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I. Introduction

A. Context of the task force's work

For most members of the CRC, the local congregation is our community. It is *our* community of believers—our corner of Christ's body on earth. It elicits feelings of love and loyalty in us, including attachment to our church leaders, who are a vital part of the community. When a church leader is accused of misconduct or abuse, community and personal stability are deeply shaken. We do not want to believe it, and we often do not know what to do. We feel close to the church leader, who is often well-liked and has contributed to the growth and vitality of the congregation. We often dissipate some of our denial and confusion by blaming the victim for bringing forward an allegation that a respected church leader is involved in sexual misconduct. A near-universal response is a desire to make the problem go away as quickly and quietly as possible.

As a community of Christ's body, however, we must seek justice and mercy; we must seek the path of love for all parties. This is not easy. Each situation is complicated and emotional. The pain is deep. The effects for the claimant, the accused, and the congregation can be life changing.

And so, together, in the larger community of the denomination, members of the CRC have searched for ways to prevent abuse in the church and to respond effectively to allegations of misconduct by church leaders. The CRC showed leadership among North American denominations by forming the Office of Abuse Prevention in 1994, in response to a comprehensive study of abuse within our own denomination. Now named the Safe Church Ministry, the office helps congregations develop abuse prevention policies and practices; it facilitates the formation of classical safe church teams; it provides educational resources; and it has developed guidelines for responding to allegations of church leader misconduct.

From the beginning, the CRC officially recognized that sexual misconduct by a church leader, particularly by a pastor, always represents an abuse of power and authority; consistent implementation of this understanding, however, in action and in attitudes, remains a challenge. The report to Synod 1994 from the Synodical Committee on Abuse Prevention stated that "abuse by people in positions of leadership is always abuse of power. There is always a differential in power between the abuser and the victim" (*Agenda for Synod 1994*, p. 147). The following year Synod 1995 approved "Guidelines for Ministerial Personnel in Their Interpersonal Relationships." These guidelines unequivocally placed responsibility for proper relationship boundaries on ministerial personnel.

Abuse committed by ministerial personnel is always abuse of the authority committed to them by the church, as well as a serious betrayal of trust essentially assigned to ministerial personnel by those who need pastoral care and spiritual direction. . . . To abuse that authority and to violate that trust are a breach of ministerial responsibility that disregards a person's dignity in a setting of unequal power at a time of vulnerability. . . . Furthermore, sexual contact between parishioner and ministerial personnel is always abuse because of the authority entrusted to leaders. . . . The responsibility to assure that no abusive behavior takes place always belongs to ministerial personnel. The consent of the other person is never a justification, nor is the provocation by another person a defense for abuse.

(*Agenda for Synod 1995*, pp. 555-56)

Abuse of authority and power through sexual misconduct harms not only the victim but also the church. As stated in the first abuse study report presented to Synod 1992, "Abuse by clergy undermines the credibility of the ministerial profession and ultimately of the gospel itself. Prevention of such abuse and appropriate discipline for its occurrence are of paramount importance for the health of the church" (*Agenda for Synod 1992*, p. 352). The understanding of sexual misconduct by ministerial staff as an abuse of power remains as important and valid today as nearly two decades ago when synod received that first report.

Over the years the Christian Reformed Church learned that sexual abuse by church leaders occurs more often than we want to believe. We also learned that victims struggle for years or a lifetime to regain a sense of hopefulness and peace within the body of Christ. Regrettably, many victims leave the church.

Building on what we have learned, we continue the search for more effective pastoral responses that demonstrate justice and mercy through love and healing toward the victim, the offender, their families, and their congregations. This report is one more step toward bringing Christ's love and restoration to those individuals and communities confronted with an allegation of abuse by a church leader.

B. Mandate

Synod 2006 was confronted with a difficult situation. Mr. Wesley Heersink, who as a child was sexually abused by a youth ministry worker, brought an appeal to the Judicial Code Committee based on his claim that the accused person's church had inadequately responded to his request for pastoral care. Mr. Heersink further claimed that classis also failed to acknowledge the church's inadequate response. His appeal was an attempt to bring attention to the plight of other victims of abuse within the CRC, as well as to his own case.

