

Allowing at least 5 working days, the panel meets with the accused. At the conclusion of that meeting, the panel prepares a report based on both meetings. A copy of the report is sent to the accuser and accused.

In the report, the panel provides a summary of the testimony including any admissions of misconduct.

The panel does not contact other alleged victims whose names arise by either accuser or accused. However, the Committee may contact them.

Key Elements of the Process

The panel meets once with the accuser and once with the accused. It is imperative they bring all the testimony to their respective meeting.

A spouse and support person may accompany accuser and accused. Legal counsel cannot represent an accuser or accused at their meeting. An advocate may accompany the accuser.

Personal items and written material to support or refute the allegations can come before the panel. In addition, the panel can receive conference calls, depositions, signed letters, and affidavits. Hearsay is allowed on behalf of the accuser.

Accuser and accused should provide the names of people in attendance and their role in that meeting i.e. support person, witness, etc. A person who gives testimony is not granted anonymity. The accuser and accused or their witnesses should not disclose their panel meetings to others until the conclusion of the Council's work.

Participation in the advisory panel process does not prohibit the accuser or accused from redress by a civil or criminal court.

Key Elements of the Panel Meeting

Each meeting is tape recorded for the benefit of the panelists. The panel retains ownership of the tapes. Letters and reports produced by the panel become the property of the parties who receive them.

In their meeting, the accuser and the accused begin with their oral testimony followed by their witnesses. The panel chairperson determines whether witnesses appear together or separately. During oral presentation, written material in support or refute of allegations should be distributed.

In the second half of the meeting, the panel questions those who gave oral testimony. The panel decides whom they will question.

Appeals

The advisory panel hears the testimony and presents a report based on the findings. The evaluation of probability and gravity is not subject to appeal. The accused may appeal a Council decision if there was procedural error. The panel chairperson may inform the Classical Interim Committee if the Council takes no action or takes an action contrary to the panel's report. The accuser may appeal a Council decision that is contrary to the findings.

For more information, contact
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Classis Safe Church Team is trained by the Office of Abuse Prevention a denominational partner helping build and sustain healthy congregations

SAFE CHURCH TEAM

A Classis Partner helping build and sustain healthy congregations

Advisory Panel Process

*What the
accuser and accused
need to know*

Starting the Advisory Panel Process

The accuser is the alleged victim and is an adult now. The alleged event may have occurred when the accuser was a minor or an adult.

The allegations are either of physical or sexual misconduct. The accused person is a church leader now or was a church leader at the time of the alleged misconduct.

Allegations unsuitable for the advisory panel process. The advisory panel does not respond to allegations by a minor because state and provincial laws require reporting to civil authorities. The panel does not respond to allegations of domestic violence because disclosure may increase the risk of future violence.

Accessing the Advisory Panel Process

The accuser or advocate presents the allegations in writing either to the Executive Committee of the accused person's church or to the chairperson of a Safe Church Team. The accuser requests a panel to hear the allegations.

The Executive Committee should request an advisory panel. If the accuser or advocate contacts the Safe Church Team chairperson first, the chair informs the Committee of the request for a panel.

If the accuser declines to meet with the panel. The panel process ends. The Committee decides what the next steps may be.

If the accused declines to meet with the panel. The panel process ends. The panel submits a report to the Committee based on the accuser's testimony only. The Committee decides what the next steps may be.

Will the accuser and accused meet face to face?

Not in the panel process. However, the Council may decide to hold a formal meeting when the two meet.

Confidentiality The accuser is not anonymous in the advisory panel process. The Committee and the panelists know the name of the accuser, the accused, and the nature of the charges.

The Committee and panelists hold in confidence the name and testimony of both the accuser and the accused throughout the panel process. The accused receives the accuser's name with the specific charges in writing.

The accused person's Council receives the accuser's name and specific testimony in the panel's report. Unless the accuser permits, his or her name is not shared orally or in print with the congregation.

Role of the Executive Committee

After the Committee receives the allegations in writing, it should request an advisory panel. The Committee may consult with denominational officials throughout the panel process.

The Committee may appoint 1-2 people to attend the panel meetings. These people only observe. They meet with the Committee and then with the Council when the chairperson discusses the panel's report.

After receiving the report, the Committee may expand the fact-finding process to include relevant information from other churches and individuals. The Committee convenes the Council to review the report and adjudicate the matter. The panel chairperson and the accuser's advocate meet with the Committee and the Council to discuss the report. The observers are present as well.

Role of the Council

Council adjudicates the allegations and determines if there is guilt. They put the decision in writing to the accuser and accused. Before adjudication, the Council may meet with the accuser, accused and witnesses. If the Council disciplines the accused, they should follow the Church Order on discipline. The Council is also responsible to implement a response toward the accuser and accused. If the accuser is not a member of the congregation, the Council should discuss a response with the accuser's advocate.

Role of the Advocate

The advocate assists the accuser to collect testimony and organize witnesses for the meeting with the advisory panel. The advocate provides information about the panel process and accompanies the accuser to the meeting. The advocate may assist the Committee to identify additional testimony, witnesses or other allegations. The advocate meets with the Committee and the Council to offer an impact statement. The advocate also offers an impact statement at a classis meeting if the matter arises there.

Role of the Advisory Panel

Advisory panel's role is to evaluate the probability and the gravity of the testimony offered. The standard for probability is the balance of probabilities or 51%; gravity is determined by the nature of the allegations, the context of the relationship between accuser and accused, and the role of the accused.

The panel first meets with the accuser. After this meeting, if either probability or gravity is not met, the panel process ends. If both probability and gravity are met, the panel presents the allegations in writing to the accused. The writing includes the name of the accuser, specific details of the allegation, and corroborating evidence.