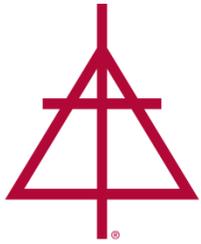
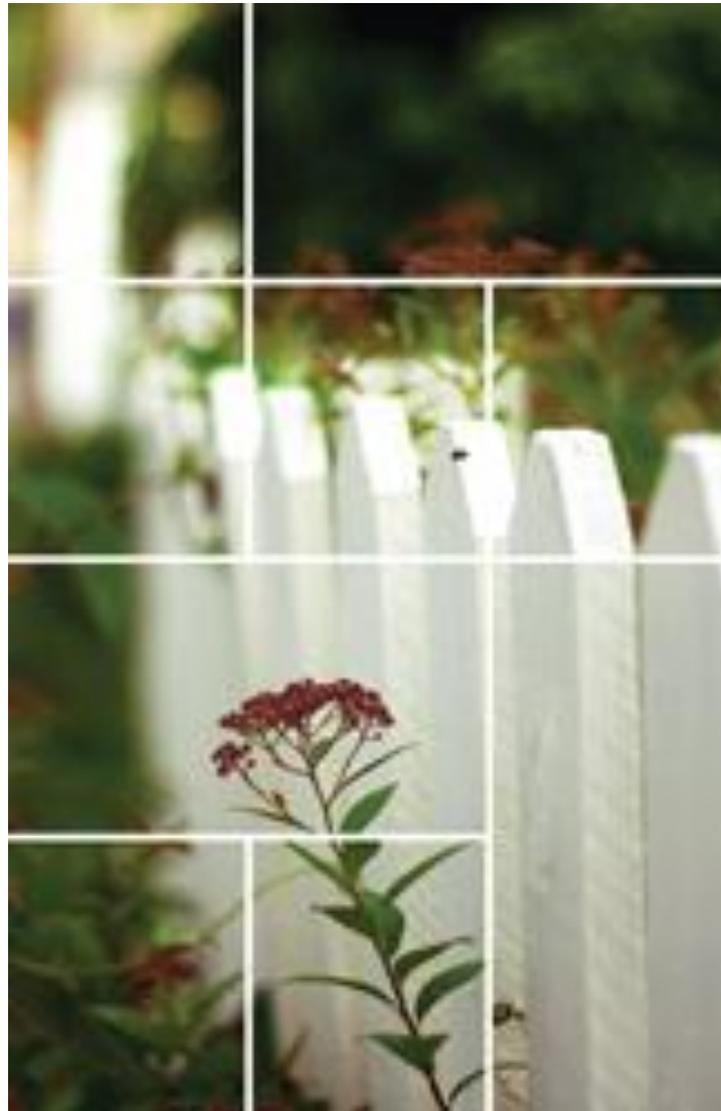


From Safe Church Ministry



Christian
Reformed
Church



The Advisory Panel Process: A Guide for Church Councils

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What can happen in the church when there is an allegation of misconduct against a church leader?

An allegation of misconduct against a church leader is very stressful for a congregation, which may be deeply affected for a very long time. People may take sides, relationships can be broken, and intense feelings are likely to be involved.

Many will find an allegation difficult to believe; they know the person accused and can't imagine the allegation could be true. Even entertaining the thought of misconduct by a trusted church leader leads to intense feelings of hurt and betrayal.

In addition, many people in our churches have experienced various kinds of abuse. The event can act as a trigger to their unresolved experiences and issues. So, for many reasons, which may be difficult to understand, deep emotional reactions are likely to occur.

In the emotional confusion, there is a tendency to blame the one bringing the allegation as the cause of all the pain and trouble. We must fight against this tendency because it re-victimizes the one who has been hurt, like rubbing salt into a wound. This secondary wounding can be even more painful and damaging than the original experience.