The Judicial Code Committee did not sustain Mr. Heersink's appeal because the local church council had not violated or ignored existing CRC guidelines (*Acts of Synod 2006*, pp. 678-79). Both the Judicial Code Committee and Synod 2006 recognized the complexity of issues in providing pastoral care for those who have been victims of sexual abuse by church leaders. Therefore, synod adopted the recommendation from the Judicial Code Committee that a task force be appointed

to consider how best to respond to the underlying issues raised by Mr. Heersink's appeal: namely how the denomination ought to be responding, whether in financial terms or otherwise, to the very real consequences of sexual abuse in the lives of current and former members. . . .

(*Acts of Synod 2006*, p. 679)

Synod recognized that, as a community, we have not always dealt well with the consequences of misconduct by church leaders. We have not always been pastorally sensitive to victims and their families. The church community needs to confess its failure to consistently respond in redemptive love to the hurt and brokenness caused by actions of those entrusted to lead God's people. Seeking God's kingdom, the church seeks a better response to be an effective agent of healing, justice, and reconciliation. That response needs to include specific actions to improve our practice.

Scripture commands responsible exercise of authority. James 3:1 states, “Not many of you should presume to be teachers, my brothers and sisters, because you know that we who teach will be judged more strictly” (TNIV). Paul instructs the church to “have nothing to do with the fruitless deeds of darkness, but rather expose them” (Eph. 5:11). Throughout Scripture God’s people are also called to care for the weak, the poor, and the disenfranchised. The 1992 report to synod from the Committee to Study Abuse includes a detailed exploration of biblical-theological perspectives on family and social life. The 1992 report explains,

Even in their original context, the Old Testament laws to which Jesus refers existed less to protect the privileges of the strong than to guarantee justice for the weak. . . . The covenant code (Exod. 20:22-23:23) and the book of Deuteronomy contain specific legislation to ensure that the enslaved, the widowed, the orphaned, the poor, and the stranger are not exploited but instead are securely integrated into the economic and social life of Israel. To this list of vulnerable groups Jesus pointedly adds children, whose very vulnerability reflects the attitude required of anyone wishing to enter the kingdom of heaven (Matt. 18:1-5). No fewer than five times throughout the Gospels Jesus warns that these “little ones” (in the immediate context he means children, but the image also pertains to other easily exploited groups) are God’s special concern. Of those who cause them to stumble, Jesus says, “It would be better for you if a great millstone were fastened around your neck and you were drowned in the sea” (Matt. 18:6).

(Agenda for Synod 1992, p. 332)

Abuse by church leaders violates both the specific commands and the heart of Scripture. Following Jesus, the church must firmly protect the vulnerable and seek justice for the wounded.

As directed by Synod 2006, the Board of Trustees (BOT) appointed an Abuse Victims Task Force. Their report was submitted to Synod 2008 by way of the BOT report to synod. Synod 2008 adopted the following recommendation from the advisory committee that reviewed the report:

- b. That synod, with thanks to the task force for excellent work, refer the Abuse Victims Task Force Report back to the Board of Trustees for further refinement and to report to Synod 2010, with distribution to the churches by Fall 2009.

Grounds:

- 1) There has not been adequate time for councils, existing safe church teams, and other stakeholders to process this significant report.
 - 2) There are issues that need more clarification (such as but not limited to insurance issues, legal language, legal representation, more focus on healing, relationship of ecclesiastical process and judicial review, how and at what point restorative justice can be implemented, cultural considerations).
 - 3) The report must be carefully reviewed by people with expertise in several fields before it comes to the churches.
- c. That synod encourage the Board of Trustees to continue to use the expertise of the Abuse Victims Task Force and the Office of Abuse Prevention in refining the report.

(Acts of Synod 2008, p. 480-81)

After Synod 2008, the BOT reconstituted the task force to refine the report and consult with relevant stakeholders, in keeping with synod’s direction.

