

Appendix A Abuse of Power Ad Hoc Committee Report

I. Introduction

Synod 2019 accepted the report of the Addressing the Abuse of Power Committee and adopted these instructions, among others (*Acts of Synod 2019*, pp. 795-96):

That synod mandate the Council of Delegates to review the adequacy of the training provided to CRCNA staff, the adequacy of the provisions for support to a complainant, and mechanisms to avoid potential conflicts of interest in the process for dealing with complaints. A review should be informed by careful listening to persons who found the processes helpful and persons who did not.

That synod mandate the Council of Delegates to examine in detail the potential for conflicts of interest in current safe church procedures and to evaluate the need for and benefits of using outside experts to deal with situations that have a high potential for conflicts of interest.

At the July 2019 meeting of the COD's executive committee, this action step was recorded:

The executive committee is assigning to two or more COD members and / or others suitable for the task to address these instructions and work with the director of HR to do so for the first [re adequacy of training and support for CRCNA staff] and the director of Safe Church for the second [re potential conflicts of interest in safe church procedures]. This team will also refine a mandate for the Guardian Committee [see section C, 3, k, 4, *Acts of Synod 2019*, p. 798]. The ED will bring updates to the Sept. Exec. Committee.

The ad hoc committee is composed of the following members:

- Maureen Beattie, HR, Canada
- Michelle De Bie, HR, United States
- Frank DeVries
- Violetta Diamond
- Sherry Fakkema
- Elsa Fennema, chair
- Bookie Gates
- Bonnie Nicholas, Safe Church Ministry director
- Kathy Vandergrift

II. Mandate and composition

A. Mandate

With the assistance of the United States and Canadian directors of Human Resources (HR), this working group will review the following:

- the adequacy of the training provided to CRCNA staff,
- the adequacy of the provisions for support to a complainant
- mechanisms to avoid potential conflicts of interest in the process for dealing with complaints

In addition, with the assistance of the director of Safe Church Ministry, this working group will do the following:

- examine in detail the potential for conflicts of interest in current safe church procedures, and
- evaluate the need for and benefits of using outside experts to deal with situations that have a high potential for conflicts of interest [and if a need is determined, develop a set of criteria for when to call in an outside expert and develop qualifications for such outside experts].

Finally, this working group will craft a mandate for the Guardian team requested by Synod 2019: “That synod mandate the Council of Delegates to establish a team that would act as a guardian of our commitment to foster a culture characterized by respect for all and mutual service” (Article 64).

B. Composition

No more than two COD members with experience in addressing abuse of power situations.

At least two CRC members (not part of the COD) with experience in addressing abuse of power situations.

The United States and Canadian directors of HR and the director of Safe Church shall be ex officio members for the aspect of the mandate explained above.

C. Background: Recommendations on creating a culture to prevent abuse of power (adopted by Synod 2019—Acts of Synod 2019, p. 798)

- 1) That synod affirm the following as core values for the culture within the CRC:
 - mutual respect for every person as created by God and equally responsible to respond to God’s call to use their gifts for God’s mission in the world, including the ongoing work of building God’s church
 - an understanding of servant leadership that emphasizes mutual submission as a corrective to the hierarchical tendencies within our culture
 - mutual accountability through checks and balances built into governing structures
- 2) That synod affirm the importance of care in the use of language within church assemblies, with attention to the impact of language that harms the ability of others to fully exercise their gifts and calling.
- 3) That synod refer this report to the Classis Renewal Advisory Team to consider how the role of regional pastors and church visitors might be strengthened to foster a respectful culture and support churches with early assistance in situations that may give rise to concerns about abuse of power.
- 4) That synod mandate the Council of Delegates to establish a team that would act as a guardian of our commitment to foster a culture characterized by respect for all and mutual service. Consideration should be guided by the following features, which draw on good practices in other sectors of society for preventing and responding to all forms of abuse of power:
 - The mandate would include the use of a range of measures designed to allow early intervention in response to complaints, including mediation, conflict resolution, and restorative justice tools.
 - The mandate would include concerns about abuse of power that may cross lines between the denomination, classes, and individual churches. The team might serve an “ombudsperson” role within the internal human resources system and for cases that cross jurisdictions, without violating CRC governance of the local church by the local council.
 - Position holders outside the “chain of command” within the established organizational and management structure would help to foster confidence because they are “independent” but accountable through reporting

to the Council of Delegates and through their ability to bring issues to the attention of the Council of Delegates if needed.

- The role of the team would be reviewed after three years for effectiveness, as part of the follow-up to this report.

D. The ad hoc committee's work

The ad hoc committee, finally constituted and diverse, met together for the first time in June 2020, acknowledging that our God whom we serve is a compassionate and caring God. God is not to be feared or avoided. God is in fact “God with us.” Knowing that, we worked with compassion, love, and justice for those affected by this mandate. We began by reviewing our mandate and the handbooks for Canadian staff, United States staff, and international staff of the CRCNA. Reading these handbooks, we realized where changes needed to be made and that other issues needed to be addressed. We also noted that we had parallel tracks—one for Human Resources and one for Safe Church Ministry.

This report will discuss the following:

- Examinations of training for CRCNA staff
- Review of the handbooks for CRCNA staff
- Review of the CRCNA’s discrimination and harassment policy
- Restorative justice practices
- Conflict of interest or bias
- Dignity and respect

III. Examination of training for CRCNA staff

With the assistance of the United States and Canadian directors of HR, the committee was able to review and take online training related to discrimination and harassment. The training has been in existence for about three years and is in the process of revision. Human Resources requires all staff to participate in the online training annually. One module is general for all staff, and a second is specific to supervisory staff. We reviewed the training and believe it does an adequate job of covering the necessary topics; however, we noted that the focus is on compliance and limiting legal risks to the organization. The training is an “off the shelf” product, and thus we recognize its limitations.

A. The task force has asked, and Human Resources has readily agreed, that a preface will be sent to all staff stating that our explicit purpose in providing this training goes beyond merely legal aspects. The statement will explain our heartfelt desire as Christians to provide a safe environment for all staff, as well as to provide appropriate mechanisms to address concerns if/when they do arise.

B. We also learned that other training is required, and we recommend that training in restorative justice practices, interpersonal relationships, and other areas should be offered—especially to staff in managerial positions.

Recommendation: That synod approve that training in restorative justice practices, interpersonal relationships, and other areas should be offered for CRCNA staff.

C. We agreed that training should be reviewed regularly (not less than every three years).

Recommendation: That synod instruct the ED to regularly review the on-line training related to discrimination and harassment (not less than every three years).

IV. Review of Handbooks for CRCNA staff

A. Introduction

The committee spent time discussing how an employee may bring a complaint and if there is protection from reprisal for the complainant. We agreed that we are looking to dismantle a culture that has tended to press and victimize the victim. Due to our present culture, will we see more complaints going forward? Are we having our eyes opened that we should be ready to preserve a person rather than a culture? One of our goals is to come out of this saying that a person who comes bringing a complaint is doing something good for the church. The person is pointing out areas where the church needs to improve.

With such questions before us, the committee reviewed the CRCNA staff handbooks and discussed the inadequacy of provisions for support to a complainant. We noted improvements to be made, and two members of the committee agreed to work on this, using the Canadian handbook as a guide because Canadian law states that this area needs to contain very specific language.