The way an allegation of misconduct is handled by the church greatly determines whether people are re-victimized or helped to heal. We are fortunate in the CRC to have synodically approved processes in place, to guide churches in responding to allegations of misconduct against a church leader.

The Advisory Panel Process is recommended when an adult brings an allegation against someone in a leadership position in the CRC. This process allows churches to take allegations of misconduct seriously, and when harm has been done, to respond with justice, compassion and accountability. In this process, a panel of trained Safe Church Team members (the panel) is formed to hear testimony from the one bringing the allegation (the claimant).

Relationships in the church and on the council may compromise the process of seeking truth about the details of an alleged offense. Having an objective panel receive information regarding the allegation keeps the process in a more neutral place than if the church council attempts to respond on its own.

The panel will hear testimony from the claimant and determine if the allegation is more likely than not to have occurred and also whether the severity of the incident warrants further action. If so, the panel will also hear testimony from the one who has been accused.

The panel will prepare a written report which will be presented to the church council, who will then determine appropriate steps of action. The church holds

tremendous power in its hands, which can either be a catalyst for healing and restoration, or for increased hurt and dissention.

This guide is designed to help church council members understand their role in providing an effective response to allegations of misconduct against a church leader using the Advisory Panel Process. The process includes important safeguards for all parties involved and paves the way for ongoing care.

Definitions

The following are taken from the Guidelines approved by Synod in 2010.

- a. Church Leader: Member churches and classes should be allowed some freedom in defining *church leader* to be consistent with their general liability policy or other insurance coverage.
- b. Misconduct: Many legal definitions exist for child abuse, sexual abuse, rape, exploitation, physical abuse, etc. Ecclesiastical procedures cannot measure a person's guilt by a legal standard; only civil authorities are entitled to hold a person accountable for violation of a civil or criminal code. For that reason, an ecclesiastical procedure cannot judge a person to be guilty as defined by law. An ecclesiastical procedure can, however, judge someone to be guilty of ungodly conduct, misuse of power, misuse of spiritual authority, sexually inappropriate behavior, and neglect and abuse of office. These are behaviors that violate the trust and well-being of individuals and the community of believers, and they taint the office held by the offender.

The following definitions are given to further assist churches in understanding the types of behaviors that might constitute misconduct:

- 1) Physical misconduct
 - threatened harm or non-accidental injury inflicted on a minor or legally protected adult, or
 - offensive or harmful contact to an adult

Physical misconduct is sometimes a single event, but more often a chronic pattern of interacting with a minor or an adult

- 2) Sexual misconduct
 - exploiting or grooming (preparing) a minor or an adult—regardless of consent or circumstances—for the purpose of sexual touch, sexual activity, or emotional intimacy with the result of either sexual gratification or power and control over the minor or adult,
 - unwelcome touch, sexual activity, or emotional intimacy between co-workers, co-volunteers, or

– sexual touch, sexual activity, or emotional intimacy between a supervisor and a subordinate who serve together in a church program or church ministry

A little history

In 1989 Synod formed a committee to study abuse. The committee presented a report to Synod in 1992, which included the results of a survey on the prevalence of abuse in the CRC. Findings indicated that 28% of respondents had experienced abuse, and 14% had abused someone else. Yes, abuse exists in CRC churches.

The study committee was replaced by the Office of Abuse Prevention in 1994. In 2009 the name was changed to Safe Church Ministry to reflect a more proactive approach to abuse prevention and response.

Two protocols have been developed for responding to abuse by a church leader, one for responding to abuse against a child, and one for responding to an allegation brought by an adult.

The use of an Abuse Response Team arose in response to the needs of survivors, who reported that churches had not responded well to allegations of abuse by a church leader. In 1997 Synod approved the concept of Abuse Response Teams and the Advisory Panel Process. The Abuse Victim's Task Force was formed in 2008 to further study the CRC's response to allegations of abuse. Synod 2010 approved revisions to the Advisory Panel Process as well as recommendations from the Abuse Victim's Task Force.

How does the Advisory Panel Process work?