C. Issues addressed in this report

The 2006 task force examined current practices, gathered information from people who were victims of abuse, corresponded with other denominations about their policies, and met with various experts. Communication from some victims showed that, like Mr. Heersink, others have experienced pain because of the way the church community responded when they brought forward claims of church leader misconduct. The task force sifted through the many issues and analyzed options for improvement. Time constraints prevented outside review of the draft report before submission to Synod 2008.

The 2008 task force began to refine the earlier work in October 2008. The task force researched the concerns identified by Synod 2008 and sought the advice of experts and stakeholders through consultation and comments regarding a draft report. Reviewers of a draft report included safe church team chairpersons, past claimants, insurance agents, legal counsel in Canada and the United States, restorative justice experts, the Office of Race Relations, the Advisory Committee to the Safe Church Ministry, and church polity experts. The responses from these individuals were considered in the revisions to the report.

The task force identified the following areas to improve how member churches in the CRC respond to abuse:

1. Pastoral care and response to abuse—from allegation to restoration
Disclosure of allegations of sexual abuse by a church leader brings intense emotions for many parties. Congregations become polarized; the claimant and the accused may feel isolated and ostracized; the claimant's story is often minimized. Healing and restoration require pastoral care for the claimant, the accused, their families, and the congregation.
2. Restorative justice and response to sexual abuse by church leaders
The denomination expressed commitment to restorative justice principles in 2005. Application of the principles in the context of abuse by church leaders raises questions that need to be addressed. While restorative justice principles should guide our pastoral care responses, specific restorative justice processes may be applicable in some cases of abuse by a church leader, but not in other cases.
3. Financial care and response to abuse by church leaders
Genuine pastoral care includes effectively addressing the financial costs that arise as a consequence of sexual abuse by church leaders. These financial costs fall into three areas: (1) the costs of counseling, (2) expenses related to participation in an ecclesiastical or synodically approved process, and (3) restitution as part of the healing process. Providing financial assistance raises questions regarding who should pay, assessing claims, and insurance policies.
4. Education about abuse in the church
Educational materials can equip church members and council members for their roles when an allegation of sexual abuse by a church leader arises.

5. Guidelines for dealing with allegations of abuse against a church leader

The response to an allegation of sexual abuse by a church leader may include implementation of the advisory panel process, the current procedure approved by synod. The task force reviewed the advisory panel process with an eye to clarity, consistency, and helpfulness in responding to allegations of abuse.

II. Elaborating the issues

A. Pastoral care

The task force placed a notice in *The Banner* requesting input from those affected by abuse within the church. The task force is grateful for those who courageously reflected on past personal experiences for the benefit of others. The responses demonstrated a wide variety of situations that resulted in deep pain and harm. Respondents included adults who were abused by church leaders when they were children or teens, adults who experienced clergy sexual misconduct, and family members of children or teens abused by church leaders. Responses included suggestions regarding existing CRC processes. The task force also received suggestions from persons who were abused outside the church with regard to ways the church community could minister to them.

All the stories expressed deep and enduring pain. Many longed for more helpful pastoral care from their church communities. Their suggestions contributed to the ideas presented in this pastoral care section. In addition to experiential evidence, the task force gathered information from books, articles, and organizations that provide pastoral care in situations of abuse by church leaders.

Church communities need to be sources of healing and restoration, especially when the harm was done by someone in a position of church leadership. Claimants, whether children or adults, and their families need immediate and ongoing compassionate pastoral care. They need assurance of God's love for them and acceptance within the church community so that those who have been abused can heal from the damaging and unmerited abuse they experienced. The accused and their families also need ongoing compassionate pastoral care as they experience stress and disruption in their lives. And, finally, the local congregation needs care and assistance as it copes with difficult circumstances and community distress.

The following guidelines relate to pastoral care when allegations of sexual abuse against a church leader surface. These guidelines are not exhaustive. They remind churches of the importance of pastoral care and provide initial direction. More extensive information can be found on the Christian Reformed Church website under the Safe Church Ministry (www.crcna.org/safechurch).