The committee reviewed the CRCNA handbooks for U.S, Canadian, and international staff, paying specific attention to the portions of these policies relating to discrimination and harassment complaint processes. Committee discussion was also informed by more detailed information from two witnesses who had come forward earlier to the Abuse of Power committee.

Common patterns in their experiences were as follows:

- a. Lack of clarity about process and support when the witnesses disclosed what happened to them
- b. The persons involved in the investigative process were part of the witnesses' daily working relationships, making it difficult to carry out their work.
- c. The defendant spoke to them about issues and process in an intimidating way while the investigation was ongoing.
- d. Bias because of position and/or perceived bias in decision making
- e. The witnesses were made to feel disloyal to the CRC because they filed a complaint.
- f. Failure to restore healthy workplace culture through the process

Both persons left employment with the CRCNA because of workplace culture, in spite of favorable performance reviews, strategically significant roles, and satisfaction with the substantive ministry work they were doing.

Gaps in record-keeping prevented the possibility of seeking input from others with a positive experience with this system, and the context of the COVID-19 pandemic made it difficult to hear from a broader group. At the same time, there was a strong convergence among the factors identified for

attention during the committee’s initial review of policy documents and the evidence gathered from these witnesses’ experiences. As a result, the committee decided to propose improvements now to address known issues and to suggest regular evaluations with input from users of the system.

After its review and discussion, the committee identified specific areas in the policies where changes could either strengthen the support for a complainant, or assist in avoiding potential conflicts of interest in dealing with complaints. The recommended modifications to the policies and the rationale for those modifications are set out below.

As noted earlier, the committee focused its review on the wording in the handbook for Canadian staff because of a requirement for specific language by Canadian law. The recommended changes to the wording in the Canadian handbook are set out below, and section IV, E below (Review of Appendix I from Canadian handbook) includes those changes. The committee recommends that the same basic changes be made to the handbooks for U.S. and international staff.

The committee also identified other aspects of the policies which, in its view, ought to be modified. Although these aspects were outside of its specific mandate, the committee sees them as potential problems that should be addressed, some of them on an ongoing basis. These aspects are also identified below.

B. Adequacy of the provisions for support to a complainant

The committee had concerns about some of the wording in the handbook and its weakness in supporting a person who might want to make a complaint. Outlined below are the various areas we considered, along with a recommendation to strengthen support in each area.

1. Resource/ Adviser

People contemplating bringing a complaint could benefit by having access to expert advice and information about the CRCNA’s policy and procedures, as well as on harassment and discrimination in general.¹ Ideally, this adviser is

- a neutral expert, who can explain the various options.
- someone who should be separate from the person designated to receive and investigate complaints.
- someone who should not act as an advocate for either party.
- someone who is not liable to pressure from within the organization.²

¹ The handbook for U.S. staff (pp. 15, 16) refers to “Safe Coordinators,” who are not defined by position or role, but seem to be identified as a resource. (There is no such reference in the handbook for Canadian staff).

² Possible options for complaint resource persons in Canada include the following:

1. Joint Health and Safety Committee members (to receive additional training)
2. Suggestions regarding persons used as Safe Coordinators in U.S.
3. Canada Corporation board member
4. Other official person (with additional training) designated as an “ombudsperson”
Safe Church Ministry staff

Note: The COD adopted the following in October 2020 to be added to the employee handbook:

“Complaint Resource Persons” are designated individuals who can act as a neutral resource for anyone considering initiating a complaint, and who can explain the various options. They are not involved in the investigation; nor do they act as advocates for either party. Communications between a potential complainant and a “Complaint Resource Person” are confidential, and the decision on whether or not to use this resource is up to a complainant. “Complaint Resource Persons” are identified on the website at [to be determined].

2. Advocate/Support Person

It is not clear from the handbooks whether complainants can have an advocate or support person with them to support them in navigating the complaint process. We advise that people involved in any internal complaint/resolution process should be allowed to have someone accompany them and represent them if they wish.³

Note: The COD adopted the following in October 2020 to be added to the employee handbook:

Representation

Throughout all of the steps of the complaint process, a complainant may choose to have another person accompany them as an advocate and/or for support and assistance.

3. “Disciplinary measures”

Under “Disciplinary measures” in the handbooks, the same weight/emphasis is given to disciplinary measures for both “discrimination” and for “unfounded allegations” (a brief paragraph for each). This does not support legitimate complaints and may, in fact, be perceived as discouraging persons from pursuing them.

Note: The COD in October 2020 adopted the following revision to the employee handbook – replace the current wording about “unfounded allegations” with the following:

Unfounded allegations of harassment may cause both the accused person and the CRCNA significant damage. However, disciplinary measures will never apply to a complainant for bringing a complaint (unless a complaint is brought with malicious intent and the evidence supporting this is compelling and undeniable).

4. No penalties for being involved in complaint

It should be clearly stated that there are to be no reprisals for being involved in a complaint in any part of the process (as complainant, witness, adviser, representative, investigator, decision maker, etc.)

³ This should not be the Complaint Resource Person, who is a neutral expert to assist someone considering whether to bring a complaint, and who should not act as an advocate for either party.

Note: The COD adopted the following in October 2020 to be added to the employee handbook:

No one involved in the complaint process in good faith, including as a complainant, witness, adviser, representative, investigator, or decision maker, will be subject to any negative consequences for such involvement.

5. Alternate dispute resolution possibility

The handbooks do not refer to the possibility of mediation or any other dispute-resolution mechanism (i.e., other restorative processes) to address the complaint. Particularly in circumstances where parties will continue to work together after a complaint is addressed, reference to these types of options is strongly advised.

Note: The COD adopted the following in October 2020 to be added to the employee handbook:

At any time during the investigation of a complaint the parties may, by mutual agreement, explore different options for resolution, including mediation, restorative justice practices, or other alternate dispute-resolution methods. [Note: These alternative options are not defined in the handbook. The various options and how to access them would need to be identified.]

6. Safeguarding the environment during the investigation

We suggest that, during a complaint process, alternate working arrangements should be made available if advisable and possible. This is to provide additional support and a safe work environment for a complainant while an investigation is ongoing. Options may include implementing an alternate reporting relationship, or working in a different area/department during that time. The goal is to ensure, to the extent possible, that the complainant does not incur extra stress or feel penalized for making a complaint.

Note: The COD adopted the following in October 2020 to be added to the employee handbook:

If necessary, a complainant may request reasonable support to ensure a safe working environment. Requests may include, but are not limited to, requesting an alternative reporting relationship during the investigation, or working in a different area/department during the investigation. Requests should be made to the director, the executive director, or the designee carrying out the investigation. However, the CRCNA reserves the right to reject requests depending on the nature of the incident(s) in question and the reasonableness of the requests being made.

C. Mechanisms to avoid potential conflicts of interest in the process for dealing with complaints

The terms *conflict of interest* and *bias* are often used interchangeably. Procedural fairness requires that decision makers are impartial (that there is no bias or reasonable apprehension of bias). Bias occurs where a person has an actual interest in one result or favors one party over another (actual bias), or

might objectively appear to favor one result or party over another (apparent bias).

The employee handbooks identify who carries out investigations.⁴ They prohibit the direct supervisor of the parties from being involved. The handbooks also state that the CRCNA reserves the right to vary the process, stating that “depending on the circumstances complained about, the CRCNA may engage the services of an outside Investigator.”