Below is a step-by-step guide to the Advisory Panel Process, which is used when an allegation is made by an adult against a church leader. Also included are practical comments and applications about the role of council members during each step of the process. These steps are a supplement to the complete guidelines, which include a supporting rationale as well as how to respond when a child is involved in an allegation. These can be found on the Safe Church website www.crcna.org/safechurch

Step #1

The claimant may contact the office of Safe Church Ministry to request an advocate and to be advised of the process. If desired, the claimant or the Safe Church advocate will contact a member of the executive committee of the accused person's church, or the Safe Church Team chairperson in that classis or region, to request a panel.

The church executive committee will want to maintain strict confidentiality, especially since the veracity of the allegation has yet to be determined. The accused will not be notified until the panel has made its initial determination; even so, safeguards to prevent the possibility of any future harm must be considered.

It may be prudent for the church's legal counsel and insurance carrier to be notified at this time that an allegation has been made and that a process has begun to determine its veracity, although the names of the accused and the claimant must be withheld when dealing with these representatives.

The church council will want to immediately choose an individual or small group of wise and experienced pastoral care persons to serve as a response committee. A response committee may include non-council members. The reason for a very small response committee is to create an efficient, timely response to the allegation while protecting confidentiality for all involved.

The response committee will act as liaison between the panel process and the church. They are also responsible to develop and oversee the provision of care for those involved in the allegation – the claimant, the one accused, their families and the congregation.

The response committee is different from the Safe Church advisory panel. Though it is not specifically mentioned in the synodically approved Guidelines, it arose as a recommendation from the Abuse Victims Task Force and is considered vital to the church's role in providing care in response to alleged abuse. One or two people from the response committee may be designated as observers. Though they will not actively participate, they may observe the panel process.

The response committee may include a Safe Church Team member, if the church has a Safe Church representative. The committee may also include a member of the safe church or abuse prevention committee (if the church has such a committee), as well as council members. The pastor may or may not serve on the committee; however the pastor must be aware of and kept informed about the case as things progress. No one on the response committee should be implicated in the allegation or in any way be related to the claimant or the one accused.

The response committee will want to keep this matter in prayer, praying for wisdom, compassion, justice, and for everyone involved to follow closely after the Lord in the power of His Spirit as He guides each step of the way. Psalm 23 says, "He guides me along the right paths for his name's sake". This is a good prayer in this situation, that the Lord would guide everyone involved along the right paths (difficult as they may be), for the sake of His glory and great Name.

Step #2

Depending on who received the initial request, the executive committee notifies their Safe Church Team or the Safe Church Team notifies the executive committee. If no Safe Church Team is available, a neighboring

Team may be contacted to convene an advisory panel regarding the allegation.

It is the responsibility of the Safe Church Team chairperson to select the advisory panel members, including the panel chairperson, who will convene and facilitate the panel.

The job of the panel is basically a fact-finding one, to hear testimony and information brought by the claimant and to determine the veracity and the severity of the allegation. This takes the allegation out of the hands of the church council and places it in the hands of those who have received specialized training to hear this information. They will be able to respond to the allegation from a more neutral place, as non-members of the congregation involved in the allegation.

The Advisory Panel Process has been carefully designed with important safeguards for everyone involved. There are many advantages to following it carefully. In addition to having the panel conducted by trained Safe Church Team members, a Safe Church advocate is available to give support to the claimant throughout the entire process and beyond.

Step #3

The chairperson of the advisory panel contacts the claimant or advocate to attend an advisory panel meeting.

Scheduling the panel meeting can prove challenging. Finding a suitable location and a time that works for all involved can be difficult. The chair of the advisory panel, in consultation with the advocate or claimant, will make all arrangements for hosting and facilitating the meeting.

Funds will be needed to provide for travel expenses and perhaps lodging and other incidentals associated with convening a panel. These funds can come from classis funds or from the church.