1. Pastoral care when an abuse allegation is made

An abuse allegation against a church leader is distressing for a church council. To ensure that pastoral needs are not inadvertently overlooked, councils should immediately appoint an individual or small group of wise and experienced pastoral care persons to develop and oversee the provision of pastoral care for each of the concerned parties—claimants, the accused, their families, and the congregation as a whole.

2. Pastoral care for claimants and their families

Claimants and their families present a wide range of pastoral care needs. If the abuse occurred recently, they may feel shock, fear, and confusion. If the abuse occurred in the past, they may have been living for years with emotions such as hurt, sadness, anger, alienation from the church, and more. They may be unaware of church procedures for responding to allegations of abuse. Claimants need to be taken seriously and offered immediate compassionate support.

a. Systems for support

- Church leaders who are not part of the abuse allegation should contact the claimant and family, expressing willingness to take the complaint seriously. Church leaders should express sorrow that the claimant has this story to tell.
- Support resources should be offered without waiting for requests from the claimant and family. The claimant and family's decisions regarding use of these resources should be respected and accepted. Support resources may include referral to Christian counseling, referral to a victim advocate, prayer, spiritual guidance, and up-to-date information regarding the response process to the abuse allegation.
- Pastoral care includes attention to financial needs. As with other diacanal matters, the situation should be assessed and financial support provided for counseling or other needs emerging from the circumstances. Section II, C in this report provides additional information about financial issues.

b. Interactions with claimants and families

The following guidelines for interaction with claimants and their families are based on thoughtful suggestions from victims and families who have experienced abuse in the church context.

- Claimants and families need to be able to speak about their experiences and emotions without blame or shame. They need to know that others hear and understand their pain.
- Abuse situations raise many complicated spiritual questions. Claimants and families may desire assistance with the effects of abuse in their spiritual lives. Offer prayer and spiritual guidance to help them deal with their questions.
- Provide information to claimants about support services and options for redress available to them within the CRC.
- Whenever possible, allow claimants to make choices in the process following the abuse complaint. Respect their requests as far as possible. If appropriate, claimants will be offered the assistance of a trained victim advocate for assistance during a synodically approved process, but they may choose another person to be their advocate.
- Claimants and families benefit from close communication with those involved with the response process. Keep them informed about steps in the process, decisions made, and the outcomes of hearings. Responsibility for communication with the claimant and family should be assigned to a designated person. The victim advocate should also have access to this information.

c. Long-term healing

The effects of abuse are long-term and require long-term pastoral care. Pastoral care needs do not disappear at the conclusion of the church's official response to an allegation. Healing and restitution require considerable time. Pastoral care should continue after the official response process has ended.

- Healing is promoted when victims and families hear sincere apologies and expressions of regret from offenders, the church, or others involved in the abuse situation. Genuine apologies recognize the wrong, acknowledge the suffering, and take responsibility without blaming the victim or excusing the offender. Sincere apologies cannot be forced or demanded. Repentance extends beyond words to a change in behavior. Although apologies support healing, the effects of abuse continue even following apologies.
- The deep wounds from abuse often require professional counseling for healing and resolution. Victims generally should receive assistance to pay for out-of-pocket medical and psychological treatment needed to recover from abuse, even if the abuse occurred years prior to the disclosure.
- Some victims may desire pastoral care support as they wrestle with the concept of forgiveness. Forgiveness is a process that should not be advocated prematurely and cannot be forced by the victim or forced by others. Resources to explore the forgiveness process can be found on the CRC website under the Safe Church Ministry: www.crcna.org/safechurch.

d. Pastoral care for children

Particular challenges for pastoral care are presented by situations of alleged abuse of a child or teen by a church leader. By law, civil authorities must be immediately informed of such an allegation. The police or other authorities may forbid discussion of the incident with the minor until after formal investigation. Confidentiality requirements may prevent disclosing information to those who could provide valuable pastoral care to the child and family.

- Church response steps are explained in the “Guidelines for Handling Abuse Allegations of a Child Against a Church Leader,” available on the CRC website under the Safe Church Ministry: www.crcna.org/safechurch.
- Professional counseling resources may be especially important in these situations.
- Parents, as well as the child, need pastoral care. In addition to intense emotional and spiritual effects on the parents, they may also face the need to take time off from work for the legal process involving their child.
- The child's siblings may need pastoral care for their reactions to the complicated or confusing situation.