Some best practices:

- The investigator should not be anyone seen as “taking sides.”
- The investigator should not be someone in position to have any direct power or influence over the career progress of either party.
- In addition, the investigation must be impartial, timely, fair and thorough, and the investigator must be, at the very least, at arm’s length from the parties involved. The latter is crucial to avoid any real or perceived bias or favoritism, as allegations of such a nature can undermine and erode confidence in the findings of what may otherwise be a valid and thorough investigation.

In deciding whether an external investigator is used, the factors to consider could include the nature of the complaint, whether potential legal issues are involved, whether there are patterns of recurring issues, etc.

Note: The COD adopted the following in October 2020 to be added to the employee handbook:

Investigations (as described below) will be carried out by a director, the executive director, or their designee. Investigations should not be carried out by the direct supervisor of the parties involved in the dispute. The investigator should not be someone in a position to have any direct power or influence over the career progress of the parties involved, and must be at arm’s length from the parties involved.

Depending on the circumstances complained about, the CRCNA may engage the services of an external investigator. The decision about whether to do so will be made by the executive director, with the same rights of appeal as exist in the Grievance Resolution process (below).

Any concerns about who conducts the investigation, including concerns about the identity of the investigator, whether they are internal or external, and any other fairness or bias concerns, may be raised by the complainant at any time before the investigation process begins.

⁴ Canadian handbook, p. 13: director, executive director, or designee; U.S. handbook, p. 16: director of HR (unless directly involved). The policies should clearly identify who decides whether the investigator is internal or external, and should also identify that this decision can be challenged.

D. Additional comments

In reviewing the policies in the handbooks, the committee noted additional changes that should be made. Although these changes do not relate directly to support for a complainant or concerns about bias, they would assist in providing clarity to all involved in the complaint process.

1. The complaint processes in the handbooks should be regularly reviewed.

The handbooks vary in terms of when the policies are reviewed,⁵ and it is unclear when/if these reviews take place and how comprehensive any such review is. Since culture, definitions, personnel, and concerns are regularly evolving, it is imperative that policies be current and relevant to be progressive in dealing with matters.

In addition we note the following:

- a. The regular review of the policies should include receiving input from those who have been involved in the complaint process.
- b. Revisions should be informed by reviewing aggregate information about the use of the complaint process. This could include a summary of the number and type of complaints received, along with information, where relevant, about how the complaint was handled and what lessons have been learned. Any confidential information, including personal identifying information, should not be included.

Recommendation: That synod instruct the ED to regularly review (not less than every three years) the complaint processes in the employee handbook.

2. The process regarding what happens after an investigation is complete ought to be made clear (including clarifying who receives a copy, who decides on discipline, etc.).

The details about what happens once an investigation is complete are not clearly identified in the policies. Parties involved in a complaint should know the specifics of the process. For example, the policies should include the following types of information (to be adjusted depending on the actual steps in the process):

- a. that the investigator shall make a written report of their findings (which could include options or recommendations)
- b. that the investigation report shall be submitted to the HR director and the executive director
- c. that the HR director or the executive director shall determine what, if any, discipline is forthcoming
- d. that the investigation report and any other evidence compiled by the investigator shall be placed in a sealed, confidential file, and that access to the file is restricted to the HR director or the executive director
- e. that only the outcome of the investigation shall be made available in written form in files that are available to the complainant and the accused

⁵ The policies in the Canadian and international handbooks call for an annual review. There is no specified review of the policy in the U.S. handbook. A detailed review of the policies should be conducted periodically to ensure the policies reflect current best practices and are relevant and supportive to any complainants.

Recommendation: That synod approve the proposed process regarding what happens after an investigation is complete, and adopt the following to be added to the employee handbook:

- a. that the investigator shall make a written report of their findings (which could include options or recommendations)
 - b. that the investigation report shall be submitted to the HR director and the executive director
 - c. that the HR director or the executive director shall determine what, if any, discipline is forthcoming
 - d. that the investigation report and any other evidence compiled by the investigator shall be placed in a sealed, confidential file, and that access to the file is restricted to the HR director or the executive director
 - e. that only the outcome of the investigation shall be made available in written form in files that are available to the complainant and the accused
3. The definitions in the policies should be as broad as possible, and it should be clear that they address actions such as behavior that is belittling or demeaning.

The definitions of *discrimination*, *harassment*, *sexual harassment*, *sexual solicitation*, and *workplace harassment* found in the policies vary. Some of them are based on applicable legislation, whereas other definitions are fairly broad and include “catch-all” phrases.

The CRCNA ought to be proactive in identifying and addressing discrimination or harassment of any sort. In addition to providing required legislated definitions of these terms, the policies should identify particular actions and behaviors that could fall within those definitions.⁶

Recommendation: That synod urge that the definitions in the policies be as broad as possible and that they address actions such as behavior that is belittling or demeaning.

E. Review of Appendix I from Canadian handbook

The following text from the handbook for Canadian staff of the CRCNA incorporates the recommended changes described in section D above (~~strike-through~~ indicates deletions; *italics* indicates additions).

The Christian Reformed Church in North America (CRCNA) is committed to providing a work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

The CRCNA will not tolerate conduct that violates employees’ dignity and respect. The CRCNA also strives to create an equitable work environment.

All employees are responsible for encouraging an atmosphere of mutual respect and for preventing and discouraging harassment and abuse from taking place.

⁶ For example, the U.S. handbook specifically identifies and defines “microaggressions” as being covered by the policies. See also the Mennonite Church of Canada’s Policy against Racial, Sexual, and Other Harassment, which is more detailed in some areas but less so in others.

Human Rights Code Protections

Discrimination

The Human Rights Code provides that every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.

The CRCNA is a Christian organization primarily engaged in serving the interests of Christians who wish to carry out their Christian ministry. As such, the right to equal treatment without discrimination is limited only to the extent that discrimination in employment is reasonable and bona fide because of the nature of employment with the CRCNA.

Harassment

The right to equal treatment in employment includes the right to be free from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, or disability.

Harassment in this context is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Such harassment includes but is not limited to threats, intimidation, displays of racism, sexism, unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Undirected harassment can also occur. This is the display of offensive materials or graffiti and the use of language including the types of remarks referred to above, but with no specific person being the target of the materials or the comments.

Sexual Harassment

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature.

As defined by Canadian law, “sexual harassment” means any unwelcome sexual advances or requests for sexual favours or any other verbal or physical conduct of a sexual nature that the perpetrator knows or ought to know is unwelcome. Sexual harassment occurs when (1) submission to such advances, requests, or conduct is made either implicitly or explicitly a term or condition of an individual’s employment; (2) submission to or rejection of such advances, requests, or conduct by an individual is used as the basis for employment decisions affecting the individual; or (3) such advances, requests, or conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes unsolicited and unwelcome contact or behaviour of a sexual or gender-specific nature. Some examples of sexual harassment include unwelcome sexual flirtation, touching another employee in an offensive manner, and implicit or explicit requests for sexual acts or favours. Sexual harassment also includes continuing to express sexual or social interest in another employee after being told that the interest is unwelcome, graphic, or suggestive; comments about an individual’s dress or body; verbal comments of a sexual nature; or sexually degrading words to describe an individual.

By its very nature sexual harassment is difficult to precisely define. It is therefore important to remember that sexual harassment may occur in very subtle ways. Simple gestures or body language may amount to sexual harassment if it is of a sexual nature.

Sexual Solicitation

Sexual solicitation is any verbal, written, or implied proposition or advance made by a person in a position to confer, grant, or deny a benefit or advancement to another person where the person in a position to confer, grant, or deny a benefit or advancement knows or ought reasonably to know that it is unwelcome.

