

Guiding Ministerial Leadership in Mennonite Church Canada Policy (GMLC)



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Foreword:

Mennonite Church Canada is committed to nurturing healthy environments within congregations, regional churches, and the nationwide church. Mennonite Church Canada believes that all people are made in the image of God and that all people are worthy of being treated with dignity, respect, and love. Mennonite Church Canada is aware that conflicts and challenges will emerge in the course of being the church with one another. Mennonite Church Canada is committed to policies and procedures that help those associated with Mennonite Church Canada, regional churches, and congregations to address these challenges as they arise, maintaining a spirit of goodness, clarity, grace, and appropriate boundaries. To this end, Mennonite Church Canada upholds the following policy to name expectations of ministers, outline how individuals may speak to perceptions of leaders who fail to meet those expectations, and the responses of Mennonite Church Canada through its regional churches and individual congregations.

Part 1: Mennonite Church Canada Understandings for Ministerial Leadership

SECTION I: Foundations for this Policy

*Be shepherds of God's flock that is under your care, watching over them—
not because you must,
but because you are willing, as God wants you to be;
not pursuing dishonest gain, but eager to serve;
not lording it over those entrusted to you,
but being examples to the flock.*

—1 PETER 5:2-3 (NIV)

Throughout the biblical narrative God is seen as moving in and through history, cultures, and peoples, always with the overarching purpose of restoring all of creation to its intended design (Ephesians 1:10). Further, God's preference to establish a peoplehood that is faithful and committed to God's passion for reconciliation is observable. It is through faithful peoplehood that we witness as "ambassadors of reconciliation" (2 Corinthians 5:19-21) to God's work of reconciliation. God's authority will become visible, God's blessings will flow to all the

“families” of the world (Genesis 12:1-3), and human history will be healed as God moves and heals creation. Our humble efforts at becoming such communities of healing, blessing, and reconciliation reflect the heart of God’s concern and love for the world. In our failures we hold on to Jesus’ words, “My grace is sufficient for you, for my power is made perfect in weakness” (2 Corinthians 12:9 NIV).

1. Ministry is for all disciples

For the good news to spread, all disciples are ministers of the gospel in their daily lives. Christian ministry points beyond the church to the world as the focus of God’s mission.

2. Leadership is needed for all ministry to flourish

Both the Old and New Testaments offer numerous examples of leaders being called and used by God. New Testament passages speak directly about leadership ministry. Ephesians 4, 1 Corinthians 12–14, and Romans 12 give special emphasis to the nature and place of spiritual and leadership gifts for the church. Each of these gifts given to the church is part of a larger whole. Each gift is incomplete in itself, but together these gifts build up the body of Christ.

3. Ministry embodies the way of Jesus

It is in the ministry of Jesus that both meaning and a model for our ministry may be found. Jesus’ ministry and leadership was powerful yet not domineering, authoritative but not authoritarian. It was life-giving, liberating, and loving even unto death. Called by God and informed by Jesus’ ministry, all Christian ministry is incarnational, purposeful, and willing to risk. As a servant leader (Luke 22:26), Jesus taught his followers to minister in the name of Christ (Matthew 28:19-20), empowered by the Spirit of Christ (Acts 1:8), emboldened by the authority of Christ

(Matthew 18:15-20). By paying close attention to Jesus, a framework for Christian ministry emerges.

Ministry:

- continues and witnesses to God's work of reconciliation through Jesus and is entrusted to the church;
- is a calling characterized by a life of compassion, holiness, and humility of spirit;
- is rooted in God's love and depends on the Holy Spirit's power to faithfully follow Jesus;
- recognizes that God's Spirit is already at work in every ministry context; and
- is dependent on the gifts of the Spirit through which the church is meant to represent and become the earthly body of Christ.

Thus, the foundation of all ministry is the person of Jesus and the fruits and gifts animated in us through the Holy Spirit, which continues to make Jesus known to us. His life, his central passion, his teaching, death, and resurrection form the gospel message. All followers of Jesus must seek to embody the way of Jesus in their local contexts. The person of Jesus and his good news shape the congregation's identity and witness.

4. The authority for ministry

The authority for ministry in the New Testament is rooted in Jesus Christ, who received it from God (Matthew 28:18), and the Holy Spirit who empowers people to be ministers of good news. Jesus redefines authority, the right and moral exercise of power, in Mark 10:43-45, in terms of servanthood. This redefinition impacts how the church and its leaders are to lead. The church affirms the empowering call from God through Christ as essential for ministry. The church has a shared role in discerning the call, blessing it, and granting authority to the ministering leader. The church and its leaders are accountable both to God and to each other as they respond to the call of ministry and lead with authority.

All followers of Jesus Christ are called to a life of obedience where God's will is done on earth as it is in heaven (Matthew 6:10). When our lives as individuals and a faith community give evidence to the grace, joy, and peace of God's healing and hope, this empowering witness gives authority to our being. This being dimension is both dynamic and foundational for ministry. A leader's being is expressed in character that develops through spiritual, emotional, and relational well-being. When a leader's ministry demonstrates a growing spiritual depth, competency in ministry, and relational trust, the leader's maturing character strengthens the authority that the church confers.

Ministers live into the authority that God and the church have given through serving, maturing relationships, and leadership that builds up the body of Christ. The result is a church that seeks the will of God together and grows in joining God's presence and mission in the world.

Mennonite polity respects and takes seriously the individual congregation, and at the same time understands church to include the larger church family of regional churches, nationwide church bodies, and the global Mennonite/Anabaptist church. In addition, Mennonites understand that we are part of a large ecumenical body that seeks to live under the Lordship of Jesus. Authority is shared within the local faith community, as well as with regional church and denominational leaders; it is found in no one person, although each person carries authority in their own setting related to their role. In practice, this authority is exercised in various circles through the granting and holding of credentials, through membership covenants and guidelines, through confessions of faith, and through the discernment of God's people. Such a polity is intended to serve not only the ministerial leadership of the congregation but also the ministerial leadership of regional churches and of Mennonite Church Canada.

5. Leadership ministries – roles and accountability

Article 15 of Confession of Faith in a Mennonite Perspective articulates our belief that all Christians are called to ministry to extend the work of Christ. God calls particular persons in the church to specific leadership ministries, such as, but not limited to, that of pastors, chaplains, spiritual directors, missionaries, teachers, leaders of emerging Christian communities, and denominational staff who may be credentialed. These leaders are accountable to God and to the community of faith as they serve the church. As in Acts, leaders are chosen as the community perceives them to be people “full of wisdom and the Spirit” (Acts 6:3). This implies that leaders will exhibit strong character and reputation while understanding that leaders are not perfect, do make mistakes, and need grace too.

Pastors/ministers represent Christ and the church in an official way that carries power and authority as a sacred trust. These leaders represent Christ and the church in the world.

A. Congregational leaders

Congregational leaders – such as elders, deacons, lay ministers, and church board members – are chosen from the congregation because they demonstrate gifts for ministry, collaborative leadership, and a growing Christian faith. Congregational leaders complement pastoral ministry and are accountable to the congregation. The goal is that every congregation experiences committed and caring spiritual leadership.

B. Pastoral leadership

Pastors are ministers credentialed by the regional church who serve in the congregation to which they are called. Their tasks may include preaching, teaching, outreach, pastoral care and counselling, worship and formation (including baptism, communion, weddings, funerals, and equipping all members for ministry), and other activities that lead the church in living out the faithful mission to which they have been called. Persons in pastoral ministry develop multiple accountability relationships with congregational leaders and with the regional church that holds

their ministry credential. These ministers will embrace and follow the Ministerial Code of Conduct and Ethics in this policy.

C. Chaplains, spiritual directors, and others in ministry beyond the congregation

Persons called to ministry in chaplaincy, spiritual direction, or other kinds of ministry are accountable both to the congregation in which they hold membership and to the regional church that holds their credential. They also have responsibility to their employer as an employee of their institution. These ministers will embrace and follow the Ministerial Code of Conduct and Ethics in this policy. Where these ministers' actions relate to work performance in organizations that have their own standard of conduct that may conflict with this policy, the organizations' policies prevail, although every effort is made to comply with the spirit and intent of the church's Ministerial Code of Conduct and Ethical Practice in this policy.

D. Oversight ministries (regional church and nationwide church)

Each regional church appoints regional church ministry staff whose title is often Church Leadership Minister or Executive Minister to serve in an oversight capacity for local congregations and pastors and to lead/coordinate regional matters.

Oversight refers to the work of the individuals who carry roles in the regional or nationwide church that attend to credentials of ministerial leaders. The activity of oversight is not supervision, nor does that person act as an employer, which is the role of the congregation or organization where the minister is employed. The activity of oversight is generally understood to be "pastoral" in character in how at times it encourages, provides counsel, nurtures self-awareness, attends to spirituality, and on occasion confronts. The role of oversight is also called upon when conduct contrary to the Guiding Ministerial Leadership in Mennonite Church Canada (GMLC) is alleged.

The oversight role administers the regional church's policies related to credentialed ministers including pastoral transitions, establishing guidelines for leadership ministry, and continuing education opportunities. These ministers are accountable to the regional church through the governance structure established by that particular regional church.

The nationwide church will provide overall direction, coordination, and support to the ministerial leadership of the church and to ministerial persons serving the church. The nationwide church office is responsible for providing leadership, resources (policies, guidelines for ministry, ministerial transition materials, and information services), and assistance (consultation and in-service training) to those persons in regional churches who provide oversight and care for the pastor-congregation relationship.

Persons called to leadership positions in the regional and nationwide church are responsible as leaders to the congregations in which they hold membership, to the regional churches that hold their credentials, and to the governance bodies for whom these leaders are working. These ministers will embrace and follow the Ministerial Code of Conduct and Ethics in this policy. Church Leadership Ministers also are responsible to their peers in other regional churches through regular gatherings and through the nationwide church that leads their work. Nationwide staff are responsible to the Joint Council of Mennonite Church Canada and the community of leaders that they serve.

SECTION II:

Purpose

The Joint Council of Mennonite Church Canada has approved the Guiding Ministerial Leadership in Mennonite Church Canada Policy (GMLC) as a process that promotes the health and vitality of local congregations, regional churches, and the nationwide church.

There has been uncertainty about whether ministers are “professionals” and part of a “profession.” The GMLC considers ministers as members of a community who have prepared for their role, abide by a code of conduct and ethical practice, and are part of a community that also sees how their lives attest to their vocation. This both encompasses generally accepted definitions of a profession and exceeds them. Therefore, ministers are deemed to be professionals.

The GMLC’s task is to clarify expectations for ministerial leaders and to provide a framework for responses to promote the well-being of ministers and the church they serve when individuals fall short of those expectations. Our shared task as ministers is the nurture of each other to have a healthy regard for boundaries, seek conflict transformation, and show respect. This task is one of restoration and reconciliation, which begins within as we live into the work of personal transformation which happens by the Spirit of God.

The GMLC contains five procedures:

- [Oversight Procedure](#)
- [Formal Statement Procedure](#)
- [Formal Process for Ministerial Misconduct and Conflict Procedure](#)
- [Misconduct: Procedure for Situations Involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse](#)
- [Allegations Relating to Deceased Ministers Procedure](#)

SECTION III:

Scope

The GMLC applies to all persons who hold a credential or perform tasks understood to be consistent with the role of a minister in a congregation, regional church, and/or ministry of Mennonite Church Canada. Congregational leaders who fall outside of this scope are accountable to their congregations.

The GMLC anticipates matters of concern that range from the need for remediation in meeting professional standards (performance) to interpersonal conflict to situations where labels of harassment, discrimination, or sexual misconduct would be more appropriate. The reader will find definitions of these terms as the Policy addresses these differing matters of concern.

The GMLC is not an avenue for settling marital disputes and intimate partner conflicts. Any domestic violence, sexual abuse, or family conflict should be addressed outside this Policy except insofar as that conduct relates to the relationship of the credentialed leader with the church. The GMLC applies after a person is investigated and/or convicted, and also when allegations are considered serious enough for interim steps while these other processes take place.

SECTION IV:

Responsibilities, Roles, and Commitments

1. Mennonite Church Canada takes responsibility for:

- A. Development of policies and procedures to support the health and best function of the Church. This includes specific procedures for the prevention of harm, accountability, responses to allegations of misconduct, and nationwide resources like a third party report gathering mechanism.
- B. Provision of accountability and support for regional churches in the implementation of this Policy and its Procedures. It is understood that each provincial jurisdiction will have legal and human resource contexts that shape how these Procedures are implemented.
- C. Acting on behalf of the Church Leadership Ministers group, oversee, administer, and coordinate the GMLC as it is implemented by a Regional Church. Where the Regional Church is not able to administer the GMLC, the Nationwide Church will take over the administration of the process while affirming the Regional Church's decision-making responsibility.

2. The Regional Church takes responsibility for:

- A. Implementation of the GMLC;
- B. Seeking accountability for the implementation of the GMLC from the Church Leadership Ministers group; and
- C. The decision-making function that arises through the implementation of the GMLC.

3. All persons with roles and responsibilities under the GMLC or its Procedures will:

- A. Maintain confidentiality and transparency in accordance with the Policy and Procedures as outlined, within the limits of the law.
- B. Recuse themselves from the application of any policies or procedures when (a) they are the object of a matter of concern or complaint; and/or (b) they are directly related (spouse, child, parent, or sibling) to one of the parties in the matter of concern or complaint.
- C. Turn to outside resource persons for assistance when the scope and intensity of the conflict or complaint suggest that increased objective or expert support is needed.
- D. Strive to be timely in carrying out the GMLC procedures. This effort is subject to the availability of personnel and timelines, and may be extended because of scheduling demands or it involves people who are not easily accessible due to geographical distance, leaves of absence, illness, or other unforeseeable events.

4. Support Persons appointed through the Procedures of the GMLC

- A. It is anticipated that multiple support persons will be named through a GMLC process. These Support Persons will be trained and able to help either the person raising a matter of concern or the individual who is responding. In addition, where applicable, a Support Person may also attend to a Congregation or Organization that is involved in the matter of concern. The Support Person understands the Procedures of Mennonite Church Canada developed for these matters and attends to the needs of these parties as they are able through the process. (See Appendix “[Role of a Support Person](#)” for terms of reference.)

5. Regional Church Designee (RCD)

- A. The Regional Church will designate one person with responsibility for acting on behalf of the Regional Church on matters related to the GMLC and its Procedures. This individual will normally be the Church Leadership Minister or Executive Minister who has responsibilities related to the granting of credentials within the Regional Church.
 - i. The RCD may involve a second person, such as a chairperson of the group that grants credentials, to share the responsibilities of the GMLC while accountability still rests with the RCD.
- B. The responsibilities of the RCD are outlined in the GMLC and include a high degree of expected “professionalism” including but not limited to attention to detail and keeping a record of actions and choices.

6. Mennonite Church Canada’s commitments in the pursuit of this Policy

- A. We will care for each person and church context through this process. This will be demonstrated through (a) careful listening; (b) timely action; and (c) the provision of adequate notice so that there is fair opportunity for each person to present their view of what transpired in the situation under review.
- B. We will conduct the Procedures as fairly as we are able, appointing individuals with responsibilities who are open-minded and with no actual or perceived bias.
- C. We will follow our Procedures and do what we promise to do within our capacity, recognizing there may be exceptional circumstances beyond our ability to define at this time. Legitimate expectations of the individuals involved will be met as outlined in the Procedures.
- D. We will act in good faith – our commitment is to act with proper purpose, making decisions based on relevant considerations.