3. Pastoral care for accused persons and their families

Those who are accused of misconduct are often judged prematurely and are not pastored effectively. Paul reminds us that we are to “carry

each other's burdens, and in this way . . . fulfill the law of Christ" (Gal. 6:2). This applies to the accused as well as to claimants. In many cases the spouse and children of the accused are secondary victims of the situation.

- a. The spouse and children of those accused of abuse should not be overlooked for pastoral care. They experience deep distress, confusion, embarrassment, and other strong emotions. Direct expressions of care and concern from non-involved church leaders and others in the congregation are important.
 - b. Regardless of outcome, the accused and their families require continuing pastoral care to assist with the ongoing effects in their lives following an allegation.
4. Pastoral care for congregations

Congregations are deeply affected by allegations of abuse against a church leader. Some members deny the occurrence of abuse even after a careful process has concluded that evidence supports the allegation. When other members accept the findings of the process and support taking measures to hold the offender accountable, the congregation may experience division. Members feel betrayed, confused, angry, or sad. Members may fear that others, including their own children, have been hurt. Abuse allegations also raise difficult spiritual questions regarding God and his church.

For all these reasons and more, congregations need focused care and time to heal from the effects of an abuse allegation against a church leader. The long-term health of the congregation depends on pastoral care that effectively promotes grace, peace, and healing.

a. Disclosure

Appropriate disclosure of information supports the healing process for individuals and the congregation. Disclosure is necessary for those who need to know, including the congregation. Experience has demonstrated that healing within a congregation is better realized when disclosure is made to the congregation. Disclosure should never involve revealing the identity of the victim or facts that would make the victim readily identifiable. Guidelines for disclosure need to be carefully followed to avoid giving grounds for a defamation lawsuit. Clear guidelines for disclosure can be one of the resources available on the CRC website for churches to access as needed. Disclosure is helpful for the following reasons:

- It is easier for a congregation to deal with a matter, no matter how unpleasant, if the matter is confronted openly rather than shrouded in secrecy. Disclosure reduces the harmful effects of rumors.
- Disclosure is also necessary to fulfill the mission of the church body to reach out to people who need the love, healing, and reconciliation that are at the heart of the gospel of Jesus Christ. Disclosure facilitates pastoral care to the congregation.
- Disclosure ministers to people who have been victims of abuse; they are encouraged when the church takes other cases seriously.

- Disclosure is preventive; it helps to prevent future abuse within the congregation and the community.

Note: Information for the above section regarding disclosure is taken from “An ELCA Strategy for Responding to Sexual Abuse in the Church,” produced by the Commission for Women (Evangelical Lutheran Church in America, 1992).

b. Communication and education

Sermons should address all aspects of healing. If the alleged offender is the pastor, then a pastoral care specialist or a skilled local chaplain can be called upon for one or more sermons. Addressing this issue from the pulpit makes the issue real and unavoidable; it is an important component in the healing process.

Educational presentations by knowledgeable community professionals promote greater understanding of the issues involved by the congregation. Safe church teams, whose mandate includes education, are a valuable resource for local congregations when abuse issues arise. Educational materials for individual use, such as books, pamphlets, videos, and websites, should be easily accessible for members of the congregation.

c. Support

Prayer services and small groups can help congregations recover from the effects of allegations of abuse by their church leaders. Holding special prayer services as soon as possible after an abuse allegation provides an opportunity for people to gather and pray in community. Small group gatherings with a trained facilitator can provide opportunities to express doubt, anger, fear, and concern. When the accused is a staff person, fellow church staff members may have particular concerns and emotions that can be addressed in staff groups, through opportunities to pray, learn, and deal with feelings and questions that arise.

d. Additional information

Books and other resources are available to help congregations heal from damage to the community that occurs when a leader is accused of abuse. These resources provide more information and practical suggestions than can be included in this report. The Safe Church Ministry office can provide further resources and references.