Reprisal, as it relates to sexual solicitation, means any negative action or the threat of any negative action by a person in a position to confer, grant, or deny a benefit for the rejection of a sexual solicitation.

Occupational Health and Safety Act Protections

Workplace Harassment

In addition to the right to be free from harassment under the Human Rights Code, the Occupational Health and Safety Act defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace harassment may include but is not limited to threats, intimidation, displays of anger, yelling, shunning, unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Undirected workplace harassment can also occur. This is the display of offensive materials or graffiti and the use of language including the types of remarks referred to above, but with no specific person being the target of the materials or the comments.

Workplace harassment also includes bullying. Bullying is repeated and persistent negative acts towards one or more individuals that involve a perceived power imbalance and create a hostile work environment.

Workplace harassment does not include the exercise of normal managerial functions such as the giving of workplace direction, constructive criticism, corrective actions, or discipline in appropriate cases.

Application of This Policy

This policy applies to all those working for the CRCNA, including employees, volunteers, board members, and visitors. The CRCNA will not tolerate discrimination or harassment whether engaged in by fellow employees, volunteers, board members, or visitors of the CRCNA. The CRCNA will not tolerate sexual solicitation as defined under the Human Rights Code.

“Complaint Resource Persons” are designated individuals who can act as a neutral resource for anyone who is considering initiating a complaint, and who can explain the various options. They are not involved in the investigation, nor do they act as advocates for either party. Communications between a potential complainant and a “Complaint Resource Person” are confidential, and the decision on whether or not to use this resource is up to a complainant. “Complaint Resource Persons” are identified on the website at [to be determined].

Complaint Process

The complaint process may be initiated in any of the following circumstances:

- If you believe you have been discriminated against or harassed or are the object of an unwelcomed sexual solicitation.
- If you believe you have witnessed discrimination, harassment, or sexual solicitation.
- If CRCNA management believes that discrimination or harassment has taken place.

In any of these circumstances, the complaint process may be initiated by resolving the situation informally or through the formal procedure.

At any time during the investigation of a complaint the parties may, by mutual agreement, explore different options for resolution, including mediation, restorative justice practices, or other alternate dispute resolution methods. [Note: These alternative options are not defined in the handbook. The various options and how to access them would need to be identified.]

No one involved in the complaint process in good faith, including as a complainant, witness, investigator, or decision maker, will be subject to any negative consequences for such involvement.

Representation

Throughout all of the steps of the complaint process, a complainant may choose to have another person accompany them as an advocate and/or for support and assistance.

Note: You may choose not to exercise the Informal Procedure if you are not comfortable with it.

Informal Procedure

The informal procedure may be commenced in one of two ways:

- Confront the individual personally or in writing, pointing out the unwelcome behaviour and requesting that it stop.
- Discuss the situation with the individual's supervisor or director, or discuss the situation with your supervisor or director.

If the individual is not confronted in writing or if the situation is discussed with a supervisor or director, it is always advisable to keep records of the discussions and to confirm the discussion in writing (email is preferable).

If you are asked by a coworker to stop a behaviour which they consider unwelcome, you should assess your behaviour carefully. Even if you did not intend to offend, your behavior has been perceived that way, and you should change your conduct. An apology to the offended person may also be appropriate. Failure to change your conduct may expose you to investigation and disciplinary measures. If you believe the concerns of your coworker are unfounded or made in bad faith, you should report this to your supervisor or director, who will make a record of your report. This person may assist in analyzing your conduct. You should keep a record of your recollection of any incidents that may have been taken as offensive.

Formal Procedure

The formal procedure is commenced by making a written complaint. The written complaint must be made using the approved incident form and delivered to the director of Human Resources and to the individual's supervisor or director, or delivered to your supervisor or director. Incidents involving a director may be reported to the executive director. The complaint should include the following:

- the approximate date and time of each incident reported
- the name of the person or persons involved in each incident
- the name of any person or persons who witnessed each incident
- the steps that have already been taken regarding the complaint
- a full description of what occurred in each incident

Written complaints must contain a statement that the complaint and/or details of the complaint may be provided to the person complained about. Written complaints must also contain a statement that the information contained in the complaint is true and complete.

Investigator

Investigations (as described below) will be carried out by a director, the executive director, or their designee. Investigations should not be carried out by the direct supervisor of the parties involved in the dispute. The investigator should not be someone in a position to have any direct power or influence over the career progress of the parties involved, and must be at arm's length from the parties involved.

Depending on the circumstances complained about, the CRCNA may engage the services of an external investigator. The decision about whether to do so will be made by the executive director, with the same rights of appeal as exist in the Grievance Resolution process (below).

Any concerns about who conducts the investigation, including concerns about the identity of the investigator, whether they are internal or external, and any other fairness

or bias concerns, may be raised by the complainant at any time before the investigation process begins.

Investigation

Investigations will be commenced if the formal procedure is invoked or if discrimination, harassment, or sexual solicitation comes to the attention of the CRCNA. Investigations will generally follow the process outlined below. However, the CRCNA reserves the right to vary the following procedure depending on the nature of the incident(s) in question.

~~Investigations will be carried out by a director, the executive director, or their designate. Investigations should not be carried out by the direct supervisor of the parties involved in the dispute. Depending on the circumstances complained about, the CRCNA may engage the services of an external investigator.~~ Investigations will generally include the following:

- informing the accused individual of the complaint
- interviewing the person making the complaint, any person involved in the incident, and any witnesses named (generally, the person[s] complained about will be given an opportunity to understand the nature of the complaint prior to being interviewed)
- interviewing any other person who may have knowledge of the incident(s) complained about or any other similar incident(s)
- detailed written, signed statements from persons being interviewed. Written statements shall be signed and include a statement that the information contained in the statement is true and complete.
- a written report outlining the investigator's conclusions. Written reports outlining the investigator's conclusions will be kept by Human Resources for a period of no less than seven years.

Management personnel must cooperate with each other in order to facilitate an investigation.

If necessary, a complainant may request reasonable support to ensure a safe working environment. Requests may include, but are not limited to, requesting an alternative reporting relationship during the investigation, or working in a different area/department during the investigation. Requests should be made to the director, the executive director, or the designee carrying out the investigation. However, the CRCNA reserves the right to reject requests depending on the nature of the incident(s) in question and the reasonableness of the requests being made.

Disciplinary Measures

If it is determined by the CRCNA that any employee has been involved in discrimination against another employee, harassment of another employee, or sexual solicitation of another employee, immediate disciplinary action will be taken. Such disciplinary action will involve, at a minimum, a formal warning **but may result in immediate dismissal without further notice.**

Unfounded allegations of harassment may cause both the accused person and the CRCNA significant damage. However, disciplinary measures will never apply to a complainant for bringing a complaint (unless a complaint is brought with malicious intent and the evidence supporting this is compelling and undeniable).

Confidentiality

All complaints, reports, or evidence regarding harassment or sexual solicitation will be kept in strict confidence, except as follows:

- Disclosure of the information may be necessary to investigate the allegations.
- Disclosure of the information may be necessary to respond to any legal or administrative proceedings arising out of or relating to the report.
- Disclosure of the information may be necessary to prosecute any legal or administrative proceedings arising out of or relating to the report.
- Disclosure of the information may be required by operation of the law.

Policy Review

The CRCNA will review this policy on an annual basis.

Training/Orientation

All new employees will receive training and orientation with respect to this Discrimination and Harassment Policy.