- E. We will clearly communicate reasons for our procedural decisions and findings.
- F. We will make efforts to ensure that individuals who share concerns about misconduct are not subject to any forms of retaliation from the Church or the individual who is alleged to have acted improperly.
- G. We will strive to continuously improve – we will review and evaluate processes and procedures on an ongoing basis and make improvements and correct errors whenever they are identified.

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SECTION V:

Authority of the GMLC

This Policy is approved by the Joint Council of Mennonite Church Canada. The expectations regarding conduct and ethics have been considered by the community of ministers who declare their shared commitment to the Ministerial Code of Conduct and Ethical Practice. Mennonite Church Canada tracks the commitment of individual ministers to the Ministerial Code of Conduct and Ethical practice. In situations where this commitment is not recorded, Mennonite Church Canada will nonetheless assume for the purposes of this Policy that ministers are in agreement with the Ministerial Code of Conduct and Ethical Practice. The Ministerial Code of Conduct and Ethical Practice is binding on all ministers who serve within Mennonite Church Canada.

SECTION VI:

Ministerial Code of Conduct and Ethical Practice

Together as a community of ministers, we strive to pattern our lives and ministry after Jesus Christ. (Matthew 20:26-28; Philippians 2:1-5; 1 Peter 1:15-16; 1 Corinthians 10:1-11:1; Philippians 1:27; James 3:1) We hold communally a code of conduct and ethical practice as an expectation for ourselves to clarify how we will strive toward this aspiration of following Jesus' example. Ministers will hold their office, work at their task, and embody their role consistent with this expectation and are accountable to this community. An expansion of the following practices and ethics may be found in the polity documents of Mennonite Church Canada.

1. Our accountability as a community of ministers:

- **Builds trust** – all parties know that with authority comes accountability. Choices are expected to be supported with rationale.
- **Improves communication** – individuals are less prone to make assumptions and will take more care so others can follow the rationale and choices made.
- **Sets clear expectations** – knowing for what and to whom individuals are responsible.
- **Invites reflection and ownership** of one's own development and growth as a credentialed person.
- **Leads to better decision making** – organizations clarify the parameters of decision making and build mechanisms to support ministers as those individuals work with complex decisions.
- **Drives tangible reflection** of biblical ideals of community – leaders are trusted, which comes with a responsibility to the community.

We are accountable to each other, to the community we serve, to the body that holds our credential, and to God.

As servants of Christ, called by the church, and entrusted with the privilege of ministerial ministry we commit to the following.

As a person:

With God's help and grace, I will:

- A. Practise the disciplines of study, prayer, reflection, worship, stewardship, and service;
- B. Exemplify truth-telling and honest interactions, avoiding deception, manipulation, or secretive behaviors with others while maintaining a spirit of kindness and care;
- C. Be faithful, keeping the covenants I make and honoring vows I make in the building of family;
- D. Treat all persons with equal respect and concern as beloved children of God;
- E. Maintain a healthy balance among the responsibilities of my office of ministry, my commitments to family and other primary relationships, and my need for spiritual, physical, emotional, and intellectual renewal;
- F. Refrain from abusive, addictive, or exploitative behaviour and seek help to overcome such behaviour if it occurs;
- G. Refrain from gossip and abusive speech; and
- H. Pursue a growing emotional intelligence:
 - i. Investing in self-reflection,
 - ii. Practicing self-regulation of emotions,
 - iii. Examining one's motivation,
 - iv. Responding to others with empathy, and

- v. Cultivating a leadership posture that reflects attitudes of repentance, humility, and forgiveness in order to be rooted in God's reconciling will.

As a person with a task:

With God's help and grace, I will perform the tasks of ministry for all to observe and will:

- A. Preach, teach, and bear witness to the gospel of Jesus Christ with courage, speaking the truth in love;
- B. Honour the trust of relationships within the congregational community by observing appropriate boundaries with everyone, avoiding all behaviour that is or may be perceived as sexual misconduct (sexual harassment, pastoral sexual misconduct, sexual assault) and child abuse as defined by law;
- C. Not exploit relationships within the community of faith for personal gain or gratification;
- D. Avoid conflicts of interest that compromise my ministry;
- E. Respect the privacy of individuals by not divulging information obtained in confidence without express permission, unless an individual is a danger to self or others, and/or required by law;
- F. Respect the agency and emotional boundaries of those served by avoiding domineering or controlling behaviours that can usurp the agency of others;
- G. Adequately prepare to fulfill the tasks for which I have been appointed or called while recognizing the limits of my gifts and training, referring persons and tasks to others as appropriate and representing accurately my competencies and training;
- H. Be a faithful steward of and fully account for funds and property entrusted to me;
- I. Engage conflict as a matter of natural course in relationships, seeking to use policies and resources within the Congregation, Regional Church, or

beyond to chart the best path to a more satisfying place of resolution or transformation;

- J. Accept the discipline of the Church and the appropriate guidance of those to whom I am accountable for ministry;
- K. Participate in continuing education and seek the counsel of mentors and professional advisors attending specifically to boundary training events as prescribed by the Regional Church;
- L. Commit to deepening my self-awareness that exercises good judgment, maintains a curiosity regarding personal growth, and accepts that, at times, I will fail or make mistakes.

As a person with a task who holds an office:

With God's help and grace, I will hold the office of ministry in partnership with others in the mission of the church and will:

- A. Participate in the mission and governance of the Regional Church and Nationwide Church as called, and further the mission and unity of God's church where it may be found;
- B. Show respect and provide encouragement for colleagues in ministry;
- C. Be judicious in the exercise of the power and privileges of the office and positions of responsibility held;
- D. Deal honourably with the record of one's predecessors and, upon leaving a ministry or office, speak and act in ways that support the ministry of successors;
- E. Accept the role of the Regional Church and the Nationwide Church to provide oversight, governance, and discipline including and not limited to the credentials for the office held; and
- F. Be accountable as Regional Church or Nationwide Church ministers to the policies and procedures that govern the role of oversight.

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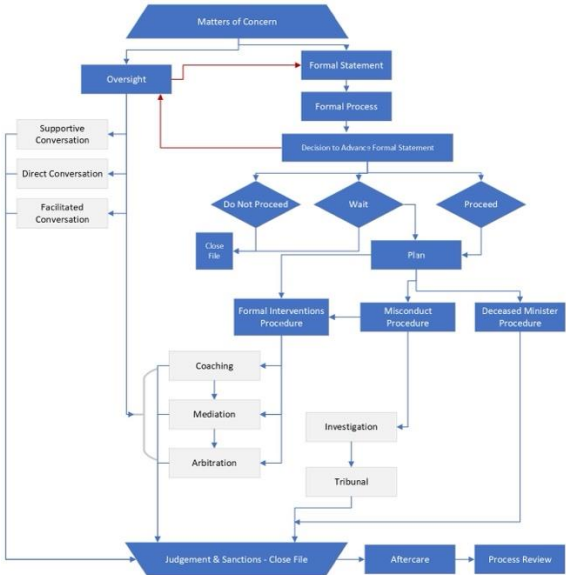
2. Additional Congregational Resources

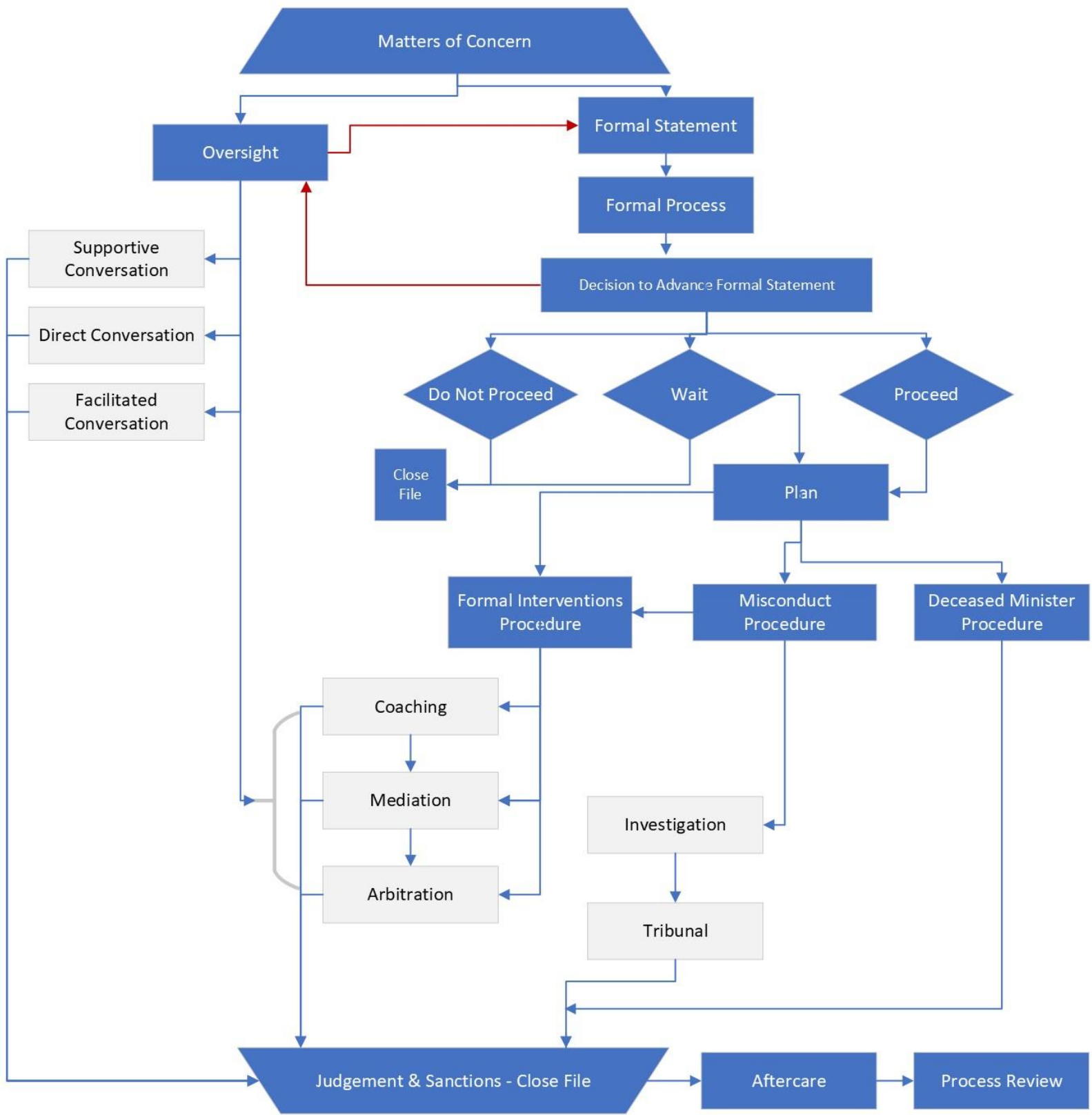
- A. Congregations and other denominational institutions have a significant role to play in creating a healthy ministry environment for everyone. The Church is invited to consider the Appendix “[Policy Checklist](#)” to create respectful, encouraging, and safe spaces for everyone. In addition, these institutions are employers who have a responsibility through policies and agreements for their employees who may be ministers. Ministers commit to the above statements trusting the Church to support them in their roles with practices that enable the ministry to thrive.
- B. Appendix “[Definitions](#)” provides definitions of behaviours with clear and specific illustrations so that when needed there is clarity on violations of boundaries and misconduct.

Part 2: Guiding Ministerial Leadership in Mennonite Canada Church Procedures

DIAGRAM OF PROCESS

See next page for a fully enlarged diagram of the process.





INTRODUCTION:

Matters of Concern

Mennonite Church Canada supports and encourages healthy relationships between congregants, clergy, and denominational leaders. The following Procedures outline the steps individuals and leaders can take when matters of concern arise. Matters of concern can include a range of issues including

- [performance challenges](#),
- [conflict](#),
- [harassment](#),
- [discrimination](#),
and/or
- [sexual misconduct](#).

Each of these matters of concern is defined within the related procedure in this document. Mennonite Church Canada provides a broad scope for matters of concern in order to enable the Church to respond in as appropriate a manner as possible.

When a matter of concern is raised, Mennonite Church Canada provides two (2) avenues for proceeding with the concern. One is an informal process which focuses on matters of concern that are primarily performance challenges or conflict. The other is a process that is initiated through making a [Formal Statement](#).

Notes to the reader with a matter of concern:

- For you, the definition or nature of the matter of concern may be clear. If so, please proceed directly to the Procedure that addresses this concern. Some individuals may be less clear about what happened. If this occurs, the processes of the GMLC are designed to provide you with the support you need to help you clarify what occurred.

- You may always access the process of making a [Formal Statement](#). The GMLC understands that the process of developing a Formal Statement may help to clarify what happened. You will be offered a Support Person to walk with you through the Formal Statement process.
- As matters of concern are addressed, the appropriate Procedure for addressing the concern may evolve as those leading the process learn new information.
- Some matters of concern, particularly when they involve sexual conduct, are deeply personal and very difficult to talk about. The commitment of this Policy is to be respectful, listening carefully and being concerned with the interests and welfare of all parties involved.

SECTION I:

Oversight Procedure

1. Introduction

Many matters of concern may be defined as issues of performance or conflict. These matters of concern may be raised informally by congregational leaders (inclusive of ministers) or members of the congregation not in leadership roles.

Conflict

Conflict is any situation between two or more people where differences have shifted to become contentious, and/or relational or congregational differences that impede individuals from conducting church-related work in a productive or collegial manner and/or that diminish the church's ability to accomplish its mission.

Performance

Performance is defined by how well a minister fulfills the duties, tasks, and expectations of their role. Performance includes meeting expectations related to "hard" skills (quality of work, amount of work, and efficiency), alongside "soft" skills related to character and behaviour. Performance management is the process designed to support ministers to be at their best and/or to address challenges as they arise.

Individual congregations benefit from the support of the Regional Church and Nationwide Church for direction, policy, and guidance. While constructive disagreement is a sign of church health, disagreement that shifts into unhealthy conflict can undermine the Church and harm the people who work and/or worship within it. Mennonite Church Canada is committed to nurturing healthy ministry environments in which all are fairly treated, concerns and disagreements are addressed, and people are encouraged. Mennonite Church Canada promotes a spirit of humility, honesty, grace, and goodwill at all times including in times of disagreement, conflict, and processes related to performance management.

Mennonite Church Canada will seek to address concerns, disagreements, and conflicts so that they enrich rather than diminish the community of faith.