The executive committee may select up to two representatives who may observe the panel process. They are not allowed to participate in the proceedings in any way; they may only observe. They must also agree to keep all the information from the panel process strictly confidential.

Step #4

The claimant, accompanied by a Safe Church advocate, presents all the information in support of the allegation at the time he or she meets with the advisory panel.

The panel will receive all information, including written and verbal testimony from the claimant, as well as testimony from any witnesses who are present. In most cases the panel members will hear all the information, take a short break to confer with one another, and then ask additional questions as needed for clarification.

Step #5

The advisory panel evaluates the claimant's information. The standard of proof is that the information is more likely than not to support the allegation. If the advisory panel believes the allegation is either not probable or not serious, the advisory panel ceases its work. The matter is turned over to the executive committee of the accused person's church.

In this case, the panel has judged that there has been an allegation, but it has not been judged to be probably true, or is not serious enough to require further action. The church executive committee will determine if any further action is necessary. Church legal counsel and insurance provider representatives should be updated with the findings of the panel.

Step #6

If the advisory panel believes the allegation is probable and serious, an advisory panel member contacts the one accused with a request to meet. The one accused is presented with written charges; the written allegation must include the claimant's name, specific incidents, the dates of the incidents (when possible), and an indication of witnesses or corroborating evidence.

At this point the panel has judged that the allegation has been shown to be probably true. Therefore, the names of the claimant and the one accused become known to those who are directly involved in the Advisory Panel Process. These may include the advisory panel members, the church response committee and/or executive committee, and the pastor. Confidentiality beyond those named and directly involved in the process must be strictly maintained as much as possible. Nevertheless, the one accused should be immediately removed from any leadership position in the church until the matter is completely resolved.

Those serving on the response committee must be able to maintain strict confidentiality, be dependable in following through with tasks, and be able to provide compassionate support to those involved. It may be helpful to have one person from the response committee in charge of communications and have others refer any questions that arise to that one person.

The needs of each of the concerned parties: the claimant, the one accused, their families, and the congregation as a whole must not be overlooked.

Response committee members will need to have time available to take on extra duties as needed. Responding to an allegation of misconduct against a church leader may be a rather consuming issue for a given time. Personal support networks for committee members are vital.

Members of the response committee will take on slightly different roles as the process unfolds and as they make various decisions throughout the process. They will need to be able to work well together and communicate clearly with one another.

Many complex questions will need to be discussed and answered. There is often a delicate balance, which can feel like walking a tightrope, between maintaining strict confidentiality, while at the same time protecting others from potential future harm.

In addition, there are legal issues that need to be taken into consideration. The church will want to keep their legal counsel as well as their insurance provider updated regarding the process. These representatives are valuable sources for advice and information.

Step #7

The alleged offender presents information to the advisory panel on his or her behalf.

The same advisory panel members and church representatives who heard the claimant's testimony will also hear testimony from the person who has been accused. The process will be similar, hearing written and verbal testimony and information from all sources, and asking questions for additional clarification.

The accused person may be accompanied by a support person who is not a current or former practicing attorney.

Step #8

The advisory panel re-evaluates the probability and seriousness of the allegations in light of the information presented by the one accused. The advisory panel writes a summary report.

The allegation may look very different from the perspective of the one accused. There may be disagreement regarding what took place, and the meaning surrounding various actions. The training that the panel has received will help them interpret the testimony and information to determine where the truth lies, which may be complex.

If the advisory panel hears the accused person's admission of misconduct or if the panel judges the claimant's testimony to be more likely than the accused person's testimony, the report may include specific recommendations for pastoral care or discipline. The panel sends a copy of the report to the claimant, the Safe Church advocate and the one accused.

At this point, the executive committee, along with the response team, is waiting to receive the report from the panel. Judgments and opinions must be withheld until after the report is received. In addition, the response committee should be diligent in stopping any "leaks" and keep to an absolute minimum any discussion regarding the situation, the parties involved, or any related information that could influence perceptions.