V. Restorative Justice Practices

A. Introduction

Realizing that complainants and many others affected by or involved in abuse of power experience broken relationships, we looked for possible ways in which these relationships might be healed. One way can be to build community and heal relationships through restorative justice practices. The restorative justice movement began with Mennonite Christians in search of a better response to injustice. They started with a biblical understanding of justice and shalom, centered in the need for accountability, reconciliation, and peace. It is in that desire to pursue shalom in the community that we encourage the people involved to seek restoration.

B. Biblical foundation

The Old Testament Jewish law that set up the system of forgiveness and of restoring property, goods, and slaves back to their original households was an imperfect way of making the law more forgiving. And still today the law is highly imperfect. It can never make broken persons whole again, and it can never punish enough to suit the offended. Resolving wrongs and holding people responsible for actions, however, are essential parts of living in community.

Jesus takes the idea of grace and transforms it when he introduces a different relationship with God. He offers a relationship of love and grace as he teaches in parables and through healings. He offers a different way of living, one of forgiveness, of settling disputes within the church community.

Looking at the healings described in the Gospels can help us see how Jesus is teaching restoration. After all, healing leprosy is most restorative to the patient and his family, who can now live together again as a family and in community. Healing diseases and physical disabilities results in restoration back into the community, along with the dignity of supporting oneself and no longer being the brunt of ostracization and ridicule.

Galatians 5 teaches what it means to live in love and not by the confines of the law. We need to recognize how profound this teaching is because Paul, who wrote Galatians, was highly educated in the Jewish law. He had held it in high regard, and his behavior before conversion was to exact retribution on every Christian he could find to stamp out the new teachings of the Christian community. But Jesus stops him, literally in his tracks, and then restores Paul to the community of Christians. Paul understood the Jewish laws so well that, as he wrote Galatians, he could present the arguments for what restricts us and what frees us. The letter to the Galatians is one of Paul's best arguments for living differently after receiving Christ. What's more, Paul concludes with the gifts of the Spirit, explaining who we are called to be out of thankfulness to God for restoring us to himself through God's gifts, not because we deserve it but because God offers grace.

Grace is the greatest offer of restoration we will ever receive. Grace includes saying “I’m sorry for my part in a dispute that got out of hand.” Grace includes allowing wrongs to be set right on an even scale again. Grace includes my offering forgiveness that I don’t want to offer at all. Restorative justice involves the working out of grace and forgiveness, supporting the wronged person and holding the wrongdoer responsible but also letting God decide how this process will affect each person’s life and relationships.

C. *Need*

We live in a time of great division. Many of our classes, churches, and even families are struggling with conflict that can come when people disagree on matters of great importance to them. Too often such disagreements can lead to hurtful words, harmful actions, and ultimately broken trust and relationships.

D. *Goals*

Synod 2018 encouraged the Christian Reformed Church in North America to work on the process of reconciliation. Restorative justice practices can transform division so that it can be healing and fruitful instead of destructive. Restorative justice practices are habits of a community that seek to understand each person’s experience, to respect and welcome differences, and to view conflict as inevitable and as an opportunity for transformation and strengthened relationships. Restorative justice practices can lead to reconciliation. They point to a way of life that implements how God in Jesus Christ continues to restore humanity to its original intent—love God above all, and one’s neighbor as oneself.

Restorative justice practices are about healthy human relationships. They connect with who we are as human beings created in the image of God. And the Creator, Redeemer, and Advocate / Comforter are in perfect relationship as the divine Trinity.

Restorative justice practices focus on personal accountability, community involvement, and resolution (*shalom*). Restorative justice sees human relationships as its starting point. The restorative practice approach helps resolve conflicts and reduce tensions to nurture healthy relationships that are basic to life and ministry. Just as we believe that Christ saves us from sin, so we believe that Christ restores relational brokenness that separates people. This process renews the experience of God-given *shalom* while maintaining the dignity and worth of each person.

E. *Process*

Restorative justice practices begin by asking who has been most affected by the harm done, who is the harm-doer, and what must be done to resolve the impact of the harm to all parties concerned—victims, offenders, and the community. Repairing damage in order to restore relationships is neither quick nor easy. Restorative justice is about rebuilding broken relationships.

Restorative practices are not limited to formal processes, such as restorative conferences or family group conferences, but range from informal to formal. On a restorative practices continuum the informal practices include effective statements that communicate people’s feelings, as well as effective questions that cause people to reflect on how their behavior has affected others. Impromptu restorative conferences, groups, and circles are somewhat

more structured but do not require the elaborate preparation needed for formal conferences.

A word of caution is also necessary. Restorative justice practices could be spaces in which revictimization could happen, and every situation of conflict is different. We should make every effort to create safe and proactive restorative systems within our congregations, classes, and denomination. This would entail employing restorative justice practices organically and within our policies.

F. Anticipated results

The results of restorative conferences, groups, and circles can truly be transformative. Restorative justice practices, if fully embraced, will resolve conflicts more readily and in a more grace-filled manner than using some other techniques. Circles do require hard work and a commitment to be honest and to express painful feelings and experiences. There is no short-cut to avoid the commitment and effort required to work through difficult issues.

G. Resources

justice.crcna.org/restorative-justice-resources
iirp.edu/restorative-practices/what-is-restorative-practices
Eric Kas <ekas@crcna.org>
Restorative justice in Canada: rjilooet.ca/documents/restjust.pdf
History on the Church Council on Justice and Corrections: ccjc.ca/about/history/
Restorative justice resources: ccjc.ca/restorative-justice-resources/
PDF from Canadian government about restorative justice: csc-scc.gc.ca/restorative-justice/092/fsrjrr-1-eng.pdf
General restorative justice blog (Howard Zehr): emu.edu/now/restorative-justice/
IIRP Graduate School, Defining Restorative, Section 4.3

VI. Conflict of interest or bias

With the assistance of the director of Safe Church Ministry, this working group will do the following:

- examine in detail the potential for conflicts of interest in current safe church procedures
- evaluate the need for and benefits of using outside experts to deal with situations that have a high potential for conflicts of interest [and if a need is determined, develop a set of criteria for when to call in an outside expert and develop qualifications for such outside experts].

A. Introduction

As noted earlier in this report, two claimants told their stories to the Abuse of Power committee (see section IV, A). There was bias present when their cases were investigated. The people involved in the investigative process were the same people, church leaders, who were involved with them in the workplace. They were intimidated by the accused and perceived as causing harm to the Christian Reformed Church. The need for outside sources to investigate and handle these cases was evident to this committee.

B. Potential for conflicts of interest in current safe church procedures

We have found it helpful to use the term *bias* rather than *conflict of interest*. Hopefully there is common interest in maintaining a healthy church culture where power is never abused but used in ways that help everyone flourish. However, biases and alliances come into play in the work of safe church ministry. For example, when complaints come up against church or ministry leaders, there is a strong tendency to uphold the persons in leadership positions. These people are given our affirmation and support by virtue of their position. Respect and trust are assumed by their credentials, by ordination status, or by a recognized leadership role in the church. In addition, each church as an institution also possesses an assumed trust and respect.