2. Scope

- A. This Procedure is meant to clarify the role and responsibilities of those in roles of [oversight](#) as they assist and support congregational systems and ministerial leadership with performance management and conflict. Most concerns regarding conflict or performance management are addressed or directed to be addressed through internal (i.e. of the congregation) policies, procedures and/or practices.
- B. Matters of concern that involve harassment, discrimination, violence, sexual misconduct, sexual harassment, sexual exploitation, and sexual assault/abuse including those incidents involving Vulnerable Persons are addressed through procedures outlined later in this document ([defined here](#).) When these issues are brought forward in informal communication, the matter is directed to the Formal Statement Procedure as set out in the GMLC.
- C. Where a matter of concern is about a person in an oversight role, this concern will be directed to that person's supervisor or to the board which has supervision responsibilities. If it pertains to the Executive Minister of Mennonite Church Canada it will be directed to the Mennonite Church Canada Moderator. All supervisors will follow the Procedures as outlined in the GMLC.

3. Procedural Steps

When the Regional Church Designee (RCD) receives a concern, they will:

- A. Determine whether to take up the concern.
 - i. If the RCD decides that the concern is clearly without merit, or not within the scope of this Policy, or the person raising the issue does

not have standing (that is, they are not a Complainant or Third Party Complainant), or that the matter is being addressed elsewhere or should be addressed elsewhere, the RCD will promptly advise those presenting the concern and indicate that they do not intend to take further action.

- ii. If the RCD decides that the concern merits their involvement, they will use their discretion to initiate processes that appropriately address the concern, considering carefully the context, history, and the people involved.
 - iii. The RCD may, in their discretion, determine that a Formal Statement is a more appropriate course of action and will:
 - (1) Inform the individual raising the concern of the Formal Statement Procedure;
 - (2) Ensure and/or provide direction for the individual to gain access to the GMLC; and
 - (3) Offer a Support Person to accompany this individual in the Formal Statement Procedure.
- B. Clarify the role of internal policies of the Congregation or Organization and/or the involvement of any external resource for addressing the concern. Where possible, internal policies or resources (for instance a Pastor-Congregation Relations Committee) will be the first recourse when addressing a concern.
- C. Take such steps as the RCD deems appropriate to obtain background and the basis of the concern seeking to resolve issues relating to the concern to the satisfaction of the person raising the matter, the minister, and the Church.
- D. The RCD may at any time consult with the Church Leadership Ministers group and/or work in collaboration with the Nationwide Church staff and/or supervision at the Regional Church throughout the process or processes initiated.

4. Informal Processes

As set out above, the RCD, having considered the available internal policies, procedures, and/or practices, may initiate a number of different processes in order to address matters of concern regarding performance or conflict that arise within the Procedure or directed to this Procedure. The following are options for the RCD to initiate in order to address the matter of concern:

- Supportive Conversations and Consultations
- Direct Conversation
- Facilitated Conversation

The RCD may also choose to use one or more of the interventions as described in the [Formal Interventions Procedure](#). The RCD may direct the matter to the Formal Statement Procedure if a Formal Statement has not already been made.

The RCD directs parties involved in performance concerns and conflicts to attend to their self-awareness and spiritual life through a period of self-reflection and prayer as a first step for all options considered.

A. Supportive Conversations and Consultations

The RCD may engage in meetings with church leadership, ministerial leadership, or a combination of these groups in order to understand the challenges and to develop a plan for working to a satisfactory result.

B. Direct Conversation

Ideally, within 14 days of an incident of concern, should the person(s) with concern wish to address the matter directly, the RCD will encourage the parties to (a) set a time to address the matter in an appropriate location; and (b) discuss the matter directly with one another, with the aim of resolving the matter of concern.

When discussing matters directly, all are encouraged to speak and listen respectfully and to engage one another with a spirit of humility, openness, and curiosity while

maintaining a spirit of confidentiality, abstaining from gossip and harmful triangulation¹.

C. Facilitated Conversation

If, following direct conversation, the concern remains unresolved, and/or in a situation where one or more of the parties does not feel comfortable approaching the other party directly, one or more of the parties involved may seek assistance from the RCD. The RCD may act as a facilitator or refer as appropriate to a suitable person. A suitable person will be someone who is competent in dealing with conflict, is agreeable to all parties, will listen to all the parties involved and will work with the parties to assist them in pursuing one or more of the following options:

- i. Further direct dialogue.
- ii. Releasing the matter into God's care (i.e. letting it go). The parties involved understand that this option would be initiated by the person bringing the matter of concern.
- iii. Meeting preparation by the RCD or their designee for a direct encounter with the other party or parties. Meeting Preparation involves individual conversation between the RCD and one or more of the parties involved to assist individuals with working through their understanding of the concern or conflict and being prepared to listen and hear other perspectives.
- iv. Informal Facilitated Conversation that includes the RCD. During the Informal Facilitated Conversation the RCD acts as a guide for a healthy process that facilitates conversations between the parties in addressing their concerns directly with one another.

¹Triangulation is often defined as speaking with or involving a third person instead of speaking directly to the other person with whom the individual is in conflict.

5. Outcomes and Next Steps

- A. The RCD and the parties involved may negotiate an arrangement that satisfactorily addresses the matter of concern that may include remedial steps such as:
 - i. Organizational review and/or organizational development.
 - ii. Policy development and/or revision.
 - iii. Education/training.
 - iv. Leadership coaching on specific topics.
 - v. Referral to a Constructive Discipline Processes, where they exist, within the Regional Church policies and procedures.
- B. Where an informal process has provided a satisfactory result, and if one or more parties have spoken with a person providing emotional support (e.g. a friend or family member) prior to engaging one of these processes, the parties will circle back to their emotional support person to let them know that the matter is resolved.
- C. If the parties are unable to reach a satisfactory outcome using the available options, the RCD may refer the matter to other Procedures in the GMLC or determine that the matter has reached a point of conclusion for Regional Church involvement. If such a determination is reached the RCD will inform the parties of this decision, calling the matter closed.
- D. Matters of concern raised in the Oversight Procedure may exhibit factors that give reason for a Formal Process and review by the RCD. These factors include:
 - i. **Intent** – Would a reasonable person understand that their choices would bring harm to another in this situation?
 - ii. **Advantage, gain, or indulgence** – Was a choice made so that a minister could inappropriately benefit at the expense of other(s)?

- iii. **Concealment** – Did the minister try to hide the truth? Not all mistakes need to be investigated. Where the credentialed person obfuscates the facts, circumstances, or choices in such a way as to divert scrutiny away from themselves, it may be necessary to use a Formal Process for exploring what most likely occurred. If a minister freely acknowledges that something happened, this is a desirable sign of openness to accountability.
- iv. **Frequency** – Is this an isolated incident or a pattern of behavior?

The RCD will ensure that the option of a Formal Statement is always available to the individual raising a matter of concern. These factors, along with an assessment of the impact on the individual with the matter of concern, alert the RCD for when directing the matter to the Formal Statement Procedure is most advisable. The decision remains the prerogative of the individual with the matter of concern.

SECTION II:

Formal Statement Procedure

Matters of concern may be raised through the Oversight Procedure and directed to the Formal Statement Procedure. The matter can be registered through a contact number or website address or through direct contact with staff of the Regional or Nationwide Church. Other ministers may provide support and also hear matters of concern and alert the wider church. The Formal Statement Procedure allows individuals to address matters of concern using a formal process. The matter of concern is noted in a written form to initiate Procedures so that accountability is clear and the parties (those with matters of concern and those who are the object of that concern) are treated with respect and fairness.

1. Purpose

This Procedure outlines how matters of concern are clarified with a Formal Statement upon which the Church will act, which will include formal processes or a referral where appropriate to the Oversight Procedure.

A Formal Statement is a written allegation of misconduct, signed by a person hereafter referred to as a Complainant, that includes the details as described later in the GMLC. (See Appendix “[Form of Written Formal Statement](#)” for more details.)

2. Scope

- A. A Formal Statement pertains to ministerial action or behaviour that is alleged to be out of alignment with or violating the ministerial code of conduct and ethics as per the GMLC. This includes individuals with concerns that they deem involve [harassment, discrimination, and/or sexual misconduct](#).

- B. A Formal Statement is not generally understood to be the first recourse for individuals who have matters of concern that would be defined as issues of performance or conflict.

3. Procedural Steps for Making a Formal Statement:

The RCD shall:

A. Ensure that the person making the Formal Statement has standing to do so. There are two types of complainants who have standing to do so:

- i. Complainant – the person who alleges that ministerial misconduct has occurred where they were the object of that behaviour and/or harm.
- ii. Third Party Complainant – A Third Party Complainant is a person who has some first hand evidence, that is not hearsay, of misconduct and who was not directly harmed. This person must allege that the behaviour was serious enough and the misconduct substantial enough to warrant filing a Formal Statement.

A Support Person may be offered to a Third Party Complainant, but this third party is not treated the same way as a Complainant because they were not directly affected by the alleged misconduct. The Third Party Complainant will be informed about the outcomes of any process that may be chosen in response to their Formal Statement.

Where a church leader has learned of credible concerns relating to a minister, that church leader is advised to consult with the Regional Church regarding a Formal Statement. A church leader may, if they satisfy the requirements of a Third Party Complainant, make a Formal Statement on behalf of the Congregation that they serve.

B. Offer a Support Person for the person considering a Formal Statement.

Responsibility for offering a Support Person is with the Regional Church, determined by the geographical location in which the person with a concern happens to be, or

where that individual chooses to go with their concern. If there are concerns about jurisdiction, the question shall be directed to the Nationwide Church staff who will determine which regional church should act. The Support Person will be the individual who helps the Complainant with the writing of the Formal Statement.

C. Ensure the Written Formal Statement meets the following criteria:

The Written Formal Statement must describe what happened as set out in the [Written Formal Statement Form](#). It need not be comprehensive in detailing the alleged misconduct, nor is it to be a victim impact statement. It shall outline the nature and extent of the allegations, the timeframe, and the locations, and be formatted as per the Written Formal Statement Form in the appendix which itemizes the need to include:

- i. The name of the minister, the position of the minister, and the Complainant's relationship to the minister (e.g., minister/congregant, minister/church secretary).
- ii. The name and contact information of the Complainant. In the case of a Third Party Formal Statement, the Formal Statement should also include the name of the person who they believe is being harmed.
- iii. The nature of the alleged misconduct. It is not sufficient to say that misconduct happened. There needs to be enough specificity to illustrate the story including the nature of the action, as well as dates, times, places, and some details of the circumstances. Multiple incidents of alleged misconduct shall be recorded in separately numbered paragraphs.
- iv. Whether the person making the Formal Statement has evidence or strong indications that other people have been harmed or abused by this minister.

The Complainant may also share what would be helpful to them when the RCD determines the most appropriate plan for proceeding. This can relate to both the process and possible consequences. Not all expectations can or will be met but

understanding the interests of the person who is making the Formal Statement can be helpful in moving forward.

In almost all cases, the name of the Complainant is shared with the Respondent so that the Respondent can understand the situation that led to the filing of the Formal Statement and address it accordingly. However, in rare cases the identity of the Complainant may remain confidential from the Respondent when the Respondent is alleged to have made threats against the person that can be documented, and another reasonable person would perceive the matter as a threat. All provinces have policies for imposing peace bonds and related tools under the Criminal Code for keeping people safe until matters are addressed, even for cases where criminal charges are not filed. Until safety is satisfactorily addressed, it may be inappropriate to disclose to the Respondent that a Formal Statement has been filed with the Church.

D. Submission of the Formal Statement to the Nationwide Church for review

The Formal Statement is presented to the Regional Church office who will forward a copy to the Nationwide Church office. If the Formal Statement contains an apparent deficiency or is incomplete, the Nationwide Church office may require that the deficiency be corrected or the form be completed before it is accepted for filing, and it will so advise the Regional Church which will inform the Complainant. If the problems are not seen as material, the Nationwide Church shall direct the Regional Church to accept the Formal Statement. If the Nationwide Church does not provide directions to the Regional Church within 10 days, the Formal Statement will be deemed to be filed as of the 11th day.

4. Notes to the process

A. Avenues available to Complainants

- i. The Nationwide Church with its regional churches will establish an arm's length reporting mechanism, like a web portal or a phone line that will be monitored by a third party counselling agency.

The complaint or submitted concern will be reviewed by a third party counselling agency. Specific review guidelines are not included here but outlined in a memorandum of understanding with the agency that would include an annual review.

- ii. Verbal sharing of a possible concern with a Regional or Nationwide Church staff person.

A person with a concern may make direct contact with a member of staff in the Regional or Nationwide Church offices. The staff person is to be supportive, advising the individual that they may need to tell their story to someone who can help them with drafting a Formal Statement. A Formal Statement is required for the formal process on the part of either the Nationwide or Regional Church.

Requiring an individual to tell their story multiple times can be traumatic and discouraging. Respect for the Complainant includes noting the significant energy needed to initiate the conversation. When receiving a verbal account, the Complainant may benefit from a clear description of what the next steps will be.

The Complainant controls what happens with their account of the concern until a Formal Statement is written and signed at which time it becomes a filed Formal Statement giving the jurisdiction of the concern to the Regional Church as per the GMLC.

B. What happens in cases of high risk?

Every concern must be explored for elements of high risk. Where the person with the concern alleges that they have been physically or emotionally harmed by a misuse of

power by ministerial action or behaviour, the RCD must assess whether there is a chance of future harm, and what, if anything, can be done by the Church to ameliorate the risks. If there are other possible risks, those should be documented and, where possible, steps taken (such as advising the person to seek appropriate support and help). This applies to all concerns and is particularly appropriate for people who are considered vulnerable.

- i. A Vulnerable Person² includes Children (persons under 16 years of age), Youth (persons between 16 and 18 years of age), or Adults who for reasons of age, maturity, physical limitations, cognitive ability, life circumstance, or other limitations are less able to advocate for their own well-being. Senior citizens and newcomers to Canada may fall into the category of Vulnerable Persons. In this document, Vulnerable Persons refers to all three – Children, Youth, or Vulnerable Adults, unless one of these three categories is meant specifically.

Where there are elements of high risk, the RCD must reference the Misconduct Procedures for Situations Involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse for immediate actions.

C. What happens to concerns when the Complainant is not willing to move to a Formal Statement?

Regional Church staff are careful and respectful, appreciating the challenges of an evolving situation, while ensuring that channels are available and accessible to potential Complainants. The opportunity to pursue the Formal Statement at a later date continues to be available.

² Different provincial jurisdictions may define groups coming under the designation of “vulnerable person” slightly differently. For this policy the provided definitions provide necessary clarity with an understanding that the provincial legal definition may supersede should there be a question.

