter, I inform you that the *ONMB* has received a *complaint* alleging *ministerial misconduct* by, _____, a minister of your congregation.

(If there is a concern for safety, the complainant will not be named.)

I enclose the *ONMB Ministerial Misconduct Policy and Procedure* for you to read through carefully about the investigation and making an announcement to your congregation. Following this document, the *ONMB* has appointed an investigation team of three people:

_____, _____ and _____.

I will contact you in the near future to discuss whether you have relevant information about the *complaint*. If I do not reach you within the next two days, please call me.

Sincerely,

Executive Director or Commissioner

Form-5

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

ANNOUNCEMENT OF APPOINTMENT OF INVESTIGATORS TO COMPLAINANT AND ACCUSED MINISTER

The *ONMB* has named the following individuals to investigate the *complaint of ministerial misconduct*:

If you have any objection about partiality or other unfairness regarding these names you must submit your concerns in writing within two days of receiving this announcement to the *Executive Director* or *Commissioner*.

Signed,

Executive Director or Commissioner

Date

Form-6

DRAFT

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

ANNOUNCEMENT THAT THE INVESTIGATION WILL BEGIN

The *investigators* have been appointed and this is to notify you that the *investigation* will begin. We will contact you to arrange for an interview. You may choose to have your *personal supporter* present.

Chair of the *Investigators*

Date

Form-7

DRAFT

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

INVESTIGATORS' REPORT TO JUDICIAL COMMITTEE REGARDING COMPLAINT

We have been appointed to investigate allegations of *ministerial misconduct* by

_____.

After investigation, we believe that the *ONMB*

_____ Cannot present *evidence* that the accused *minister*, more likely than not, engaged in *ministerial misconduct*.

_____ Can present *evidence* that the accused *minister*, more likely than not, engaged in *ministerial misconduct*.

We recommend

_____ That the *ONMB* decline to bring a *charge*.

_____ That the *ONMB* bring a *charge*.

We have summarized and attached the allegations of *misconduct* (each identified by a separate number). For each allegation we have identified the *probable grounds* of *misconduct* that we believe the *ONMB* can present, or we have stated why we believe the *ONMB* cannot present *probable grounds*.

Signed by the Investigators:

Date _____

Form-8

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE THAT *ONMB* DECLINES TO CHARGE

A *complaint* alleging *misconduct* was filed against _____ by _____ . The *ONMB* appointed an investigative team to investigate the allegations.

Based on that *investigation*, the *Judicial Committee* has not found that the *ONMB* can present *probable grounds* to support the allegations of *misconduct*. Accordingly, the *ONMB* declines to bring a *charge*.

Signed by the *Judicial Committee* Chair _____

Date _____

Form-9

DRAFT

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE THAT ONMB BRINGS CHARGE OF MISCONDUCT

The *ONMB* brings this *charge of ministerial misconduct*.

1. The accused *minister* is _____.
2. The *complainant* is (If there is a concern for safety, the complainant will not be named)
_____.
3. The nature of the alleged *misconduct* is _____.
4. In the attached addendum, each allegation is identified by numbered paragraph and described with date, time, place, and circumstances.
5. Within five days of receipt of this *charge*, the accused *minister* is directed to complete, sign and deliver to the Chair of the *Judicial Committee* the enclosed "*Minister's Response to Charge*" form, responding to each numbered allegation, stating
 - (a) that the *minister* agrees with the allegation, or
 - (b) that the *minister* disputes the allegation and setting forth (1) all the reasons the *minister* disagrees, (2) the *minister's* full account of each disputed incident, (3) the names of any persons whom the *minister* believes have relevant information and should attend a hearing regarding the *charge* and (4) why the testimony of each such person is needed.

Signed by the *Judicial Committee* Chair _____

Date _____

Form-10

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

MINISTER'S RESPONSE TO CHARGE

I have reviewed the *charge of misconduct* dated _____, which has been filed with the *ONMB*, against me.

_____ I agree with all matters as set forth in the *charge*.

_____ I dispute the following allegations and have set forth the full account of each alleged incident that I dispute. (Specifically refer to each numbered allegation that you dispute. Attach additional sheets as needed.)