When someone comes with a complaint against a church leader, they are often perceived as working against the church, hurting the reputation of the leader as well as the community. The person bringing a complaint may feel powerless in coming forward against a church leader and a well-respected institution. It's easy for them to be perceived as the "troublemaker" or the one causing harm. They may fear retribution. Many who have suffered abuse within a church context have expressed that the harm they experienced in the process of bringing a complaint forward was far worse than the original harm of the abuse itself. Many choose instead to walk away from their church, or even from their faith, rather than to enter a process that will cause further harm. This should not be so. Instead, it is important for churches to foster a culture that encourages claimants to come forward when power is misused. The church needs to listen, to pay attention to these voices. A claimant is an asset to a church, offering a gift, the opportunity to become better as we learn to respond appropriately. Those with the courage to come forward with a complaint can teach us how to live into our calling to be light in this world and to share the good news of God's love with people who suffer. Gratitude is the appropriate response to those who come forward with a complaint about abuse of power.

Safe Church consults with individuals and churches in many different kinds of situations of abuse. Of course, criminal and legal situations, such as assault, domestic violence, or child abuse are best handled by the proper authorities. There may be a role for the church in walking alongside during such times, but that is not what we are addressing here. Many situations involving abuse of power cannot be easily identified as physical or sexual abuse, and yet the harm done in either case is real. Emotional abuse is even more difficult to define because a particular behavior may receive different interpretations from and have completely different impacts on different people. There is great value in using a restorative framework for resolving many such less-well-defined situations of abuse of power and conflict. A restorative framework engages the claimant, the one accused, and persons in the church community who have been affected, giving voice to all parties.

For allegations of physical or sexual abuse that involve a church leader, Safe Church offers the Advisory Panel Process. A flow chart of the Advisory Panel Process is available at network.crcna.org/safe-church/app-advisory-panel-process-flow-chart. The advantages of this process include bringing an allegation into a more neutral place, to a panel of trained safe church team members who understand abuse dynamics and impacts and who have no prior association to those directly involved in the allegation. This process

avoids bias. Many have affirmed the value of this process, noting that they felt that their allegation was heard and taken seriously. Though the process is designed to avoid bias and make it easier to bring an allegation forward, it can break down when the report goes to the church council, where bias may exist. The decision may be appealed to classis and also to synod, and yet even in those places there may be perceived bias.

In the years 2016 -2019 three situations moved forward to an Advisory Panel Process. Other situations fit within the process guidelines, but the process did not go forward for various reasons. One of the reasons expressed in several of these situations was that the claimant didn't believe the process could be fair in the contexts of council, classis, and synod. Some of these situations were handled in other ways. In other situations, claimants simply walked away from their church, the CRC, or even their faith. Records about what happened in those situations are incomplete. Work is being done to establish a system and policies of record keeping that can alleviate this problem. It is intended that the new record-keeping strategy will be developed by the proposed Dignity Team upon appointment.

The CRC is therefore in an exceedingly vulnerable position. We have an institutional responsibility to address harm that is caused by our own church leaders in our own church communities. To neglect this is to ignore our moral responsibility. Moreover, it is dangerous to place ourselves in this risky position at a time when society is holding institutions more accountable than ever before. We've seen what can happen when long-hidden allegations become public, with devastating effects for institutions involved in neglecting their duty to respond.

C. The need for and benefits of using outside experts to deal with situations that have a high potential for conflicts of interest

There may be times, especially in situations of high conflict, where the current processes and systems available are not sufficient to ensure that a fair process can be provided to someone bringing a complaint against an ordained church leader. In these situations the assistance of an outside organization, with expertise that is not available internally within the CRC, may be able to bring a measure of resolution that would not otherwise be possible.

The decision to bring in outside assistance is not an easy one; nor does it come without cost. Such situations cannot be anticipated. It is our hope that, given our commitment in this area, funds could be made available for this purpose, as when other unplanned expenses arise. We offer the following considerations toward determining when undue bias would prevent a fair process from taking place:

1. Criteria for when to refer to an outside organization
 - a. Direct lines of position or supervision significantly increase the risk of bias toward the claimant or the accused.
 - b. Ongoing interpersonal relationships prevent those in a decision-making capacity from being objective. This includes family associations.
 - c. When there is strong cultural affinity, homogeneity, or group association that is not shared by the claimant or, alternatively, by the accused, that can prevent an objective or fair process.

- d. A fair process is made difficult when decision-making power resides with only a very few people and is maintained by tactics such as coercion or threats, or, when there is evidence of negative consequences toward persons who disagree with those in power.
- e. Outside assistance may be necessary when aspects of the complaint require specific professional assessment that is beyond the scope of what can be offered internally within the CRC.

2. Suggested process for requesting outside assistance

A written request by the claimant or the accused must clearly state the reason for requesting an outside referral. The executive director, in consultation with a safe church representative (i.e., classis safe church coordinator, or team leader) and/or a classis representative (i.e., church visitor or regional pastor), will make a final decision. Safe Church Ministry will maintain a list of preferred organizations for referrals, which will be reviewed annually by the COD.

VII. A culture of dignity and respect

A. *Introduction*

Respect for the dignity of each person, as equally created and called by God to contribute to the life of the church, is one of the core stated values of the CRC. Building and maintaining a culture that embeds that value in all its activities and expressions, the core of abuse prevention is a shared responsibility. When incidents happen that erode, infringe upon, or violate dignity and thereby do harm to someone, there needs to be a place to go for help to address the wrong done and to restore respectful relationships.

The report of the Addressing Abuse of Power Committee recommended a focused means to respond to less tangible and less clearly defined abuses of power that occur within CRC circles and fall between or outside the scopes of the systems addressed elsewhere in the implementation plan. The main focus for implementation is to strengthen mainstream systems through a code of conduct and training; strong, consistent, and clear policies and processes; and regular monitoring and reporting. This proposed additional role is designed to complement those systems, not to duplicate or substitute for the inclusion of abuse prevention throughout CRC management and governance systems.

To be effective and to avoid confusion, it is important to be clear about

- the nature and purpose of this role
- what it is not intended to be
- its mandate and mode of operation
- its composition and place in governance structure

B. *Nature and purpose of this role*

The following descriptors help to clarify what is a new concept within the CRCNA.

1. Nimble, less formal response to prevent deeper damage to relationships

This role is intended to provide a place to go for help regarding infractions that hurt persons and damage a culture of respect and dignity and that fall between or outside the scopes of defined systems for addressing

abuse of power. Responses would be restorative, problem-solving, not punitive, or not requiring heavy documentation and complex processes, and so on.

This role will have a preventative function through presence and helping to set a tone of respect, as outlined in the core values of the CRC.

If persons approach with matters that should be addressed by other existing processes, they would be referred to the appropriate contact points, not add a layer to them.

2. Pastoral response

The primary stance will be a pastoral response, similar to the role of a chaplain, aiming to provide care for all affected persons in a timely way to resolve problems and restore healthy relationships as quickly as possible and with as little damage as possible.

3. Small, nimble structure

This role would be fulfilled by a team of three persons, not a large committee or permanent staff. A team is needed because consultation between persons with different perspectives is important for effective responses to what can be sensitive dynamics, even if the incidents presented are not major infractions. This team of three should ensure a combination of a respected moral leader who will be taken seriously, a woman with experience of abuse, and a voice from the black/Indigenous/persons of color community (BIPOC) with experience, since women and the BIPOC community are more frequently affected by abuses of power within CRC culture.

This team could be called the Dignity Team, and it would be accountable to the Council of Delegates through regular reporting on their work, with respect for confidentiality within individual cases. The team would not report on the other systems for addressing abuse of power but might identify gaps and trends to be addressed, if patterns emerge in the cases that come to them.