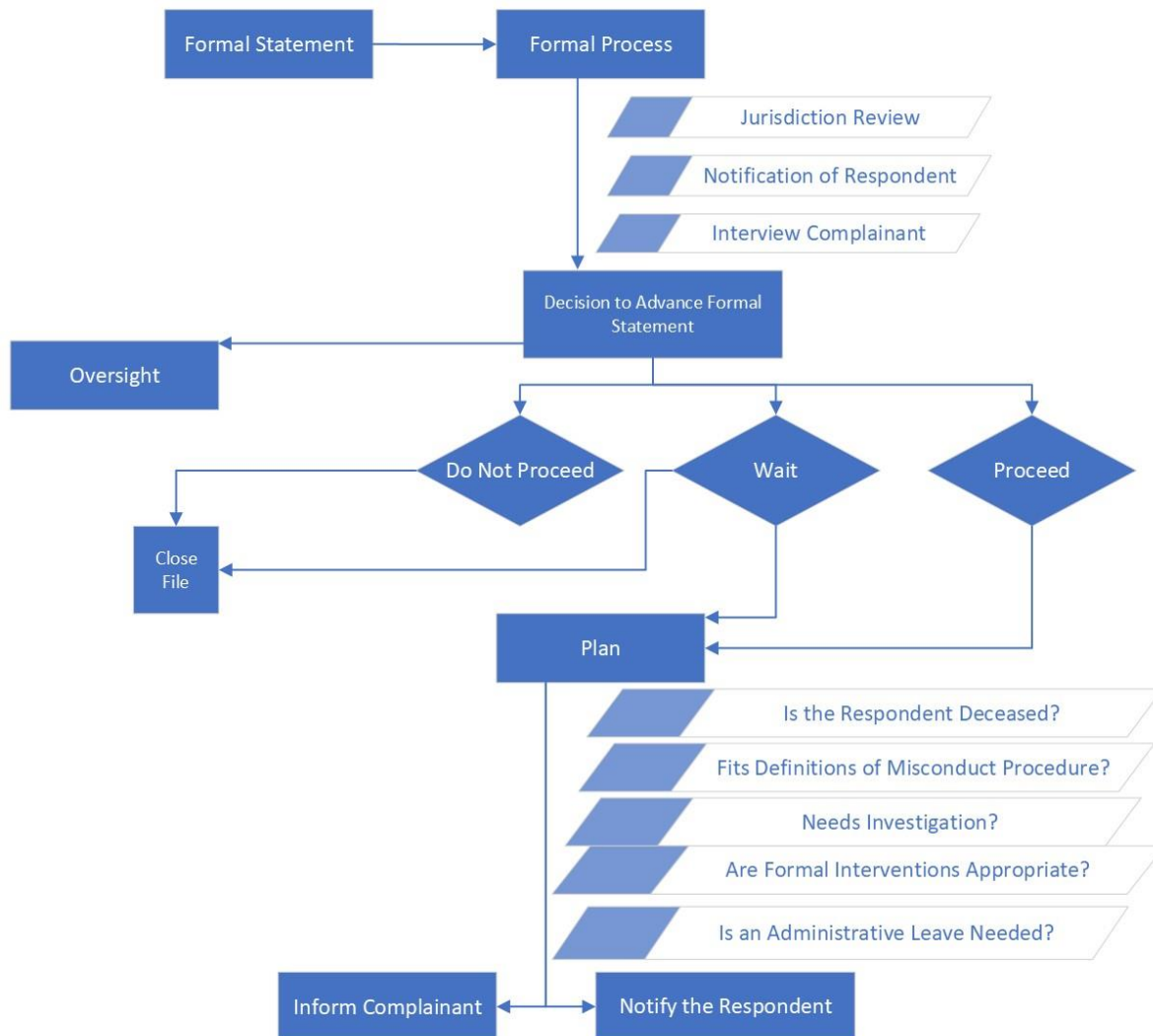
In principle, stories not advanced to a Formal Statement are not retained by either the Regional or Nationwide Church.

While the Regional Church has the discretion to follow up on indirect or unwritten allegations, these concerns must be substantive enough to warrant their involvement from what is shared, and the Regional Church is limited to their oversight function to ensure that systems of review and policy are in place for that setting. The capacity for next steps is limited to the information available to be shared which then limits opportunities for intervention. Where the Complainant wishes the matter not to be pursued, the Regional Church will take that into account considering whether any action will reveal the identity of the Complainant.

SECTION III: Formal Process for Ministerial Misconduct and Conflict Procedure – Opening the File

The Formal Process for Ministerial Misconduct and Conflict Procedure, hereafter referred to as “Formal Process,” clarifies the manner in which and the steps which the Church will undertake to deal with matters of concern now formally documented in a Formal Statement.

1. Diagram for Opening the File



2. Scope

All Formal Statements filed will be reviewed using the Formal Process.

3. Opening the File for a Formal Statement

The Nationwide Church staff has reviewed the Formal Statement and shall send a copy of the Formal Statement to the Regional Church that holds the credential of the Respondent. The Regional Church shall appoint the RCD for the file.

The RCD will attend to the following items:

A. Jurisdiction Review

The Regional Church determines jurisdiction based on:

- i. The Respondent being credentialed in the Regional Church. It does not matter if they are:
 - (1) Employed by a church that belongs to the Regional Church;
 - (2) Dead or alive;
 - (3) Cooperative or uncooperative;
 - (4) Currently credentialed or have relinquished their credential; or
 - (5) Involved as a minister in the Regional Church without a credential.

The RCD may inform any other Mennonite Church body that might concurrently hold a credential of the Respondent that they have received a Formal Statement concerning the Respondent where that Respondent is likely to have a ministerial leadership role.

The Regional Church may confer regarding who should handle the Formal Statement. Where different regional churches have jurisdiction, the Regional Church in which the complaint arises should take the matter; if the minister is not credentialed in the

Regional Church where the complaint arises, it may be more appropriate for the Regional Church in which the minister is currently credentialed to have jurisdiction. If there is uncertainty, the regional churches will confer with the Nationwide Church office, and that office will determine where the file will be managed.

- ii. Except as noted in the next clause, once jurisdiction is established, that Regional Church will oversee the process. The Regional Church is expected to see this process through even when the Congregation in which the Respondent serves chooses not to participate.
- iii. If the RCD is the Respondent or has a conflict of interest, then the Nationwide Church will determine jurisdiction and oversee the Formal Process.
- iv. Ministers in Non-Mennonite Church Canada or Non-MC USA Organizations: In cases where a credentialed minister is employed in an organization that has its own professional accreditation process (for example, a Mennonite chaplain in a hospital), the Regional Church shall allow the organization to do the investigation and will act on these findings unless there is adequate rationale to do otherwise.
- v. The disciplinary authority of this Regional Church is not limited because another professional accrediting entity is investigating or has investigated an allegation of misconduct by a Respondent; the Regional Church may still choose to conduct an independent investigation.
- vi. The Regional Church will cooperate fully when law enforcement is involved. Except in extraordinary circumstances, the Regional Church will immediately suspend the Respondent's credential when criminal charges are filed. On completion of the legal process the Regional Church will proceed as per the GMLC.
- vii. The Regional Church can accept the judgment of a court and forego an investigation or proceed based on the Church's standards for conduct and ethics in ministry. While a conviction

can be taken as confirmation of misconduct, the criminal process may end with an acquittal, a stay, or other conclusion. These determinations may not satisfactorily decide if ministerial misconduct did or did not take place.

B. Notification and/or initial interview of Respondent and Complainant

Once a Formal Statement is received, the RCD shall notify the Respondent and may interview the Complainant.

- i. **Notify the Respondent** that a written Formal Statement alleging ministerial misconduct has been filed and received by the Regional Church. Normally, the allegations will be shared with the Respondent at this time. The parts of the Formal Statement of Misconduct that are forwarded will not include victim impact statements or other confidential personal information not pertaining to the allegations. The RCD shall:
 - (1) Offer the Respondent a Support Person to help them with the process.
 - (2) Provide direction for the Respondent to gain access to the GMLC noting the GMLC understanding of confidentiality.
 - (3) Clarify that the Respondent or any agent acting on behalf of the Respondent shall not contact the Complainant in any form. Doing so will have significant consequences including the possibility of immediate sanction like the termination of credential. The use of social media or other channels to inform others of the incident could be construed as an effort to communicate with the Complainant and is not permitted.

- (4) Dependent upon the matter of concern,³ explore with the Respondent their initial response to the allegations of the Formal Statement, willingness to engage in direct encounters with the Complainant, and other items that may be helpful in determining whether to proceed, and if so, the plan for doing so.
 - (5) Inform the Respondent that the decision whether to proceed will be communicated to them, and if the process will proceed, what the planned process will be.
 - (6) In some circumstances, the RCD will be in contact with the Respondent's employer to facilitate an Administrative Leave of Absence. The criterion for that decision is outlined under the "[Determination of the written Plan.](#)"
- ii. **Interview the Complainant.** This initial conversation will be dependent on the previous interactions between the RCD and the Complainant. The RCD shall:
- (1) Ensure the Complainant has the assistance of an ongoing Support Person for the process.
 - (2) Ensure and/or provide direction for the Complainant to gain access to the GMLC noting the GMLC understanding of confidentiality.
 - (3) Explore with the Complainant their understanding of the allegations of the Formal Statement, desired outcomes, and willingness to engage in direct encounters with the Respondent where that is applicable, and other items that may be helpful in determining whether to proceed, and if so, the plan for doing so.

³ For some matters of concern, such as sexual assault, direct encounters are not an option of consideration.

- (4) Inform the Complainant that the decision whether to proceed will be communicated to them, and if the process will proceed, what the planned process will be.
- (5) Advise the Complainant not to be in direct contact with the Respondent.

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C. Decision to Advance the Formal Statement

Based on a review of the Formal Statement and initial interviews with the Respondent and/or Complainant, the RCD will advance the Formal Statement in one of the following ways:

- i. Not proceed to the Formal Process of this Policy

The RCD may choose to “not proceed” if, in their considered opinion, there is no reasonable basis to do so, or there is insufficient credible evidence. They may seek legal advice before making such a determination and are required to document their rationale and present that to the Nationwide Church who may convene the Church Leadership Ministers for further consultation. They may choose to refer the situation to the Oversight Procedure as the better recourse for the matter.

- ii. Wait for clarity

Where there is insufficient credible evidence to make a fair determination, and the RCD reasonably believes that it is prudent to delay matters in the expectation that further information will clarify matters, the Formal Process may be put on hold for a period not to exceed 1 year from the date of the Formal Statement.

- iii. Proceed

The RCD will outline in writing how the process will develop, which will be presented to the parties and filed with the Nationwide Church office.

D. Determination of the written Plan

The Plan is a written document according to the template found in Appendix “[*Form 8- Written Plan Form in Response to a Formal Statement*](#).” The Plan will document how the concern will be addressed for the parties.

The RCD in the written Plan for the Formal Statement will:

- i. Determine whether the Respondent is deceased or is not competent or able due to ill health to participate in a Procedure; if so the RCD will refer the matter to the Allegations Regarding Deceased Ministers Procedure. (In the absence of such a Procedure the Formal Statement will be understood to be held in

abeyance⁴ until such time as the Procedure has been clarified by the Church.)

- ii. Determine whether the Formal Statement meets the definitions for a matter that will be dealt with using the Misconduct Procedures for Situations involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse.

- (1) This determination is based on the definitions as outlined in the Procedure.

- iii. Determine whether the Formal Statement needs investigation in order to establish material facts of the Formal Statement whereupon it will be dealt with using the process of the Misconduct Procedures for Situations involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse. An investigation would not be needed where there is agreement with the material facts of the Formal Statement.

- (1) This determination is based upon the interviews with the Complainant and Respondent, the nature of the allegation, and other aspects of consideration that the RCD, in their considered opinion, deem relevant.

- iv. Determine whether the matter is to be dealt with using one or more interventions from the *Formal Interventions Procedure*, which may include but not be limited to the following:

- (1) Leadership and/or conflict coaching;

- (2) Mediation or Circle Processes;

- (3) Policy development and/or revision;

⁴ Abeyance – in the GMLC this means that the Formal Statement is held without action as a record to be dealt with.

- (4) Education/training;
 - (5) Group Facilitation;
 - (6) Arbitration; and/or
 - (7) Providing feedback regarding governance structures, policies, or procedures that are seen as contributing to the matter of concern.
- v. Determine the necessity of the Respondent needing to be placed on an Administrative Leave⁵ while the Plan is pursued.
- (1) A leave will only be considered for those Formal Statements that meet the definitions of Misconduct Procedures for Situations involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse or the incident is under investigation by legal authorities.
 - (2) If the situation can be ameliorated for both Complainant and Respondent without an interruption of ministry this is to be considered.
 - (3) Where the RCD has determined that the Formal Statement represents “high risk” or there is an allegation of illegal activity including but not limited to sexual assault, a leave will be considered mandatory while the incident is being investigated by the authorities and/or the Church.
 - (4) Significant discretion is afforded to the RCD with regard to notification of the organization in which the Respondent is serving and any other ministers who work there. In most

⁵ An Administrative Leave is generally a leave imposed and therefore is a time during which the employee is paid but not in attendance at their place of work nor carrying responsibilities. For ministers, this would include not participating in the life of the congregation such as worship services. This leave is without prejudice and is non-disciplinary from an employment perspective.

instances the leaders of the organization will be notified that a Formal Statement has been received, naming the Respondent, and the GMLC will accompany that notification for understanding of the process. Notification of other ministers who may also be working for the same organization is a matter of discretion based on the severity of the allegation and possibility of harm to others without this notification taking place.

- (5) Where a Respondent is put on an Administrative Leave, the RCD will appoint a person to act as a Support Person for the Congregation/Organization. The role of this person is similar to the Support Person for the Complainant and Respondent and the duties, preparation, and instructions are found in the Appendix "[Role of the Support Person.](#)"

In every instance, the written Plan will have opportunity for review by the credentialing body of that Regional Church for appropriate recourse, even if misconduct has not been substantiated.

E. Inform Complainant of the Plan and their right to request a review of the Plan

- i. The RCD will share the Plan hoping for support from the Complainant, but that is not required in order to proceed. Should the Complainant object to the Plan, they may request a review of the Plan by the Nationwide Church within 7 calendar days. The Nationwide Church will review the Plan and the rationale used to determine if any procedural mistakes took place or information was overlooked. In further consultation with the Church Leadership Ministers, the Plan may be overruled with the Nationwide Church now having jurisdiction over this credentialed leader, or be reconsidered with the Regional Church still leading the process.
- ii. Multiple Formal Statements – should there be other people who are submitting Formal Statements about the same person, the RCD

can decide whether there will be one Plan for dealing with the matters of concern. The RCD may tell the Complainant whether other Formal Statements have been filed about the Respondent, while keeping the identity of other Complainants strictly confidential. The content and nature of each Formal Statement is confidential and should not be shared with other Complainants.

F. Notification of the Respondent

Notify the Respondent that a written Plan for the Formal Statement alleging ministerial misconduct has been established.

- i. The Respondent, depending on the Plan, may be advised to prepare for the Formal Process by documenting a response that corresponds to the Formal Statement. This process invites the Respondent to be self-reflective and to prepare themselves for the questions that will come from these allegations.
- ii. Clarify with the Respondent that if they choose to not cooperate with the Regional Church according to the GMLC, except in extraordinary circumstances, their credential shall be terminated immediately. Such refusal will be noted with the matter being dealt with using [Section VII: Judgment and Sanctions](#).

SECTION IV:

Formal Interventions Procedure

1. Introduction

Different Formal Statements will have different issues and different levels of complexity, involving trust, power, responsibilities, differences of authority and influence, differences of capability, differences of fact, differences of interpretation, differences of consequence, and differences of opinion. These and the degree to which the parties appear willing or unwilling to collaborate and such other factors that the RCD considers relevant are considered when choosing a course of action.

The RCD determines whether the collaborative approaches of the Mennonite Church Canada can work. If so, the matter may be suited for one or more of the formal interventions listed below.