Names and contact information for individuals who have relevant information and why the testimony of each is needed:

Dated

Minister's Signature

Form-11

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE TO THE INVESTIGATION TEAM, THE ACCUSED AND THE COMPLAINANT OF A HEARING

The *Judicial Committee* of the *ONMB* will hold a hearing of the charge brought against the accused *minister*, _____, on

_____ at _____ at _____.
(date) (time) (location)

This hearing will be within seven days of the formal charge, which was issued on _____.

The investigation team and _____ (accused *minister*) are to be present for this hearing.

Signed by the *Judicial Committee* Chair _____

Date _____

Form-12

DRAFT

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE TO ACCUSED MINISTER OF JUDGEMENT FOLLOWING THE HEARING

The *Judicial Committee* finds:

_____ ACQUITTED of the charge made.
(accused minister)

As a result of being acquitted, no sanctions are imposed.

_____ GUILTY of the charge made.
(accused minister)

As a result of the finding of guilt, we impose the following sanctions:

If you choose to appeal the *judgment*, you must file your written appeal with _____,
the *ONMB* Moderator, **within five days of your** receipt of this notice.

Signed by the *Judicial Committee* Chair _____

Date _____

Form-13

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE TO THE COMPLAINANT OF THE JUDGMENT

The *Judicial Committee* finds:

_____ ACQUITTED of the charge made.
(accused minister)

As a result of being acquitted, no sanctions are imposed.

_____ GUILTY of the charge made.
(accused minister)

As a result of the finding of guilt, the following sanctions will be imposed on the minister:

If you choose to appeal the *judgment*, you must file your written appeal with _____,
the *ONMB* Moderator, **within five days of your** receipt of this notice.

Signed by the *Judicial Committee* Chair _____

Date _____

Form-14

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

MINISTER'S APPEAL OF JUDGMENT OF GUILT

I appeal the *Judicial Committee's judgment* of guilt concerning the *charge of misconduct* that was filed against me. I set forth below all the facts and reasons for each allegation that I believe demonstrate why there are not *probable grounds* to support the judgment.

DRAFT

Signed _____ Date _____

(This document must be submitted to the *ONMB Moderator* within 5 days of receiving the notice of judgment following the hearing.)

Form-15

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

COMPLAINANT'S APPEAL OF JUDGMENT OF ACQUITTAL

I appeal the *Judicial Committee's judgment* of acquittal concerning the *charge of misconduct* that was filed against _____. I set forth below all the facts and reasons for each allegation that I believe demonstrate why there are/were *probable grounds* to support a judgment of guilt.

DRAFT

Signed _____ Date _____

(This document must be submitted to the *ONMB Moderator* within 5 days of receiving the Notice to the Complainant of the Judgement)

Form-16

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

ANNOUNCEMENT OF APPOINTMENT OF APPEAL COMMITTEE TO COMPLAINANT AND ACCUSED MINISTER

The National Faith & Life Team of the *CCMBC* has named the following individuals to conduct an appeal hearing:

If you have any objection about partiality or other unfairness regarding these names you must submit your concerns in writing within two days of receiving this announcement to the *ONMB Moderator*.

Chair of the *National Faith & Life Team*

Date

Form-17

DRAFT

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE THAT THE APPEAL HEARING WILL BEGIN

The *Appeal Committee* will convene a hearing on _____ (date) at
_____(location).

Those present at this hearing will be you and the *Judicial Committee*.

Chair of the *Appeal Committee*

Date

Form-18

DRAFT

ONMB MINISTERIAL MISCONDUCT POLICY AND PROCEDURES

NOTICE OF APPEAL COMMITTEE'S JUDGMENT

The *Appeal Committee* has made a *judgment* to:

___ Affirm the *judgment* of the *Judicial Committee*.

Judgment of the *Judicial Committee*:

___ Change the *judgment*

Judgment of the *Appeal Committee*:

Signatures of the *Appeal Committee*:

Date _____

Form-19