4. Moral authority, not power in the structures

Persons serving on this Dignity Team would need to have high respect across the systems and be chosen not because of their positions within management structures. Similar to the role of ombudspersons, the work of this team would be independent of hierarchical management structures, reporting to the Council of Delegates.

This team might include, for example, a respected, retired pastoral minister working with persons of a different gender or ethnic background who have experienced abuse and are trained in restorative justice practices.

C. *Clarity about what this role is not intended to perform*

To avoid confusion, given other recommendations, it might be helpful to identify what functions this Dignity Team is not intended to perform:

1. It is not a body to supervise or monitor other systemic measures. Monitoring and accountability functions need to be housed within the Council of Delegates to ensure that preventing abuse of power is mainstreamed throughout the CRCNA.

2. It is not a coordinating body. Coordination between branches such as Pastor Church Resources, Safe Church Ministry, Calvin Theological Seminary, and other entities of the CRCNA needs to be built into the training, response, management, and governance structures.
3. It is not an appeal body for assessing decisions made through other processes established for addressing abuse of power. There are provisions for appeals of decisions within CRCNA governance. Other recommendations propose broadening and strengthening the role of abuse response panels and the inclusion of restorative justice practices at all levels. The Judicial Code Committee, another relevant appeal body, was being revised at the time of the Abuse Report in a direction that seemed consistent with the objective of an improved response to abuses of power.

D. Examples of the kinds of situations that might engage this body and how it would function

It may be helpful to consider a few examples of the kinds of incidents that might engage this body and how it would function. The Addressing Abuse of Power Committee heard repeated accounts of experiences in the following categories and found they are not addressed well by existing functions.

1. Abuse of power incidents across regular systems of accountability

A church elder/member with strong views and a domineering style repeatedly calls and verbally belittles a staff member in the CRCNA office. In some cases comments on web-based platforms hound the person and are less-than-respectful but pass minimum standards. While direct conversation between the two parties might be preferred, as outlined in Matthew 18, the difference in real or perceived power makes that unlikely to happen. The supervisor might intervene, but that can be diplomatically difficult in the context of a ministry plan that gives high priority to staff being responsive to local churches. The situation could be escalated to the executive director, but that can also be diplomatically challenging and might not be effective, given current attitudes toward “Grand Rapids” staff. In reality, the situation is often allowed to fester, erode staff morale and productivity, and in some cases expand the problem.

Technically, the staff person could contact the member’s church council, but that is not likely to happen on their own—and chances of effective response are limited, given the history of church council responses in Safe Church cases.

In a case like this, the best outcome might be a call to the Dignity Team, who would be in contact with both parties and facilitate constructive discussion that might end in “agreeing to disagree, but with respect for one another.” At minimum, the outcome would end the “harassment” that harmed the parties involved.

2. Cases that should not be ignored but may warrant attention in one of the formal complaint channels

Both women and members of the BIPOC community provided evidence to the Abuse of Power committee about situations that were hurtful and not forgotten. They wished they could just approach the offending party and name the offense, hoping for a change of behavior in future similar contexts. One example is the “weaponizing of the Church Order”

in classis meetings: under the guise of long experience, a white elder uses the Church Order to effectively silence a younger black leader and leaves an impression that the black person is stupid or less Reformed. Often nothing can be done “in the moment” because statements are not technically out of order. The damage to respectful culture is done, with no evident recourse. Women reported incidents of having their authority undermined in communal settings, such as classis meetings, limiting their ability to contribute while not being able to easily address such offenses in that space.

In such situations a call to the Dignity Team might lead to bringing up the matter to relevant persons and providing wise counsel to classis leaders about respectful techniques they can use to avoid repeat experiences of intimidation.

3. Thin line between disrespect, legitimate difference in views, and different notions of how to show legitimate “authority”

A domineering male delegate to synod makes a forty-five-minute speech, repeatedly stating in an authoritative tone that women should not be present or have any voice in decisions—and no one says anything in response. The situation erodes the confidence of a first-time woman delegate and indirectly silences her agency through intimidation without any recourse or resolution.

Similar instances have occurred in relation to members of the BIPOC community. What one person defends as legitimate, strong, principled statements can amount to, on impact, disrespect of another person, damaging their ability to exercise their full agency in any given context. This situation can be especially damaging if it is repeated again and again in the same context.

Through moral suasion, the Dignity Team might help to prevent the recurrence of such incidents by encouraging persons to identify more respectful ways to voice views that differ with those of other persons present. It could also help leaders of communal sessions establish good practices that foster respect for the dignity of every person involved in a particular context.

E. Mandate and mode of operations

1. Mandate

The Dignity Team would foster a culture of full respect for all persons as equally called by God to contribute to the life of the church through a three-pronged strategy:

- a. Prevention: Promote the core values endorsed by the CRCNA and be available to provide advice to all actors within the various CRC arenas on how those values translate into behaviors that fully respect everyone as we work together within existing structures. The prevention role also includes raising awareness about the team and ensuring easy, welcome access by anyone within the denomination. Awareness efforts might be done in cooperation with other ministries to ensure all members are aware of all avenues available to them to address issues relating to abuse of power.

- b. Response: Respond to reports of alleged infringements and violations using restorative justice practices, with the goal of restoring right relationships, learning, and preventing repeat incidents. Response would be the biggest part of the team's work.
- c. Reporting of trends and gaps: Through annual reports, the team would contribute to continuous learning for all members of the CRC and identify trends and gaps that warrant attention by the Council of Delegates or other leaders.

2. Methodologies

Specific methodologies for response would be developed by the team. They should follow best practices in the field, including respect for confidentiality / privacy, least-intrusive measures, a focus on healing rather than punitive outcomes, and so on.

If any request for help falls within the mandate of other existing mechanisms, it would be referred for follow-up through those channels, and the person raising the issue would be informed about how they could access and be supported through those channels. Protocols for referrals would be established with existing systems such as Safe Church Ministry, Pastor Church Resources, the Personnel Office for staff, and the Judicial Code Committee.

3. Accountability, reporting, and monitoring trends

The team would be accountable to the COD. It would submit an annual report on its work without identifying the persons it worked with, and it would identify trends or gaps in current policies that might warrant attention by the COD. This team would be independent of the mainstream management system—any recommendations relating to mainstream management would be made only to the COD through regular reporting.

4. Three-year evaluation of the effectiveness of and the need for this team

This would be a new function within the CRCNA. As such, after three years, the COD would conduct a 360-degree evaluation, including some contact with users of this team, to determine its effectiveness and whether it is still needed. Continuation would depend on that assessment.

The evaluation might also consider the merits of a term of service. Limited terms of service are frequently used for functions of this type to help ensure independence over time.

F. *Composition and qualifications*

This would be a small team, allowing for consultation among its members while also being nimble.

1. Qualifications

Persons selected for this team would need to demonstrate moral authority and have a high level of respect within various CRC circles in order to be able to do this work.

The team should bring together persons with experience of abuse of power, to ensure orientation to listening and taking seriously what comes to them, and these should be persons who are respected and taken seriously by all leaders in order to bridge what is often a big gap that leads to inaction. Women and the BIPOC community would be represented on

the team of three to ensure welcome for members of those communities, which experience the most cases of abuse of power within the CRC.

All team members should have demonstrated experience and skills in direct mediation and conflict resolution.