2. Formal Interventions

A. Coaching

A Coach works individually with one or more of the parties involved to assist them in working through a concern, thinking through the skills to address the concern, building a strategy to address the concern directly with the other party and/or to prepare the parties for mediation.

- i. If coaching is recommended, coaching will be arranged within 14 days of the conclusion of the determination of the written Plan.
- ii. Following up to three sessions of coaching, the situation will be assessed to determine whether (a) the matter is being resolved; (b) further coaching is

recommended; and/or (c) an alternate intervention such as mediation is recommended.

- iii. If the parties for whom coaching is recommended decline this intervention, (a) the matter may be considered closed, subject to a final review by the RCD who may have additional oversight concerns that the Respondent may need to address; (b) another intervention may be sought; and/or (c) the situation may be referred to arbitration.

B. Mediation/Circles

Mediation/Circles involves two or more parties who, with the assistance of an impartial trained third party (the Mediator), address the concern that has arisen between/among them. The decision-makers regarding the outcome of the process are the participants themselves, with the support of the Mediator(s) subject to a final review by the RCD who may have additional oversight concerns that the Respondent may need to address.

- i. If mediation is recommended, the mediation process will begin within 14 days of the determination of a Plan or coaching.
- ii. Prior to mediation, each party is asked to sign an agreement acknowledging the terms of the mediation process, including confidentiality and a commitment to mediate in good faith.
- iii. The parties involved will be given up to three mediated sessions to work through their concerns.
- iv. Following one to three sessions of mediation, the Mediator will assess the situation to determine whether (a) the matter is resolved; and/or (b) an alternate intervention such as arbitration is recommended.
- v. If the parties for whom mediation is recommended decline this intervention, (a) the matter may be considered closed; (b) another intervention may be sought; and/or (c) the situation may be referred to arbitration.

- vi. Following the conclusion of a mediation process, the Mediator may provide the parties with a mediation agreement. Where mediation has been chosen as a procedure in response to a Formal Statement, this agreement is kept in the relevant personnel file(s).
- vii. One or more of the parties may reject the mediation outcome within 7 calendar days following the conclusion of the mediation process. This rejection must come in writing to the RCD who will appoint an Arbitrator to arbitrate the concern, which will conclude the matter.

C. Arbitration

Arbitration involves two or more parties who identify their concern to an impartial third party (the Arbitrator). The Arbitrator provides a ruling regarding the concern. The Arbitrator's decisions are final and cannot be appealed.

- i. If arbitration is recommended, arbitration will begin within 14 days of the determination of a Plan, or the conclusion of coaching or mediation if those interventions were followed.
- ii. The Arbitrator may be one or more individuals appointed by the RCD for this task.
- iii. The Arbitrator will hear the perspectives of the parties involved and make a decision with respect to the outcome of the dispute. The Arbitrator will provide a Report to the parties and RCD regarding the outcome of the dispute within 14 days of hearing from the parties involved. The Arbitration Report is the property of the Regional Church and will be filed in the relevant personnel file(s) when arbitration is chosen as a procedure in response to a Formal Statement.

SECTION V:

Misconduct Procedure for Situations Involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse

1. Introduction

Mennonite Church Canada recognizes that all are made in the image of God and strives to treat each person with dignity, compassion, and respect. Mennonite Church Canada is dedicated to providing a safe, healthy, and supportive environment that protects anyone associated with Mennonite Church Canada from harassment, discrimination, and misconduct.

This Policy recognizes that there are many elements in developing and maintaining a protective and nurturing environment. This Policy addresses only how allegations of misconduct are to be addressed. It relies on its leaders, members, adherents, and other agencies to advance the other elements including openness, love, sharing, respect, cooperation, and support.

Mennonite Church Canada does not tolerate harassment, discrimination, violence, sexual misconduct, sexual harassment, sexual exploitation, and/or sexual assault/abuse. Mennonite Church Canada will pursue all Formal Statements directed to the Misconduct Procedures for Situations Involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse, hereafter referred to as the Misconduct Procedure, in a prompt, objective, sensitive, and prayerful manner, remembering to honour the dignity of each person involved in a complaint, including the Complainant, Respondent, Witnesses, and the Church. Mennonite Church Canada will ensure that measures are taken to safeguard and support those affected by or alleged to have participated in harassment or violence. Mennonite Church Canada will support those involved in a complaint with self-reflection, truth-telling, healing, seeking justice, and working toward reconciliation at an appropriate time and manner.

The GMLC articulates the commitments of Mennonite Church Canada in the pursuit of the Misconduct Procedure for Situations Involving Harassment, Discrimination, Violence & Sexual Misconduct/Sexual Abuse, hereafter referred to as the Misconduct Procedure.

The Misconduct Procedure will further the GMLC, which strives to provide a “fair hearing,” justice, and restoration of individuals to relationship as appropriate. The actions of the GMLC are based on fair process and an openness, so that reporting is not inhibited, and all matters of concern are welcome even when they are difficult to hear. There is a delicate balance required in the application of this Policy. The mechanisms designed for listening strive to be trauma informed. Supporting those who see themselves as being harmed is a priority. The steps from a matter of concern to an allegation that may involve a review of an individual’s credential is done carefully. The process must be trustworthy to have integrity with ministers whose credentials are within the scope of the GMLC. As a result, when addressing a Formal Statement, Mennonite Church Canada will document its actions, informing parties both verbally and in writing with respect to these actions.

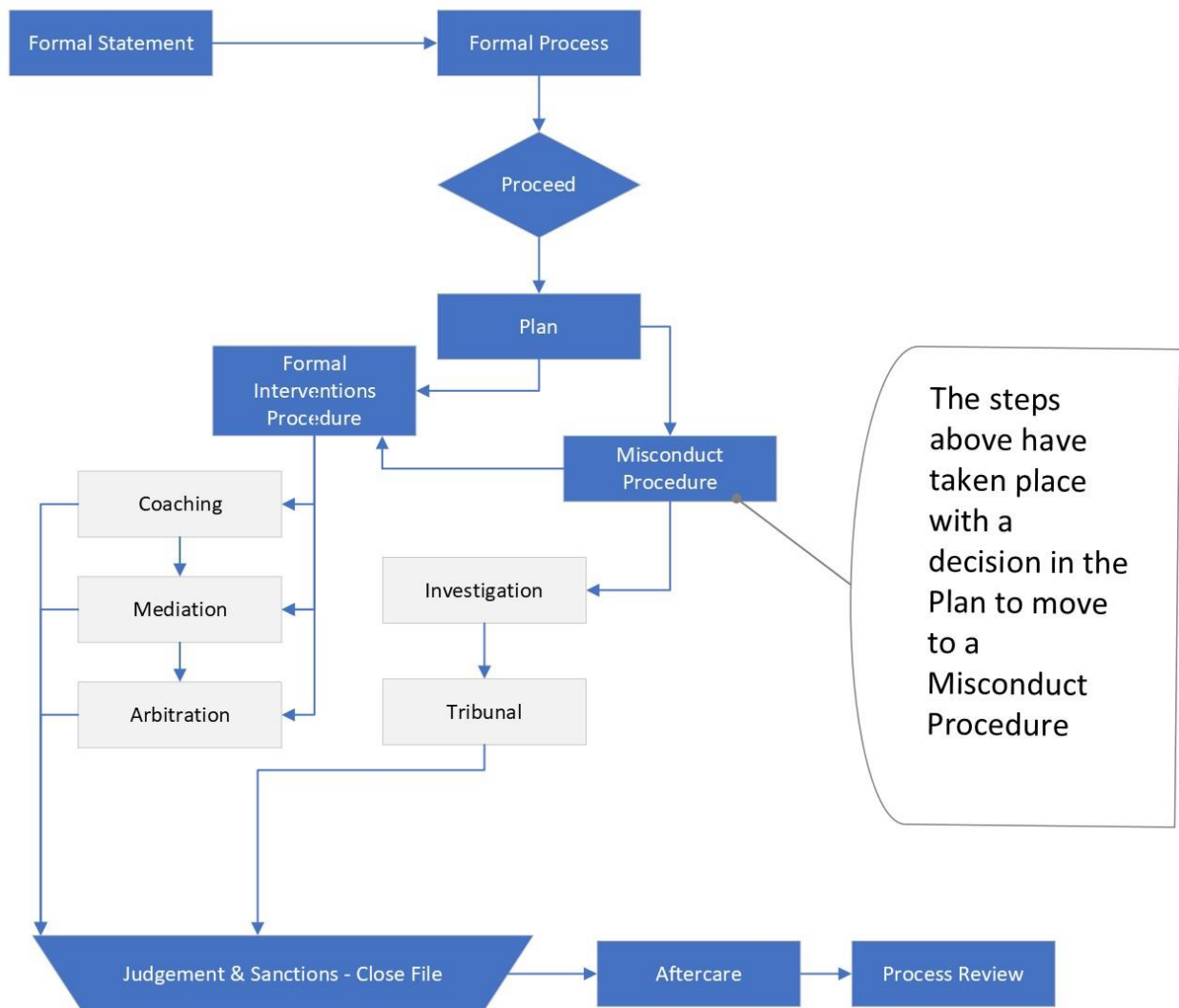
The Procedures of the GMLC seek to inquire, find out what most likely happened, and use the standard of the balance of probabilities, as used by civil courts and tribunals. Those responsible for the inquiry will need to determine if impropriety is more likely than not to have occurred. The Misconduct Procedure provides for the Church a set of responses for violation of the Ministerial Code of Conduct and Ethics that meet the definitions of violations as set out. In addition, the Misconduct Procedure documents a more vigorous method of investigation and a Tribunal where other recourses have not produced a satisfactory result.

Mennonite Church Canada will not impose negative consequences or discipline on those who, with good intentions, provide information about actions they believe to be discriminatory, harassing, or potentially a matter of misconduct, should an investigation prove their report to be unsubstantiated.

2. Note to the reader

This Procedure follows the [Formal Statement Procedure](#) and the [Formal Process Procedure](#) where the Plan has indicated that the allegation fits the definitions provided or that this is the best recourse for the situation as decided by the [Regional Church Designee \(RCD\)](#). As a reader, you will need to understand that the aforementioned items are the necessary context for this Procedure to move forward.

3. Diagram of the Misconduct Procedure



4. Scope

- A. The Misconduct Procedure and the pursuant steps apply to all for whom the GMLC applies.
- B. The Misconduct Procedure is used for Formal Statements that have been directed to this Procedure by the Plan developed for a Formal Statement by the RCD.
- C. The Misconduct Procedure addresses allegations of harassment, discrimination, violence, sexual misconduct, sexual harassment, sexual exploitation, sexual assault/abuse, and/or other forms of misconduct in the church. Other concerns may be transferred to this process as deemed appropriate by the RCD.
- D. The Misconduct Procedure is subject to the relevant employment, health, human rights, and criminal laws of the provincial jurisdiction in which a church is situated.

5. Understandings of the Misconduct Procedure

A. Definitions

- i. Harassment: Mennonite Church Canada defines harassment as engaging in a course of vexatious comments or conduct against another person that is known or ought reasonably to be known to be unwelcome. This includes sexual harassment, teasing, intimidating or offensive jokes or innuendos, display or circulation of offensive pictures or materials, unwelcome, offensive, or intimidating phone calls, bullying, leering, unwelcome gifts or attention, offensive gestures, yelling, verbal assault, belittling another's opinions, ignoring or excluding another, sabotaging another's work, threatening comments, spreading malicious rumours, maliciously alleging harassment by another, and/or using religious beliefs and values to threaten or harm another

(sometimes referred to as spiritual abuse). Harassment does not include reasonable challenges to work performance or negative job-related feedback that is meant to improve performance to an acceptable standard. Harassment can sometimes be described as emotional abuse.

- ii. Discrimination: Mennonite Church Canada defines discrimination as the absence of equal rights and opportunities based on race, national or ethnic origin, religion (with the noted exception below), sex, sexual orientation, gender identity, marital status, family status, class, disability, age, pregnancy and breastfeeding, body shape, and/or pardoned conviction. Discrimination does not include reasonable challenges to work performance or negative job-related feedback that is meant to improve performance to an acceptable standard. Mennonite Church Canada is a faith-based entity and thus may require those who hold positions as staff or leaders to affirm the religious convictions of the Church as may be named in a Confession of Faith or other such document defined by the Church for that purpose.
- iii. Violence: Mennonite Church Canada defines violence as the exercise of, or attempt to exercise, physical force by a person against another that causes or could cause physical injury; or oral or written threats or behaviour of physical or property harm. This includes threatening gestures, hitting, pushing, destroying property, physical assault, sexual assault, stalking, harassment, robbery or financial misconduct.
 - (1) Financial Misconduct: Mennonite Church Canada defines financial misconduct as the mishandling or purposeful misrepresentation of financial transactions that may or may not be for the personal gain of the individual. Financial misconduct includes, but is not limited to, misappropriation of funds, theft of church assets, fraud, embezzlement, accounting misrepresentation, falsification of time records or expense claims, mismanagement, and/or putting congregational assets at risk.

B. Sexual misconduct definitions

- i. Sexual Misconduct: Mennonite Church Canada defines sexual misconduct and sexual abuse as making vexatious comments or engaging in conduct that relates to sex, sexual orientation, pregnancy, gender identity, or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation, or advance, where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to a colleague or congregant and the person knows or ought reasonably to know that the solicitation or advance is unwelcome and/or a violation of appropriate boundaries.
- ii. Sexual Harassment: Sexual harassment includes behaviour that has the effect of undermining, coercing, intimidating, humiliating, or demeaning an individual on the basis of sex. It may have the effect of creating a place of ministry or workplace that is hostile or offensive. Such behaviour may consist of a single incident or several incidents over a period of time. The harasser could be of the same sex as or different sex from the person harassed and may also be a supervisor or co-worker/minister. Sexual harassment can occur in or outside the office or church building, in person or by any other means, but is not limited to a work (or church) -related activity. Examples include the following: threats or verbal abuse; unwelcome sexual remarks or jokes; innuendo or taunting about a person's body or sexual orientation; distribution of material of a sexual nature that could be offensive; displaying sexist, pornographic, or derogatory pictures; unwelcome invitations, requests, or sexually suggestive remarks; leering or other sexual gestures; and/or unnecessary physical contact, such as patting or pinching.

- iii. Sexual Exploitation: Sexual exploitation is any form of sexual contact or invitation to sexual contact with an adult by a professional person, pastor, or anyone in a position of authority, trust, or power over that adult whether or not there is consent from the individual. Sexual exploitation refers to the act of taking advantage of the vulnerability of an adult with whom there is a fiduciary and/or pastoral relationship for one's own pleasure/gain.
- (1) Grooming: is the process by which an offender draws another person into a sexual relationship and maintains that relationship in secrecy. The offender targets a person and uses compliments, gifts, special favours, or privileges to gain the trust of the potential victim, their family, and/or their friends. The offender isolates the individual and controls them with requirements of secrecy or uses threats to maintain secrecy. Grooming of a child/youth may often start with grooming the parent/guardian to gain their trust to gain unquestioned access to the child.
- iv. Sexual Assault (Sexual Abuse): Sexual assault, commonly known as sexual abuse, is any intentional use of force or threat of use of force and involving some form of sexual activity, including, but not limited to, the examples listed below, against another person without their consent. Sexual assault is an activity that may be criminal in nature as defined either as child abuse under the Provincial Governing Legislation or as criminal under the Criminal Code of Canada. For the purposes of this Procedure, other related offenses including the possession, distribution, or accessing of child pornography shall be treated as sexual assault. Examples of sexual assault include the following: kissing, sexual contact, fondling, or sexual intercourse; bodily harm or threats to harm; assault with a weapon; incest, bestiality, or gross indecency; sexual offences against children such as sexual interference, invitation to touching, sexual exploitation, or a parent or guardian procuring the sexual activity of a child; exposing genitals to a child, juvenile prostitution, corrupting children, or indecent acts.