All information regarding the allegation should continue to remain strictly confidential. Confidentiality cannot be overemphasized.

Pastoral care is extremely important and should be offered as needed to all those who have been affected. At the same time, it is also extremely important for Council members to remain in a neutral place, without direct alliances with either the claimant or the accused. Therefore, although there is a responsibility to make sure that care is offered, the direct provision of care should rest in the hands of non-council members if at all possible.

The response committee must remember the importance of prayer, and be sensitive to the leading of the Holy Spirit in praying for the panel's deliberations, and in dealing with each person and each situation surrounding the allegation. Prayers that the Lord would provide caring people to come alongside those who have been affected, and prayers that the process will be fair and truthful, are very appropriate.

Step#9

The advisory panel's report is formally brought to the executive committee. Next, the Safe Church advocate (or claimant) presents to the executive committee. Finally, the observers present.

The guidelines for an ordained pastor are different from a church leader who is not ordained. Church visitors or the Classis Interim Committee members must be present to hear the report if the accused is ordained.

Safe Church Ministry, as well as the Office of Pastor Church Relations, are available to offer additional help in dealing with situations of abuse or misconduct involving an ordained pastor.

Step #10

After these presentations, the executive committee shall convene the consistory or council to hear the report. The claimant's advocate attends each meeting.

The claimant, the Safe Church advocate, and the one accused should NOT meet with any members of council prior to the council meeting where the report is presented. At this meeting the chairperson presents the panel's report first. Then the council meets consecutively with the claimant (or Safe Church advocate) and the one accused, followed by the representatives.

After the report has been received the church council has 30 days to decide on an appropriate course of action. The council should carefully consider any recommendations in the panel's report. The council will notify the claimant, the Safe Church advocate and the one accused of its decisions in writing.

The council may or may not choose at this point to conduct its own hearing into the matter and if so, the claimant and accused may have legal counsel present at the council's expense.

Church discipline for the offender should follow synodically approved guidelines, which will vary depending on the accused person's credential and the nature of the offense. In addition, appropriate restitution to the one who has been harmed must also be taken into account.

Important questions about how to communicate with the congregation, the larger community, and perhaps the media will also need to be considered. These are complex questions, which are not always easily answered. In determining who needs to know and what needs to be known, priority is given to reducing the potential for any future harm.

The Safe Church advocate acts on behalf of the claimant, making sure that the needs of the one who has been wronged are adequately considered. Neglecting the needs of the claimant can lead to secondary wounding, which can be even more damaging than the original misconduct.

Step #11

If the council takes no action, or takes action contrary to the information in the panel's written report, the panel chairperson with the Safe Church advocate or claimant will submit a copy of the advisory panel's report to the Church Visitors or the Classis Interim Committee for further action.

History has shown that the actions of church councils often do not follow the report resulting from the Advisory Panel Process. There are many reasons why this has been the case. Complex relationships exist between the one who has offended and church council members. The dynamic of power and control operating in abuse and misconduct situations may be misunderstood and be mistaken for a consensual relationship based on equality. In addition, the depth of harm done to those who have been victimized tends to be minimized. For whatever reason, councils have not always responded appropriately upon receiving a report.

It is important to consider that this situation is not just an individual one; there are implications for the entire church community. When the church places someone into a leadership position, the church has said in effect, "this is someone that can be trusted". When that trust is broken, it is not only personal trust that is broken, it becomes a church issue. Can this church be trusted? Can the Lord, whom this church represents, be trusted? The way the church responds is critical. Holding church leaders accountable to high standards not only maintains a safe, nurturing environment for worship and growth; but also protects the honor and glory of the Lord we proclaim.

Any misconduct situation must be viewed from a long-term perspective. In the short term, losing a beloved pastor or church leader because of misconduct is difficult. In the long-term, however, it may be the best thing that

could happen. It may lead to the beginning of a new phase in a church leader's ministry, one that is more honest, transparent, humble, godly and effective.