2. Status

Team membership would not be permanent. The team's work would be recognized through a stipend, determined by the Council of Delegates, and through an allocation of funds to pay expenses and support the work. (For reference, some comparable practices regarding contracts, compensation, and cost recovery might be available with regard to the role of ministerial chaplains for staff of World Renew.)

3. Name for this team

The report of the Addressing the Abuse of Power Committee described this new role as "a guardian of our commitment to foster a culture characterized by respect" (*Acts of Synod 2019*, p. 798). Discussions about a title for this team took this into account and raised some concerns about conveying the team's purpose well. The implementation group agreed that it would be helpful for the title to highlight *dignity* and *respect*, the core desired values the team would aim to promote and protect. The implementation group now therefore suggests that this team be named the Dignity Team.

4. Placement

The implementation group suggests that the Dignity Team would foster a culture of full respect for all persons as equally called by God to contribute to the life of the church. We agreed that it would be wise for this team to report to the director of congregational services. The work of the team would then benefit from links with the various ministries grouped under Congregational Services.

VIII. Recommendations

A. That synod adopt the following recommendations dealing with training to be provided for CRCNA staff:

1. That synod approve that training in restorative justice practices, interpersonal relationships, and others should be offered for CRCNA staff.
2. That synod instruct that the online training related to discrimination and harassment be reviewed regularly (not less than every three years).

B. That synod take note of the following changes adopted by the COD with regard to the CRCNA employee handbook (in its respective versions for Canadian, U.S., and international staff).

1. Add the following paragraph to the employee handbook:

"Complaint Resource Persons" are designated individuals who can act as a neutral resource for anyone who is considering initiating a complaint, and who can explain the various options. They are not involved in the investigation; nor do they act as advocates for either party. Communications between a potential complainant

and a “Complaint Resource Person” are confidential, and the decision on whether or not to use this resource is up to a complainant. “Complaint Resource Persons” are identified on the website at [to be determined].

2. Add the following subhead and paragraph to the employee handbook:

Representation

Throughout all of the steps of the complaint process, a complainant may choose to have another person accompany them as an advocate and/or for support and assistance.

3. Replace the current wording about “Unfounded allegations” with the following, to be added to the employee handbook:

Unfounded allegations of harassment may cause both the accused person and the CRCNA significant damage. However, disciplinary measures will never apply to a complainant for bringing a complaint (*unless a complaint is brought with malicious intent and the evidence supporting this is compelling and undeniable*).

4. Add the following paragraph to the employee handbook:

No one involved in the complaint process in good faith, including as a complainant, witness, adviser, representative, investigator, or decision maker, will be subject to any negative consequences for such involvement.

5. Add the following paragraph to the employee handbook:

At any time during the investigation of a complaint the parties may, by mutual agreement, explore different options for resolution including mediation, restorative justice practices, or other alternate dispute-resolution methods [*Note: These alternative options are not defined in the handbook. The various options and how to access them would need to be identified*].

6. Add the following paragraph to the employee handbook:

If necessary, a complainant may request reasonable support to ensure a safe working environment. Requests may include, but are not limited to, requesting an alternative reporting relationship during the investigation, or working in a different area/department during the investigation. Requests should be made to the director, the executive director, or the designee carrying out the investigation. However, the CRCNA reserves the right to reject requests depending on the nature of the incident(s) in question and the reasonableness of the requests being made.

7. Add the following paragraphs to the employee handbook:

Investigations (as described below) will be carried out by a director, the executive director, or their designee. Investigations should not be carried out by the direct supervisor of the parties involved in the dispute. The investigator should not be someone in a position to have

any direct power or influence over the career progress of the parties involved, and must be at arm's length from the parties involved.

Depending on the circumstances complained about, the CRCNA may engage the services of an external investigator. The decision about whether to do so will be made by the executive director, with the same rights of appeal as exist in the Grievance Resolution process (below).

Any concerns about who conducts the investigation, including concerns about the identity of the investigator, whether they are internal or external, and any other fairness or bias concerns, may be raised by the complainant at any time before the investigation process begins.

8. Instruct that the complaint processes in the employee handbook be reviewed regularly (not less than every three years).
9. Approve the proposed process regarding what happens after an investigation is complete and add the following to the employee handbook:
 - a. that the investigator shall make a written report of their findings (which could include options or recommendations)
 - b. that the investigation report shall be submitted to the HR director and the executive director
 - c. that the HR director or the executive director shall determine what, if any, discipline is forthcoming
 - d. that the investigation report and any other evidence compiled by the investigator is placed in a sealed, confidential file, and that access to the file is restricted to the HR director or the executive director
 - e. that only the outcome of the investigation shall be made available in written form in files that are available to the complainant and the accused
10. Urge that the definitions in the handbook policies be as broad as possible and that they address actions such as behavior that is belittling or demeaning.
 - C. That synod take note that the COD adopted changes to the Discrimination and Harassment Policy.
 - D. That synod approve of the restorative justice practices described in this report as an additional support for the claimant.
 - E. That synod approve the examination and evaluation of conflict of interest or bias in this report and approve the criteria and process suggested for the use of experts outside of CRCNA staff.
 - F. That synod approve the proposed purpose and composition of the Dignity Team as outlined.
 - G. That synod approve the placement of the Dignity Team as reporting to the director of Congregational Services.

H. That synod declare that this report and its recommendations fulfill the instructions of Synod 2019 regarding a review of the training and support for CRCNA staff and regarding conflicts of interest or bias (*Acts of Synod 2019*, pp. 795-96) and dismiss the ad hoc committee.

Abuse of Power Ad Hoc Committee
Maureen Beattie, HR, Canada
Michelle De Bie, HR, United States
Frank DeVries
Violetta Diamond
Sherry Fakkema
Elsa Fennema, chair
Bookie Gates
Bonnie Nicholas, Safe Church Ministry director
Kathy Vandergrift

Appendix B

Global Mission Evaluation

I. Introduction and overview of the Global Mission ministry priority

Synod 2015 adopted five themes to function as “ministry priorities to strategically focus and adaptively organize the work of the Christian Reformed Church in North America while respecting and building on our previous mission efforts, history, and legacy of relationships and member support” (*Acts of Synod 2015*, p. 680). Synod 2018 instructed the executive director and the Council of Delegates “to continue the important work of evaluation and prioritization by working together to implement a robust evaluation strategy whereby in a five-year cycle¹ all agencies and ministries will be continually evaluated through the framework of the five ministry priorities” (*Acts of Synod 2018*, p. 455).’ The following document is an evaluation of the Global Mission ministry priority as carried out by Resonate Global Mission and ReFrame Ministries.

Synod defines the Global Mission priority this way: “Called to be witnesses of Christ’s kingdom to the ends of the earth, we start and strengthen local churches in North America and around the world.” The concepts of “kingdom witness” and church “starting and strengthening” are at the core of both Resonate’s and ReFrame’s ministries. Moreover, these objectives are absolutely essential for both the vitality of the Christian Reformed Church and its obedience to the command of its Lord.

As Christian influence recedes in North America (while growing in Africa, Asia, and Latin America), the CRC has the human and material resources to make a powerful impact on the world through kingdom witness and church growth. Despite facing some stiff headwinds, our two agencies are in a strong position to pursue timely, strategic opportunities for mission in

¹ Since the union (of Christian Reformed World Missions and Christian Reformed Home Missions) that formed Resonate Global Mission became effective on July 1, 2017, this evaluative report will cover the three Resonate ministry years following that date: 2017-18, 2018-19 and 2019-20. ReFrame will present on the full five-year cycle.