- v. **Sexual Misconduct and Consent:** Consent is understood as non-coercive; therefore, consent has not been given if an individual agrees to any sexual activity under threat, or if consent is obtained by fraud or through the influence of a person in authority over that person, and/or if the person is mentally or an otherwise incapacitated or vulnerable child, adolescent, or adult. Children under the age of 16 cannot give consent except in limited circumstances between peers as set out in the Criminal Code. Meaningful consent for sexual activity is not possible in a pastoral or fiduciary relationship.

C. Immediate actions in response to situations of high risk or involving a Vulnerable Person

- i. Person(s) associated with Mennonite Church Canada who observe, perceive, or experience harassment, discrimination, violence, threat of violence, sexual misconduct, sexual harassment, sexual exploitation, and/or sexual assault/abuse during any activity and/or with any person associated with Mennonite Church Canada, are advised to respond to such actions by clearly requesting that the offending party immediately stop their offensive behavior should the person(s) experiencing harm deem that such a statement can be done without significant risk to themselves or others.
- ii. **In cases of immediate danger, take action that will safeguard and support those impacted.** Individuals will be directed to the [Misconduct Procedure](#).
 - (1) High risk is based on the assessment of the individual responding to the reported incident. This assessment notes that the experience is generally characterized by the Complainant as a physical violation of their person, and/or the Complainant demonstrating trauma-related impacts, and/or the Complainant reasonably believing that a repeat offense is likely to occur, endangering their person with harm.

- iii. In cases of high risk, the RCD or other person in authority who has been made aware of the situation shall ensure that emergency and/or immediate measures are taken to safeguard and support those impacted by the situation, including but not limited to (a) facilitation of medical intervention; (b) referral to community agencies; (c) debriefing by a skilled professional; (d) assistance with completion of an incident report(s); (e) imposed separation of the affected parties until further notice or pending the outcome of an investigation; (f) suspension of one or more of the parties with pay immediately pending the outcome of the investigation; and (g) if applicable, assistance with reporting to police.
 - (1) In the case of a Vulnerable Person, when physical violence has occurred or is threatened and/or when sexual harassment/exploitation or assault/abuse has occurred, the RCD or person in authority who receives the information and/or the Complainant will immediately notify the police and/or appropriate community agency. Police investigations take precedence over internal church investigations such that the internal process will be suspended until the completion of police investigation.
 - (2) The RCD or other person in authority will discuss with the Complainant any matters of concern with respect to confidentiality. While utmost care will be taken to protect the Complainant's confidentiality, to ensure the safety of others and to prevent recurrence, circumstances may require the sharing of confidential information to appropriate parties (e.g. statements from witnesses or threats of violence that may affect others).

D. Legal Counsel

Should the need arise, the RCD or other individual so named to be responsible for the executing of this Procedure may seek legal assistance on the meaning and operation of the Misconduct Procedure and on their role and obligations under it. Nothing in the

Misconduct Procedure prevents an individual involved in a complaint as Complainant, Respondent, or Witness from pursuing their rights under the Provincial Bill of Rights or employment standards and/or occupation health and safety statutes, or from seeking legal representation.

The process of the GMLC is meant to pursue inquiry as its primary method and not intended to be an adversarial process. Legal counsel is not denied to anyone involved but will not have standing as an adversarial advocate role in the formal processes of the regional church as outlined in the GMLC.

6. Initial steps with a Formal Statement referred to the Misconduct Procedure

The RCD will:

- A. Determine if the Formal Statement involves a Vulnerable Person, which includes children and youth as defined earlier, whether now or at the time of the incident. Where the Formal Statement involves a Vulnerable Person, **the RCD will inquire first whether law enforcement has been notified and involved in the incident of the Formal Statement.** The RCD shall also attend to the following when a Vulnerable Person is involved.
 - i. If law enforcement is not involved, the RCD will note for the file on this Formal Statement as to “why not.” If the RCD concurs with a choice not to involve law enforcement, they are advised to seek written legal advice in support of this position. If the RCD does not concur with the decision not to involve law enforcement, they will take appropriate action including reporting the incident.
 - ii. Where law enforcement is not involved, or law enforcement has decided not to proceed with an investigation, or the Respondent has been found not guilty of a criminal offense, the Formal Statement may continue to be pursued at the discretion of the RCD. The RCD will choose an appropriate process for the individuals involved as per the next procedural steps of the Misconduct Procedure.

- iii. The RCD will ensure that the Complainant is supported by their legal guardian or caretaker who is present with the Complainant at each step in the process and whenever anyone involved in the process communicates with the Complainant. The legal guardian or caretaker is not a substitute for a Support Person.

- B. Choose in all cases how to deal with the Formal Statement referred to the Misconduct Procedure.

In cases where violence, sexual misconduct, sexual harassment, sexual exploitation, or sexual assault/abuse are alleged, the RCD shall proceed with an Investigation. In all other cases, the RCD shall discern whether to commence Investigation or to use one or more of the processes within the Formal Interventions Procedure, based on: (a) initial interviews and written statements; (b) definitions associated with the GMLC ; (c) readiness of the parties; and (d) the severity of the situation.

- C. Consult with the Church Leadership Ministers group and/or work in collaboration with the Nationwide Church staff throughout the process or processes initiated by the Formal Statement.

7. Investigation

Where the RCD considers that an Investigation is required, the RCD will arrange for an Investigation with a Tribunal to follow as necessary.

A. Provision of counselling

The RCD will offer to pay for up to three sessions of counselling for each of the Complainant and Respondent on behalf of the Regional Church with support of the local Congregation where applicable.

B. Investigator(s)

The RCD will hire a trained Investigator where violence, sexual misconduct, sexual harassment, sexual exploitation, or sexual assault/abuse are alleged. In other instances, the RCD may choose to engage a volunteer three-person team of

Investigators or hire a trained Investigator, who could be hired to work alone, or with two volunteers as part of a three-person team. If a trained Investigator is hired, they will take the lead. (See Appendix: “[Guidelines for Investigations](#)”)

C. Investigative Report

The RCD will provide information and set the scope, timeframe, and parameters of the Investigation so that the Investigative Report will include the following:

- i. Information related to the content of the complaint and response. Information that is provided is mindful of confidentiality concerns, anonymizing where possible, and particularly in any portion that will be conveyed to either the Complainant or Respondent like the names of witnesses.
- ii. A statement regarding the findings of fact. The standard of proof for this Investigation is the balance of probabilities. The Investigation’s findings will state how witness and other evidence has been considered.
- iii. If applicable, recommendations of further actions to address the contributing factors to minimize risk of reoccurrence, restore and where possible resolve the matter with those involved, and to the greatest extent possible, return the Congregation or Organization to health.

The Investigator(s) shall be prepared to answer questions that may be posed by the Tribunal or the parties or their supports.

D. Report to RCD for Tribunal Consideration

The Investigator(s) shall prepare written findings of fact which are given to the RCD in accordance with the directions provided by the RCD. Upon receipt of the Investigative Report the RCD will:

- i. Convene a Tribunal, where the Investigation has established a finding of fact in support of the Formal Statement, notifying the

parties to the Formal Statement of the Tribunal and dates for this event; or

- ii. Close the file, where the Investigation has not established a finding in support of the Formal Statement, with the following provision. The Regional Church credentialing body may seek appropriate remediation or action based on recommendations within the Investigative Report or other items the RCD deems relevant for consideration. The parties will be notified of the finding, the process of investigation, and any subsequent action to be taken with respect to the aforementioned provision.

The Investigators' written response is the property of the Regional Church and is considered confidential information. The Regional Church will take efforts to limit the distribution of this Report as appropriate to the needs of the process and needs of the Complainant, Respondent, and Church.

E. Notification of the Respondent, Complainant, and ministry context of the Respondent

The RCD is responsible to notify the following parties.

- i. **The Complainant** shall receive a copy of the findings from the Investigative Report that has been anonymized for that purpose. If a Tribunal is constituted, they shall be aware of the time and date of that event and what role they will have in those proceedings, if any. Where the finding of the Investigative Report has concluded that misconduct has not been established, the Formal Statement will be considered closed. The Complainant may request a Tribunal for a review of the Investigative Report, but the GMLC does not require the Regional Church to convene that group. Taking the opportunity to listen to the concerns of the Complainant may be helpful but the grounds for moving forward have not been established.
- ii. **The Respondent** shall receive a copy of the findings from the Investigative Report that has been anonymized for that purpose. If

a Tribunal is to be constituted, they shall be made aware of the time and date of that event and what role they will have in those proceedings, if any. Where the finding of the Investigative Report has concluded that the Formal Statement has been established, the Respondent will be asked if they wish to proceed with a Tribunal. The Respondent may choose to decline the Tribunal and the matter will be sent to the Ministerial Leadership Committee or their equivalent that acts as a credential granting body in order to act on judgements and sanctions in keeping with the now accepted Formal Statement.

- iii. **The ministry context** (Congregation) leadership of the Respondent shall receive an update as to the outcome of the Investigation, whether a Tribunal is to be held and if any remediation mandated should the file be closed at this point.

8. Tribunal

The Tribunal serves the Complainant, the Respondent, and the Church by being a place where the Formal Statement is reviewed, the Respondent's response is considered, and the findings of fact from the Investigative Report are heard. The parties have the opportunity to hear the data being considered and, at the discretion of the chair of the Tribunal, ask questions.

A. Composition of a Tribunal

A Tribunal will normally be made up of not less than 3 members of the Regional Church's Ministerial Leadership Committee or other group that acts in the capacity of a credential granting body (hereafter referred to as the Ministerial Leadership Committee).

B. Presentation of Materials for Review

Upon referring a Formal Statement to an Investigation for which a Tribunal is convened, the RCD must gather and present the case, which includes the Formal

Statement, the Investigative Report, and all other relevant materials to the Tribunal that the RCD deems appropriate.

C. Confidentiality

All information involved in the Investigation or Tribunal, or pertaining to the Complainant, will be held in confidence except as necessary to investigate the Formal Statement or take disciplinary action related to the Formal Statement, or where public safety is involved or as required by law.

D. Proceedings

The proceedings of the Tribunal may be conducted by receipt of written submissions or by oral hearing, or by a combination of oral and written submissions, as the Tribunal may in its discretion determine is consistent with the values and commitments of Mennonite Church Canada.

The Complainant and Respondent may be invited to be in attendance of the presentation of the Formal Statement to the Tribunal and the presentation of the findings of the Investigative Report. They are not invited to present a “defense” or a “case” to the Tribunal which might include Witnesses. There may be opportunity to ask questions of the Investigators at the discretion of the chair. Both may have in attendance with them their Support Person and/or an emotional support person such as a spouse. Neither the Complainant or Respondent may have more than 3 people in attendance with them.

Investigator(s) are to be prepared to answer questions that may be posed by the Tribunal or the parties or their supports. However, unless the Tribunal is concerned that there may be a serious omissions and procedural problems, it will not allow this to become a review or an appeal of the factual findings, and instead is intended to be a transparent process for the parties and clarity for the decision of Tribunal.

A record of the proceedings will be in the form of detailed minutes that are inclusive of all reports and materials used in the Tribunal. The final decision of the Tribunal will be in writing including its rationale.

E. Decision of the Tribunal

Within 30 days after the conclusion of the proceedings, the Tribunal must determine whether the alleged misconduct has been established. The conclusion will be presented to the RCD who will share the outcome of the Tribunal in both verbal and written communication, noting the process for any disciplinary action and/or expectations as a result of the decision and/or Investigation. This information will be provided in-person where possible by the RCD to the Complainant and Respondent. The Tribunal may either choose to:

Dismiss the Formal Statement

If the Tribunal finds that the alleged misconduct was not established, it must dismiss the Formal Statement. The Tribunal may in its discretion provide direction for response to the Respondent in the form of remedial steps, with those being placed in the ministerial record.

Formal Statement is not Dismissed

If the Tribunal finds that the alleged misconduct was established, then the Tribunal will share the findings and their recommendations regarding, if any, sanctions and judgements to the Regional Church's Ministerial Leadership Committee or other group that acts in the capacity of a credential granting body. When conveying the results of a Formal Statement that is not dismissed to the Complainant, the RCD has opportunity to express with regret an acknowledgement of the harm that has been caused within the Church. While further opportunities for listening and care are provided in ["Follow Up Care,"](#) at this point the Complainant is acknowledged for their contribution in addressing the Church's need to be a safe and healthy place for all. It is a sad acknowledgment on the part of the whole church that this has happened.

F. No Right of Appeal while Having the Recourse of a Request of Review.

There is no right of appeal from a decision of the Tribunal when a matter has been referred for decision.

The recourse available involves one of the parties presenting in writing a request for review. This letter is forwarded to Mennonite Church Canada staff with responsibilities for matters relating to this Policy. Where Mennonite Church Canada

staff are administering this Policy, the letter is forwarded to the Moderator of Mennonite Church Canada.

The party requesting the review must state in their written request:

- Reasons for the review;
- Submissions in support of the review; and
- Remedy or relief the party seeks.

A copy of this written request will be forwarded to the other party for response. Upon receipt of a response within a reasonable timeframe a decision will be determined in writing with rationale. A review will be initiated if:

- There are new facts or evidence that could not have been produced earlier that could change the outcome of the Tribunal process;
- The Tribunal decision was not in accordance with the values and procedures seeking fairness, which impacted the outcome of the Tribunal and/or Investigation (such as the Respondent not being aware of the allegations against them and not having an opportunity to be heard or to respond).

If the request is granted, this letter will act as a “Formal Statement” initiating a review as per this Policy generally using the [Formal Process](#) for how it will be considered.

The parties involved in the Formal Statement who have initiated the Tribunal have 30 calendar days in which to submit this letter of request for a review.

SECTION VI: Allegation Involving a Deceased Minister Procedure

(This Section is in process)

DRAFT

SECTION VII:

Judgment and Sanctions – Authority of the Ministerial Leadership Committee to Act

The GMLC notes that learning and addressing behavior so as to build a more effective and healthier group of ministerial leaders is the aim of the Policy. As a result, the Ministerial Leadership Committee may initiate remedial and corrective steps as it may determine based on the Procedures of the GMLC as initiated by either the RCD or the Regional Church staff person with oversight responsibilities. In addition, where ministerial misconduct by the Respondent is established, the Ministerial Leadership Committee must impose any one or more of the following judgements or sanctions upon the Respondent. Where a tribunal process takes place, that Tribunal may have made a [recommendation](#).

1. Those sanctions without change of credential status

- i. A reprimand;
- ii. A requirement such as, but not limited to, a letter of apology, remedial work, counselling, coaching, training, or education which the Respondent must undertake.