The wisest and most loving thing to do is to *not* let sinful misconduct continue. It hurts others, and may destroy the church leader or community as the behavior continues or escalates. Those who misuse their power and position to hurt others need professional help to understand what they are doing and to make changes. Truthfully confronting a church leader and seeing that the leader gets the specialized help needed is a far more loving response in the long-term.

Step #12

The claimant and the accused should be notified in writing of the outcome of the advisory panel and council's deliberation.

The claimant and accused should both receive the same information in writing. This should include: a summary of the findings of the panel's report, what action the council is taking in response, the reasons behind the council's decision to take these particular actions, and a process of accountability to ensure follow-through with the recommended actions.

The claimant and accused have been through an extremely difficult process. This written notification may help bring closure to the situation, although it's only the beginning of a potentially long journey toward healing and restoration.

The final written report will also serve as the official documentation of each Advisory Panel Process, as well as provide the basis for future action, should additional action be necessary. The report may also be sent to the Safe Church advocate and to Safe Church Ministry. Learning from each process will help to increase the effectiveness of future responses.

Once the report has been presented, the work of the panel is done. The situation is now completely in the hands of the church council.

Care for those who have been affected must not be neglected at this time. Specialized professional help, which can last quite some time, may be necessary for both the one who has been victimized and the one who has offended. Specialized care may also be needed for family members, for others close to the situation, and for the entire congregation that has been deeply affected by the conflict.

In seeking professional help; the most important consideration, even above whether or not the professional is a Christian, is the professional's experience in the field of sexual misconduct. The church's responsibility is to walk alongside, creating a context for spiritual growth and faith development through the process. Community resources as well as group intervention programs should also be considered. Male offenders should be referred to certified or accredited group intervention programs for batterers and sex offenders, as these have been shown to be most effective in challenging abusive attitudes and behavior when programs

are completed (Accountability must be maintained for successful program completion.)

Restorative Practices may also be helpful in bringing closure and healing to the entire church community as well as individuals who have been affected. The use of restorative practice is growing in the CRC. See the following section for more information, or contact the Office of Safe Church Ministry for help in locating resources for using restorative practices in cases of church leader misconduct.

Step #13

Either the claimant or the one accused may appeal the decision of the council. Appeals should be addressed to the classis where standard appeal procedures are used.

Hopefully, if the panel has done their work well and the council follows the report given by the panel, there will be no need for an appeal. However, should either party disagree with the decisions made and/or the actions taken as a result, an appeal process is available through the Classis Interim Committee.

Can restorative practices be used in responding to church leader misconduct?

Synod 2005 affirmed principles of restorative justice. Though restorative justice is often connected to the legal system and to criminal justice, the same principles and processes can be used outside of the criminal justice realm, including in ecclesiastical situations. Synod has urged congregations to employ restorative practices when possible.

The focus of restorative practice is to “make things right again”. As much as possible, the one who has caused harm to others must accept responsibility, make amends for losses incurred by those who have been hurt, and repair broken relationships within the affected community.

Restorative practice is not simply “making nice”. It involves a process that is often very painful and intense. It is not a quick or easy fix; but can have long term advantages, not least of which is giving all parties a voice in the process. It can empower the one who has been victimized by providing a context to give voice to the experience. It can also help the one who has offended to hear and understand the harm done, and to begin to take responsibility.

Accountability, restitution, and healing of broken relationships are major goals of the church’s response to abuse. It is particularly in the area of restitution and healing that restorative principles and processes may be useful for responding to cases of abuse within the church.

The following restorative justice principles come from the Abuse Victims Task Force, which reported to Synod in 2010.

