

Special Meeting of the Council of Delegates
June 2021

Advisory Committee 2

Chair: Rev. Brian L. Ochsner
Vice Chair: Ms. Heather Cowie

I. Abuse of power matters

A. Materials

1. *Deferred Agenda 2020*, Council of Delegates Report, section II, A, 20, including Appendix F (pp. 80-81, 94, 113-16)
2. *Deferred Agenda 2020*, Council of Delegates Supplement Report, section I, M (pp. 149-50)
3. *Deferred Agenda 2020*, Overtures 9-10 (pp. 244-48)
4. *Agenda 2021*, Council of Delegates Report, section II, A, 17, including Appendix A (pp. 29-31, 40-71)
5. *Agenda 2021*, Overture 14-16 (pp. 386-90)
6. *Agenda Supplement 2021*, Council of Delegates Supplement, section I, L

B. Recommendations

1. That the COD, on behalf of synod, attend to the following with regard to addressing the abuse of power in response to decisions of Synod 2019:
 - a. That the COD, on behalf of synod, adopt the proposed Code of Conduct report in Appendix F and instruct the COD to devise a plan for implementation for the denomination, classes, and churches per the instruction of Synod 2019 (II, A, 20, b).
 - b. That the COD, on behalf of synod, take note of the COD's progress report on the implementation of the decisions of Synod 2019 regarding abuse of power (section II, A, 20).
2. That the COD, on behalf of synod, not accede to Overture 9 because the Abuse of Power Ad Hoc Committee that reported to the COD has addressed the issues listed in the following grounds:

Grounds:

- a. A training program has been developed, was submitted for review by the COD at the May 2020 meeting, and includes a training requirement for all persons entering vocational ministry in the CRC; a focus on the dynamics of power within the variety of pastoral relationships, boundaries, tools for positive use of power and influence, and tools for preventing harmful use of power and influence; will be widely available to enable effective ministry; and take into account the cultural diversity within CRC churches.
- b. The COD adopted revisions to both the Canadian and U.S. Employee Handbooks to address appellant care within the system.

- c. The COD provided an update by way of the COD Supplement report to Synod 2021 with regard to the processes implemented and underway for recordkeeping that will help trace and identify patterns of abuse.
 - d. The executive director was directed by synod to review the use of nondisclosure agreements, to develop a policy with criteria for the use of NDAs, to develop good practices and protocols on the use of NDAs for distribution to classes and councils, and to develop a reporting and accountability mechanism to monitor practices going forward. The COD provided an update by way of its report (see *Agenda for Synod 2021*, p. 30) on the use of nondisclosure agreements.
 - e. The Abuse of Power: Training Program and the revisions within the Employee Handbooks are strong responses and corrective action to this part of the overture.
 - f. The ad hoc committee recommends a Dignity and Respect Team to respond when one abused or the accused abuser needs support. The report is specific as to the role and function of this team.
 - g. The training of pastors, development of a Code of Conduct, enhanced training at the local congregation and classis levels are all steps to increase awareness and accountability.
3. That COD instruct the Executive Director to make recommendations for improving the appeal process in light of Church Order.

Ground: Because historically those who have been abused have not felt like they have had adequate opportunity to share their stories, we desire to ensure that all parties have an equal voice.

4. That the COD, on behalf of synod, not accede to Overture 10.

Ground: The information requested in this overture is currently available, although not in a single book format, in the Safe Church Ministry Timeline at crcna.org/SafeChurch/about-us and on the Synod Resources webpage (crcna.org/SynodResources), which is a searchable database.

5. That the COD, on behalf of synod, declare this to be its response to Overtures 9 and 10.
6. That the COD, on behalf of synod, adopt the Abuse of Power ad hoc Committee report (Appendix A) and the following recommendations contained within the report in response to directives of Synod 2019 (II, A, 17, a):
- a. That the COD, on behalf of synod, adopt the following recommendations dealing with training to be provided for CRCNA staff:
 - 1) That the COD, on behalf of synod, approve that training in restorative justice practices, interpersonal relationships, and others will be offered for CRCNA staff.
 - 2) That the COD, on behalf of synod, instruct that the online training related to discrimination and harassment be reviewed regularly (not less than every three years).

- b. That the COD, on behalf of 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 designate 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 designate. 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
 - d) that the HR director or the executive director shall determine what, if any, discipline is forthcoming
 - e) 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
 - f) 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 the COD, on behalf of synod, take note that the COD adopted changes to the Discrimination and Harassment Policy.
- d. That the COD, on behalf of synod, approve of the restorative justice practices described in this report as an additional support for the claimant.

- e. That the COD, on behalf of 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 the COD, on behalf of synod, approve the proposed purpose and composition of the Dignity Team as outlined.
 - g. That the COD, on behalf of synod, approve the placement of the Dignity Team as reporting to the director of Congregational Services.
 - h. That the COD, on behalf of 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.
6. That the COD, on behalf of synod, take note of the additional updates provided within the COD report on addressing directives of Synod 2019 regarding the abuse of power (II, A, 17, b):
 - a. Policy on nondisclosure agreements
 - b. Abuse prevention resources for culturally diverse churches
 - c. Recordkeeping
 - d. Implementation and monitoring
 7. That the COD, on behalf of synod, not accede to Overture 14.

Grounds:

- a. The scope of the overture is too large to take on, but desire that the spirit of the overture be considered by the COD.
- b. No cost estimates were received and it was noted that it would be very difficult to determine full costs.
- c. Administration of a (or multiple, according to location) licensing board is prohibitive.
- d. It is unclear what we are actually asked to license.

8. That the COD, on behalf of synod, not accede to Overture 15.

Grounds:

- a. It is not the work of Safe Church Ministry to vet programs or resources that churches can access.
- b. The local council has the authority to bring in their choice of trainings for leaders and staff.

9. That the COD, on behalf of synod, not accede to Overture 16.

Grounds:

- a. The Code of Conduct being implemented will address the concerns about persons who are accused of abuse of power.

- b. The actions requested in the overture are overly broad.
- 10. That the COD, on behalf of synod, declares this to be its response to Overtures 14-16.
- 11. That the COD, on behalf of synod, take note of the updates of initiatives with regard to the prevention of abuse of power (COD Supplement section I, L).