2. Those sanctions with the credential placed under probation

- i. Restrictions, supervision, and/or conditions for the Respondent to continue to hold their credential during which the individual would be required to meet certain obligations like, but not limited to, those stated above in sanctions without change of credential status and counselling.

3. Those sanctions with the credential placed under suspension

- i. The Respondent is placed on leave, either paid or unpaid, pending the completion of required counselling, coaching, remedial work, training, education, or a combination of the above.
- ii. The determination of paid or unpaid leave is at the discretion of the Respondent's employer and they may choose to terminate the employee-employer relationship at this point.

4. Those sanctions with the credential being terminated

- i. The sanction to terminate the minister's credential is permanent.
- ii. Such an action of terminating a credential will be followed by a public announcement of that decision.
 - (1) A public announcement will be limited to a posting on the Mennonite Church Canada website that includes the following:
 - The action taken, the process used, and a brief statement regarding the broad nature of the allegation that is not specific about individuals involved but does where possible specify the number of occurrences and approximate date(s).

5. Action in default

In default of the Respondent complying with any of the judgements or sanctions imposed from the above, the Ministerial Leadership Committee may suspend or terminate the Respondent's credential as per item [#4](#) above.

6. Record of outcomes

Unless otherwise determined by the Ministerial Leadership Committee, any outcome, judgement, or sanction imposed will be placed on the record of the Respondent and stored in official records of the denomination.

7. There is no right of appeal from decisions of the Ministerial Leadership Committee.

8. The file will be considered closed.

SECTION VIII:

Provide Follow-up Care

As a denomination, we are in a time of learning/discerning how reconciliation is affected by intersecting relationships of power. We recognize that reconciliation is the work of God and that we have been called to be ambassadors as a people of God. We acknowledge that in the past, the desire for reconciliation has led to coercion and, in some cases, has compounded trauma because the personal and social systemic aspects of power were not understood or were disregarded. With this in mind, we hold out hope for reconciliation to be possible within the larger “reconciliation of all things” (Colossians 1:20). However, we desire to take special care to not cause further harm through this aspiration.

The expectation of the RCD is to assure follow-up care for the Complainant, the Complainant’s family, the Respondent, the Respondent’s family, and for the Congregation or Organization in which the matter of concern happened. A follow-up care plan will be informed by the theological foundations of Part 1 and resources located in the Appendix “Moving Towards Healing and Hope After Ministerial Sexual Misconduct.”

Judgement and sanctions are not the goal of the GMLC. The Church believes in the transformation possible when we open our lives to the presence and power of a Holy God who seeks to reconcile all things. This Policy does not specify those steps because they are dependent on the capacity, openness, and engagement of all to move forward.

The follow-up care plan will:

Provide opportunity for the Complainant to be able to share an impact statement with the Church if desired. Representation of the Church is left to the discretion of the RCD.

Outline the resources and support provided by the Regional Church for the Complainant and Respondent.

Set parameters for the ongoing involvement of the Regional Church in oversight of the follow-up care plan subject to ongoing items, which are outlined in Part 2 Section VII.

Where possible, involve others in the Church to provide care or support and accountability for the individuals involved.

Not be exhaustive, nor will it be expected to clarify the whole journey that might be necessary for individuals. It is meant to provide an adequate place from which to start.

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SECTION IX:

Process Review

The RCD will convene a meeting with the Nationwide Church staff person with responsibilities for the GMLC to review all occurrences of a Formal Statement that have been filed and proceeded with. The meeting will set out what was learned through the application of the Policy and what further improvement could be noted in the Policy or its application for the future. The Nationwide Church will note these for future policy, and will report findings to the Church Leadership Ministers Group.

Policy Disclaimer: Any error or omission to the implementation of the process outlined here does not invalidate the process. Corrective action will be taken where possible. In addition, if any aspect of this Policy and 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 or 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 harassment or abuse.

This Policy replaces and supersedes the earlier document copyrighted in 2016 called Ministerial Sexual Misconduct Policy and Procedure.

Date :

Part 3: Appendices

SECTION I: GMLC Support Documents

1. Forms and Letters

Forms and templates for use with the GMLC.

Regional churches can download these forms to print off on their own letterhead and fill in the information.

F1 – Formal Statement Form Concerning Ministerial Misconduct

F2 – Notice To Minister That A Formal Statement Was Received

F3 – Notice To Congregational Leaders That A Report Was Received

F4 - Announcement Of Appointment Of Investigators To The Complainant And Respondent

F5 – Announcement That The Investigation Will Begin

F6 – Investigators’ Report To The Regional Church Designee Regarding The Formal Statement

F7 – Notice That The Regional Church Declines To Pursue The Formal Statement

F8 – Written Plan Form In Response To A Formal Statement

F1 – Formal Statement Form Concerning Ministerial Misconduct

A person who believes that a minister has engaged in ministerial misconduct or other unethical behavior may inform a Regional Church Designee, or the Nationwide Church office when the report is against a Regional Church staff person. If the allegation is against a Nationwide Church staff person, please submit to the moderator of Mennonite Church Canada.

If you report misconduct, the Regional Church will offer a Support Person, acceptable to you, to assist you in preparing this Formal Statement and, if you so desire, in selecting an individual to provide personal support to you.

This form is to be used to submit a Formal Statement. Attach additional sheets as needed.

1. Your name (person who made the report):
2. Your address:
3. Your phone number(s):
4. The name of the minister who you say harmed you (or who you observed harming someone else):
5. If you are a third party reporter, the name of the person who you believe was harmed:
6. A description of each incident of misconduct (please include information about date, time, place, and circumstances on attached additional pages as needed):
7. Any additional information that you believe is relevant:
8. Signature of person who made the Formal Statement: _____

Date: _____

Notes:

You may submit an “unsigned” Formal Statement. If the report is “unsigned” it is an account that the Church takes seriously but cannot act upon nor can it be kept as a record for future use. We understand that documenting your account, knowing that you have been heard, and feeling like others share the knowledge may be enough for you at this point. If at some later point you wish to sign a Formal Statement, you would need to submit the Formal Statement again and sign it at that time. The process will not have retained your previous unsigned Formal Statement.

A signed Formal Statement becomes a document that then comes to the Church and may not be withdrawn by the Complainant. The Formal Statement will be reviewed, evaluated, and where deemed appropriate, assigned a Procedure.

F1 Mennonite Church Canada, GMLC 2024

F2 - Notice To Minister That A Formal Statement Was Received

Minister: _____

Address: _____

By this notice we inform you that a Formal Statement alleging ministerial misconduct by you has been filed with the _____ Regional Church by _____, the person who made the report.

This Formal Statement will be addressed according to the Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024 (GMLC) which can be found here. [link included] The Regional Church Designee (RCD) will review the Formal Statement and if the decision is to proceed will inform you of a written Plan for addressing the matter of concern.

(Where applicable) We are attaching a list of the allegations.

This notice advises you of the allegation and now informs you of your need to maintain a high degree of confidentiality which means:

You or any agent on your behalf shall not contact the Complainant in any form. Doing so will have significant consequences including the possibility of immediate sanction like the termination of credential.

The use of social media or other channels to inform others of the incident could be construed as an effort to communicate with the Complainant and is not permitted.

We recognize that this will be a difficult time for you. The procedure includes providing you with a Support Person for this process. We are suggesting _____, who can be reached at (Phone : _____, email _____)

In Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024, you can find a definition of the Support Person's role. If you feel you have a conflict of interest with this person, let us know, and we can assign a different person. You can also choose a personal supporter to accompany you on this journey. We have informed the Support Person that we have received a Formal Statement, but we have not otherwise informed them about its nature or content. They are trained to understand this process and can answer questions about this Policy.

You may anticipate hearing from us within _____ days regarding the Plan that will be used. If you have questions, do not hesitate to be in touch.

Sincerely,

Regional Church Designee

F2 - Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024

F3 - Notice To Congregational Leaders That A Report Was Received

TO: _____, Chair of the Governing Board of

_____ (Name of Congregation)

_____, Minister(s) [Other than the Respondent]

By this letter I inform you that the Regional Church has received a Formal Statement alleging ministerial misconduct by _____ and that the Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024 will be used to process the Formal Statement.

I am providing a link to Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024 for you to carefully read regarding the process for how this Formal Statement will be handled by the Regional Church.

In cases where an announcement to your congregation is needed, additional resources will also be provided.

(Where and, if so when applicable)

Following the written Plan, the Regional Church has appointed an investigation team of

_____, _____, and _____.

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

Sincerely,

Regional Church Designee

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F4 - Announcement Of Appointment Of Investigators To The Complainant And Respondent

_____ Regional Church has named the following individuals to investigate the Formal Statement alleging 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 Regional Church Designee.

Regional Church Designee

Date _____

F5 - 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. We strongly recommend that you have your Support Person present, and you may choose to have your personal supporter present as well.

Chair of the Investigators

Date

DRAFT

F6 - Investigators' Report To The Regional Church Designee Regarding The Formal Statement

We have been appointed to investigate allegations of ministerial misconduct by _____.

The finding of the investigation is:

The Regional Church

____ Cannot present evidence that the Respondent, more likely than not, engaged in ministerial misconduct.

____ Can present evidence that the Respondent, more likely than not, engaged in ministerial misconduct.

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 Regional Church can present, or we have stated why we believe the Regional Church cannot present probable grounds.

We recommend the following to the Regional Church: (Where applicable)

We are prepared to respond to questions as deemed relevant by the Regional Church Designee or a Tribunal.

Signed by the Investigators:

Dated: _____

F7 - Notice That The Regional Church Declines To Pursue The Formal Statement

A Formal Statement alleging ministerial misconduct was filed against _____
by _____.

The Regional Church appointed an investigative team to investigate the allegations.

Based on that investigation, the Regional Church has not found probable grounds to support the allegations of misconduct. Accordingly, the Regional Church declines to proceed further with the Formal Statement.

As per the Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024, there may be items that are recommended by the Ministerial Leadership Committee (or other group responsible for granting credentials) to the Respondent. These recommendations are not a statement regarding the veracity of the allegation but an effort to provide a path for growth for this minister.

Regional Church Designee

Dated: _____

F8 – Written Plan Form In Response To A Formal Statement

Notes to the RCD:

1. Create a File Identification that lists the year and month the Formal Statement was received, and a letter representing the last name of the person who has filed the Formal Statement. (The Plan may be shared in several settings and efforts to anonymize are expected.)
2. Record responses to:
 - i. Is the Respondent living and competent/able to participate in a process?
 - ii. Does the Formal Statement meet the definitions for a matter that will be dealt with using the Misconduct Procedures for Situations involving Harassment, Discrimination, Violence and Sexual Misconduct/Sexual Abuse?
 - iii. Does the Formal Statement need investigation?
 - iv. Will the matter be dealt with using one or more interventions from the **Formal Interventions Procedure**?
 - If so, outline which Procedure will be followed, interventions that will be used, and/or appropriate recourses if one of the options does not reach a satisfactory result.
 - The Plan need not be overly specific but must be able to sufficiently inform the parties of what may be anticipated in terms of their involvement in what follows.
 - v. Does the Respondent need to be placed on Administrative Leave?
3. Indicate the timeline anticipated.

All Plans will provide for the opportunity of review by the credentialing body of that Regional Church for appropriate recourse even if misconduct has not been substantiated.

2. Duties of a Support Person

The Support Person will be trained and able to help the party assigned to understand the Guiding Ministerial Leadership in Mennonite Church Canada Policy 2024 (GMLC) in relation to the matter of concern. A separate Support Person is assigned to the Complainant, the Respondent, and the congregation/organization in which the Respondent is serving if that individual is placed on a leave or a finding of misconduct has occurred. Key resources for training of the Support Person are the Mennonite Central Committee resource “[Walking Together Training Manual](#)” and the GMLC.

The Support Person has these duties with respect to the Complainant and the writing of the Formal Statement:

- A. Ensure that the Complainant understands that making a Formal Statement moves the incident from being their story into a Formal Process, which will be directed by the GMLC. The Church and the Support Person are able to listen to the story but will not retain a record of this story unless it becomes a Formal Statement. Once the incident becomes a Formal Statement, the Church is obligated to retain the Formal Statement and act on it as deemed appropriate by this Policy. It should be further clarified that the Complainant no longer has ownership of this Formal Statement but retains their rights of whether to participate in any subsequent Procedure.
- B. Provide practical help to the Complainant, assisting with finding support and safe spaces as applicable.
- C. Help the Complainant put their report into writing if it is not already in writing, or refine their documentation, so that it fits the format of a Formal Statement in the GMLC.
- D. Make sure that the Formal Statement is delivered to the Regional Church from which the Support Person is assigned, or to the Nationwide Church office when they have jurisdiction. If the Formal Statement is about a Regional Church staff person, the Formal Statement is delivered only to the Nationwide Church office.

- E. Help the Complainant document the incident and/or harm that has occurred. The impact statements will not be forwarded to the Respondent and where possible will be kept as a separate part of the document. Documenting the incident(s) includes writing down conversations and specific actions, collecting evidence such as texts, emails, or calendars, and at their prerogative helping the Complainant to make a list of corroborative Witnesses who might have witnessed or been told about the alleged actions, along with their contact information. The Complainant should not contact the individuals themselves; that will be the job of the Investigators should this Formal Statement move along that Procedure.

The Support Person has these duties in addition to those noted earlier in the making of the Formal Statement if their role continues with the Complainant through the Procedure that may follow:

- A. Continue to provide practical help to the Complainant, assisting with finding support and safe spaces as needed.
- B. Depending on the circumstance, encourage the Complainant to seek medical and/or legal assistance. This Policy is not the only source of redress for the Complainant.
- C. Where applicable, accompany the Complainant through the Investigation and Tribunal. The Support Person may participate as an observer to meetings required by the Procedures.
- D. Serve as a contact person for communication from the Regional Church, the Ministerial Leadership Committee, the Regional Church Designee, or the Investigators, if requested by the Complainant.
- E. Make timely objection on behalf of the Complainant to the Regional Church Designee, if the Complainant believes the GMLC is not being fairly administered, and the Complainant does not want to make the objection themselves.

The Support Person has these duties with the Respondent through the processes of the GMLC used to deal with the Formal Statement made against them:

- A. Provide practical help to the Respondent, assisting with finding support and safe spaces where necessary.
- B. If requested by the Respondent, the Support Person may help them organize their response to the Formal Statement. The Support Person will share with the Respondent how the Complainant may develop the Formal Statement that has been brought forward, inviting the Respondent to be equally prepared.
- C. Where applicable, accompany the Respondent through the Plan that is developed in response to the Formal Statement. The Support Person may participate as an observer to meetings required by the Procedures.
- D. Serve as a contact person for communication from the Regional Church, the Ministerial Leadership Committee, the Regional Church Designee, or the Investigators, if requested by the Respondent.
- E. Make timely objection on behalf of the Respondent to the Regional Church Designee, if the Respondent believes the GMLC is not being fairly administered and the Respondent does not want to make the objection themselves.