Core principles of restorative justice endorsed by synod include:

- a. Justice is defined by right relationships, and when justice is violated, we are called to right the wrong, to restore broken relationships, and to reestablish peace within the community as much as we can.*
- b. Justice seeks restoration and healing, which requires that we*
 - 1) seek vindication and healing for victims, not pushing them aside in pursuit of blind justice, but recognizing their pain and loss.*
 - 2) take seriously the harm done by requiring of the offender a sentence proportional to the weight of the crime.*
 - 3) call the offender to take responsibility for the crime and offer ways for the offender to do so.*
 - 4) restore, where possible, the losses suffered by the victim.*
 - 5) seek reconciliation between offender and victim, provided the victim also desires reconciliation.*
 - 6) attempt to restore the peace of the community.*
 - 7) involve the community in the process of justice.*
 - 8) exercise punishment in a way that promotes healing and restoration whenever possible.*

Two main areas of concern identified by the task force are the power imbalance and the need for both parties to participate voluntarily. To address these concerns, the 2008 task force reviewed the applied research on use of restorative justice practices in cases of family violence and sexual assault; these are close proximities to the situation of abuse by a church leader in relation to power imbalance and refusal to accept responsibility on the part of offenders. The research includes positive case studies and critiques. A sampling of research, critical analysis, and case studies can be found in a volume edited by Heather Strang and John Braithwaite, titled "Restorative Justice and Family Violence", published by Cambridge University Press in 2002. The review of applied research and practices in restorative justice, including comparisons with other approaches to justice in similar situations, leads the editors to observe that there is value in trying to apply restorative justice principles in response to abuse within familial relationships, when the necessary conditions are present to make it a feasible option.

Recently a documentary film on the use of restorative justice to respond to cases of clergy abuse within the Roman Catholic Church became available for public education. It was produced by the Marquette University Law School Restorative Justice Initiative and is titled "The Healing Circle." More information is available at <http://healingcirclegroup.com>.

Because of the power imbalance inherent in church leader misconduct, the tendency to avoid responsibility on the part of offenders, and the potential for increased harm or secondary wounding, extra care must be taken in using restorative practices. Trained and experienced facilitators will be able to assess

each individual situation and determine whether or not the situation lends itself to restorative practices and how best to proceed.

The CRC has begun to apply restorative justice practices in work with offenders with promising, positive outcomes. More information can be found at http://www.crcna.org/pages/osj_restorativejustice.cfm

At the time of this writing, a project is underway to produce a manual that provides additional information about restorative practices, specifically applied in cases of church leader sexual misconduct. It will include a discussion of the Advisory Panel Process in light of these restorative practices, as well as a bibliography of additional resources.

Additional restorative justice resources and facilitators with experience in church leader misconduct are needed. As the resource network grows, it is our hope that much more can be done, to go far beyond church discipline, into true restoration and even transformation. Restorative practices offer hope for the future and provide opportunity to bring healing and transformation to individuals and church communities which have been deeply hurt by the trauma of church leader misconduct.

Final Thoughts

In writing this guide, we have walked a fine line between giving enough information to be useful and not too much so as to be overwhelming. This is not a complete guide and cannot answer every question or speak to every situation that may arise. Often situations of church leader misconduct are complicated and very messy, much more like a spider web than a length of rope.

Responding to church leader misconduct in a congregation may seem to be an overwhelming task. It is! We can be thankful that the Lord Himself desires truth, justice, compassion, healing, and wholeness. He is on our side as we pursue these goals and He is always working. It's in partnership with Him, with prayer and reliance on His Spirit, that we can face these most difficult issues.

It is our hope and prayer that this guide will give those who read it a greater understanding of the Advisory Panel Process for responding to church leader misconduct. Complete Guidelines are available on the Safe Church website, www.crcna.org/safechurch. In addition, Safe Church Ministry is a resource for churches. Don't hesitate to contact the office with questions and for additional information. Thank you for responding to the call to leadership in your congregation. And thank you for reading this guide about your role in responding to church leader misconduct.



Produced by Safe Church Ministry, 2012
2850 Kalamazoo Ave SE, Grand Rapids, MI 49560
616-224-0735 or bnicholas@crcna.org www.crcna.org/safechurch