The Support Person has these duties while accompanying the Congregation/Organization through the GMLC process:

- A. Provide spiritual and emotional support as the group grapples with understanding what has happened and how to view their minister at this time when judgement has not been reached.
- B. Respond to questions and provide an overview of the process and Procedures of the GMLC as appropriate to the context.
- C. Coordinate with the Regional Church Designee how their role will aid the congregation/organization with next steps following a Sanction where that is applicable.

3. Guidelines for Investigations

In cases where a trained Investigator is hired as part of a team that includes volunteers, the trained Investigator shall take the lead in organizing the Investigation and interviewing Witnesses. The volunteers can assist with the interviewing, take notes, discuss findings, and weigh evidence.

A. Investigators:

- i. The Investigators must be neutral, and not have an emotional stake in an outcome of the Investigation. They must be fair and perceived to be fair. For example, they should not show empathic responses to one party, but not another. As Investigators, they shall not pre-judge anyone's story. The process is to be fair, not skewed against people who make a Formal Statement nor those who respond.
- ii. Be clear about the mandate of what is being investigated. If the mandate for the Investigators is to make a determination about factual findings regarding allegations, make sure they have a complete list of the allegations. This may be added to in the course of the Investigation, if further allegations arise.
- iii. Be clear about the GMLC and follow the policy carefully. Know the definitions of misconduct as laid out in the GMLC, polity documents of the denomination, and statues of legal jurisdictions such as provincial human rights codes. Keep in mind that a report inclusive of findings of fact will need to be supported by a rationale.
- iv. Take careful notes and store these documents safely and confidentially. Notes about the process are as important as notes about the interviews. Use a chart to keep track of who has been contacted, when they were contacted, the dates and times of meetings, and reasons for any delays.

B. Interviews

- i. Interviews shall have a consistent structure and process. Have the same number of people doing the interviews, if at all possible. In most instances, interviews will begin with the Complainant.
- ii. Include in all interviews an explanation of the role of Investigators, the goal of the interview, the role of the interview, and information to be gathered in the process. Explain the importance and limits of confidentiality in this process.
- iii. Allow the Interviewee to tell their story in their own words. While the main purpose of the Investigation is to arrive at a finding regarding the allegations, the Investigators also serve an important role in allowing both the Complainant and the Respondent to tell their story and feel heard.
- iv. After the Interviewee has been given space to give the account they want to give, ask questions that elicit more information about each allegation in turn, asking about witnesses, locations, specific dates, and the exact things that happened. Questions should be neutral, and not leading. For example, rather than asking “Were you really upset?” ask “What was your state of mind?” The goal is to leave the interview with a clear picture of what happened.
- v. Examine evidence that the Interviewee has brought along, such as correspondence, photographs, phone records, calendars, and diaries, and ask questions as deemed appropriate. Ask whether there is any other evidence that might be available, or any other corroborating witnesses who either witnessed the allegations or heard reports about the alleged incident at the time.
- vi. At the conclusion of the interview, ask whether there is anything else the Interviewee wants to say and then re-iterate the next steps of the process, and the importance of confidentiality. Thank the person who has taken the time and effort to be a part of this process.

C. Additional Considerations

- i. A neutral interview location should be chosen that is conducive to sensitive conversations to protect the confidentiality of the Interviewee. Depending on the circumstance, the use of the church building may not be appropriate. Interviews should not take place in a private home, as not everyone might feel comfortable. If possible, it can be helpful to provide two location options, and let the Interviewee choose which they would prefer.
- ii. Give enough time between interviews so that different people being interviewed do not cross paths. Virtual interviews on a platform like Zoom can be utilized, particularly if the Interviewee is at a distance. In-person interviews are preferable because it is harder to pick up on emotions or changes of demeanor on a computer screen, making it more challenging to weigh credibility in a virtual environment.
- iii. If a personal supporter comes with the person who made the misconduct report, or with the respondent, it is important to ask whether they have evidence that might be relevant to the allegations or can provide corroborating information. If so, they should be asked to step outside the room, as their value as a witness would be compromised if they sat in on the interview.

Sometimes a personal supporter can become “talkative” and explain things, rather than letting the Interviewee speak. By definition, a personal supporter should not have a speaking role. Explain that the most valuable testimony is in the voice of the person being interviewed. It will be difficult to weigh the evidence and credibility of the person being interviewed if they do not speak with their own voice.

- iv. The interviews with the Complainant and with the Respondent should be mirrored as much as possible to be fair to both parties.

- v. When interviewing witnesses, as much as possible maintain confidentiality about the specific allegations you are exploring and the identity of the Complainant.
- vi. Before the interviews, refresh your memory about trauma-informed responses. A survivor of ministerial sexual misconduct, an innocent person facing ministerial sexual misconduct charges, and someone who is facing the consequences of their behavior are all in their own type of crisis. The role of an Investigator is not to be supportive, but to investigate allegations while being sensitive to the emotional state of the Interviewee. Those who are being interviewed may express a variety of emotions: sadness, anger, shame, disbelief, and mistrust of either the Investigator or the process. Empathy may be expressed for the experience while maintaining neutrality as an Investigator.
- vii. At the discretion of the Investigation, questions may be asked about perceived differences of power in situations, and may follow up on references to gender, sexual orientation, race, ability, culture, socio-economic status, etc. to understand the dynamics of the encounter. Questions about the community's culture and norms to understand what was happening may be appropriate.
- viii. Attention needs to be paid to timeline guidelines. Compile a list of people who need to be interviewed, and then check with their schedules, first interviewing people who might not be available at a later date.

While the timeline is important, the priority is a thorough investigation; this might mean delays to accommodate interviews with someone who is on holidays or is sick. Always explain why delays are happening to the parties involved and to the RCD.

When an Interviewee is consistently unavailable, a difficult decision to proceed without their testimony in the interests of a timely investigation is an option for consideration.

- ix. When interviewing, it is helpful to record the interviews, so that notes can be checked for important details. If someone is uncomfortable being recorded, explain that it is in their best interests to be recorded, so that accurate notes of their words can be made. Explain that the recordings will be kept and stored securely with the permanent record of the Investigation. This is normally achieved through a sealed file and/or password-protected data storage.

Sometimes the Interviewee wants to record the interview. The Investigator is in charge of the Investigation and responsible for controlling the confidentiality of the process. As a result, the Investigator must control the recordings, so the Interviewees shall not be allowed to record the interview. If they need to hear the interview again, the Investigator may play their recording for them, but the Interviewee cannot be given a copy.

- x. Always record questions posed as well as the answers that are given. Capturing evidence with some verbatim quotes is important. Rather than summarizing, try to capture things in the words of the Interviewee.
- xi. If new evidence arises in interviews that contradicts someone else's account, this evidence should be presented to the relevant parties, to hear their response to it. For example, a witness says, "I saw Pastor X at the movie theatre that night, so he couldn't have done what she said happened that night." The person who made the misconduct report should be presented with this evidence and be given the chance to respond to it: "The movie theatre is only two minutes from my home; he might have gone there directly from my house and still made the late show."
- xii. If there are multiple people as complainants, a professional investigator is strongly advised to be part of the investigative team. Where only volunteers are appointed, they may request that a professional investigator be hired due to the complexity or challenges of the Investigation.

- xiii. With multiple Complainants, each person must be interviewed separately and their specific allegations kept confidential from one another. They should be urged not to discuss their allegations with each other, if they know each other, until after the Investigation is concluded. Sometimes they are called as witnesses to each other's allegations, and they should be interviewed in that way.
- xiv. The Complainant or the Respondent may offer names of "witnesses" who are character references. This is immaterial; the mandate is to examine evidence about the allegations, not determine the honesty of the parties from people who are not connected to the actual alleged events.
- xv. The task is to weigh evidence with a careful reading of the GMLC to make a finding of whether the alleged event is more likely than not to have happened. This is standard in workplace misconduct investigations.

In a civil proceeding, the standard is "a preponderance of evidence," which means that at least 50% of the evidence supports the Formal Statement. It is not based on the criminal court proceedings standard of "beyond the shadow of a doubt."

- xvi. Findings of fact are recorded in a report, which must be dated and signed by all members of the Investigative Committee. Turn over the report, all notes about the interviews, recordings of any interviews, and copies of any evidence to the RCD so these items can be confidentially and securely filed.

SECTION II:

Congregational Resources

1. Policy Checklist

Are Policies Needed?

Congregations come in many different sizes, have different histories, and see different futures. For some, the effort to create a significant policy and procedures manual seems disproportionate to their size and history. However, policies and procedures contribute guidance, consistency, accountability, efficiency, and clarity for decision-making. Most importantly, the development of policies allows organizations to think carefully about issues before they encounter a crisis and challenges related to that situation.

Experience suggests that healthy organizational function is found when greater focus is given to principles and values. The hope is that the dialogue around values enhances what the community cares about in its life together and inspires greater compliance once the policy is written. This is a different focus than restricting behaviours with rules. It is a value-based, self-monitoring of individuals who find wisdom in these policies for the situation that faces them. “...whatever you do or say, do it as a representative of the Lord Jesus...” (Colossians 3:17 NLT). Discipleship involves living into the role of being a people who reflect the person and ministry of Jesus in the world. The values and principles of Jesus speak clearly into how congregations choose to develop policies and procedures that guide and shape life together.

As a result, good policies that are clearly communicated help clergy, church leaders, and participants engage one another in healthy and life-giving ways, while steering away from potential hazards to community life. Good policies help persons know what is expected and provide clear standards for assessing when someone has violated a boundary. Policy specifics may vary by region depending on the employment standards, laws, and regulations of that region.

Please consider the following areas when determining the policies needed for your context:

Congregational Covenant: A behavioral or community covenant is an agreed upon list of congregational commitments to each other for healthy ways of relating in community. This covenant states processes to deal with disrespectful behaviours and abuse of power when they occur in the congregation. A congregational covenant should also articulate how the congregation respects and interacts with members of the clergy. The majority of clergy have at some point in their ministry felt threatened, demeaned, or intimidated. “So while pastors may use their power to mistreat others, many pastors caring for folks from all walks of life find themselves on the receiving end of mistreatment and crossed boundaries. This is true for any pastor, but the risk of mistreatment is compounded for those who represent historically marginalized groups, such as women in ministry, BIPOC pastors, pastors with disabilities, etc.” (Amy Zimbelman)

Safe Church Policy: A congregational safety policy for the prevention of abuse of children, youth, and vulnerable adults and how to respond to allegations of abuse.

Financial Misconduct Policy: It is good practice to review financial policies, procedures, and internal controls regularly. Charitable law in Canada requires audits or internal reviews of financial records and statements annually. Where it is financially feasible to do so, engaging an independent professional organization to conduct a periodic independent external review (audit) of financial statements is a best practice. In addition, write a financial misconduct policy to clearly define behaviours that are considered financial misconduct by the congregation, Regional Church, or Nationwide Church. Definitions limit people saying they did not know that what they were doing was wrong.

Harassment, Discrimination, and Abuse Policy: Harassment, discrimination, and abuse policies help communities define and provide clear processes for addressing claims that are disclosed, discovered, or suspected.

Computer and Internet Acceptable Use Policy: The purpose of this type of policy is to clearly define the expectations of acceptable use of congregational, Regional Church, or Nationwide Church computer and internet resources for any persons, both staff and non-staff.

Social Media Policy: The purpose of this type of policy is to direct the use of social media channels associated with the congregational, Regional Church, or Nationwide Church office.

Intellectual Property Policy: Intellectual property policies ensure that the church is in compliance with all relevant copyright laws, as well as providing appropriate copyright protections for persons creating or posting their original content in the context of congregational life (e.g. a musician performing an original song in worship, sermons, newsletter articles, etc.).

Conflict of Interest Policy: The purpose of a conflict of interest policy is to ensure that no potential or actual conflicts of interest exist among persons in key decision-making roles.

Whistle Blower Protection Policy: This policy protects individuals who share concerns, report an incident, make a complaint about discrimination, harassment, or violence, or participate in an investigation of alleged misconduct, from retaliation. Retaliation may include, but is not limited to, intimidation, imposing a penalty, denying a right or benefit, suspension, or firing.

Confidentiality Policy: This policy area identifies expectations about what information is kept confidential and under what conditions it may be shared. For a congregation, Regional Church, or Nationwide Church, it may include, but is not limited to, provisions for employee records, personal information for members and staff, information obtained in the context of pastoral counseling, etc.

Conflict Resolution Policy: A conflict resolution policy identifies the processes that parties in conflict can use to resolve said conflicts. This is different than a misconduct policy meant to investigate and make determinations about misconduct by clergy or lay-members of the congregation, Regional Church, or Nationwide Church.

Employment Policies and Practices:

Write a Clear Job Description

A clear job description allows the clergy and the congregation to have a healthy relationship based on clear and reasonable expectations. It serves as the primary reference for understanding expectations and performance. The document helps protect the pastor from unreasonable demands from congregants.

Sign an Employment Agreement

An employment agreement differs from a job description. The agreement is a document signed by both the congregation and clergy that defines the relationship between employer and employee in regard to remuneration, entitlements, benefits, renewal, and termination. Mennonite Church Canada has Employment Agreement templates for each provincial jurisdiction and its unique Employment Standards legislation.

Use Salary Guidelines

Pastors should be fairly compensated for their work through both salary and benefits. Mennonite Church Canada offers Pastoral Salary Guidelines that represent a fair-labour approach to pastoral salary and benefits. These guidelines are a starting point for salary negotiations but are also flexible relative to the needs of particular persons. Ultimately, it is up to the congregation and the clergy to negotiate a suitable salary relative to work expectations.

Pastor-Congregation Relations Committee

A pastor-congregation relations committee is a dedicated group that tends to the relationship between the pastor and the congregation. They are, generally, not a supervisory or evaluative body, but exist as a safe space for pastors/credentialed leaders to speak openly about their experience in the congregation and to provide a place for feedback from the congregation to the pastor/credentialed leader in order to improve relationships and effectiveness in ministry. A healthy pastor-congregation relations committee can assist in clergy vitality and longevity in their role.

Effective and Healthy Pastoral Evaluations

Effective evaluations create space for the congregation and clergy to communicate about congregational vision and mission as well as pastoral effectiveness relative to the job description. Healthy evaluations encourage open and transparent communication while simultaneously shutting down inappropriate communication (like gossip) to or about clergy. Effective and healthy evaluations do not create a context for personal attack, unaccountable allegations, or the expression of personal agendas.

External Pastoral Support

Pastors need a community of support to thrive in ministry. This includes having safe people and places where they can seek consultation or personal counseling to make sense of and wisely navigate their role. These supports are necessary for anyone engaged in pastoral ministry, and not luxuries for less capable pastors. Some of these supports may be found within the congregation, such as ministry colleagues, Pastor-Congregation Relations Committees, or Congregational Chairs. Clergy may also need resources external to the congregation, such as Regional Church supports, support groups, therapists, mediators, or spiritual directors. Congregations support pastoral health, well-being, and wise engagement in leadership through making certain that these resources are accessible for their pastors.

SECTION III:

Additional Resources

You may access other helpful resources at [\(Webpage Address\)](#), which may assist with or clarify approaches to the GMLC. Resources include definitions for various behaviours that would be in violation of the Code of Conduct and Ethical Practice, Best Practices for Clergy in Support of their own Health, or Moving Toward Healing and Hope after Ministerial Sexual Misconduct.