B. Restorative justice and response to abuse within the CRC

Synod 2005 affirmed principles of restorative justice and urged “congregations, schools, denominational offices, other Christian institutions, and homes to employ restorative justice practices” in their community lives (*Acts of Synod 2005*, p. 762). This report will address their relevance and application to how CRC churches deal with allegations of abuse by church leaders. If the CRC promotes restorative justice principles for public use, it is important to use them in our own practice, when feasible to do so (see *Agenda for Synod 2005*, pp. 556-57).

1. Restorative justice principles

The 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.

The focus of restorative justice is to “make things right again” by accepting responsibility for harm done to another person, making amends for losses incurred by the person who was harmed as much possible, and repairing broken relationships within the affected community.

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 justice principles and processes may be useful for responding to cases of abuse within the church.

2. Challenges for the application of restorative justice

Applying restorative justice in cases of abuse by a church leader raises a number of questions. Two main areas of concern identified by the 2006 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>.

The task force recognizes that restorative justice methods will not work in many cases of abuse by church leaders. Each situation needs to be carefully considered. A top priority is safety and protection for members of the congregation, including prevention of further harm to those who bring forward evidence of abuse. Churches also need to consider their legal responsibilities and legal liabilities as societal institutions.

Restorative justice cannot be forced on either claimant or accused. Voluntary participation is essential. In some cases, voluntary participation emerges as a result of personal support and careful preparatory work. Various means can be used to reduce the power imbalance, which is also essential in other approaches to justice.

The challenge is finding appropriate methods for each situation. The practice of restorative justice includes a variety of methods, but it is most commonly associated with the sentencing circle. The sentencing circle is unlikely to be appropriate in many cases of sexual abuse by church leaders. In cases of sexual abuse within familial circles, restorative justice has been implemented through the use of other methods such as facilitated communication between claimant, accused, and other stakeholders through trained intermediaries, including written communications; separate community conferences for victim and offender; and extensive preparatory work for an eventual dialogue that involves all parties.

Common features of restorative justice practice in response to abuse within close communities include the following:

- use of a trained facilitator
- preparatory dialogue with individual stakeholders
- involving those most affected in the determination of appropriate response
- decision making by agreement
- flexibility in the process, compared to formal court processes

3. Value of restorative justice practices for CRC response to abuse

Several research studies document that both victims and offenders who participate in restorative justice processes in cases of family violence have a much higher satisfaction rate and lower rate of repeat offences than comparable cases handled through the traditional criminal justice system. There is also evidence of the effective use of restorative justice within close cultural groups that have some similarities to the closeness of CRC church culture. When the conditions make it feasible and restorative justice practices are applied with care for all parties, the healing that results provides an illustration of what Scripture teaches about justice as restoring right relationships.

The current CRC process for responding to abuse is an ecclesiastical process unique to the CRC, drawing from various approaches to justice. There are some elements of restorative justice in it; there are many elements drawn from traditional court processes; and there are some elements based on CRC church order and cultural practice. When the conditions are right, the value of increasing the use of restorative justice options would include the following:

- a. Likelihood of acceptance of responsibility for harm caused to another person

Fact-finding is an essential part of any response to allegations of abuse. The current advisory panel process was developed to create a space that allowed victims of abuse within the CRC to come forward. It is still a major problem that victims of abuse think they will not be taken seriously, so they do not report it. The current process remains an important avenue available to all persons to ensure that claims of abuse are properly addressed.

Secrecy in cases of sexual abuse is a challenge for all forms of abuse response. Fact-finding processes, such as the advisory panel process, face challenges when denial and minimization of what happened by one party cannot be countered with traditional proofs such as witnesses and material evidence of harm done. This is especially true for sexual abuse by church leaders because there are often no witnesses. When fact-finding gets bogged down in contested details of what happened, with no outside witnesses, the emotional damage and spiritual harm tend to be sidelined because they are less easily proved, and yet they are the most harmful and most important to address. Opportunities for genuine redress and healing can be missed when denial is more advantageous in a process than accepting responsibility.

Refusal to recognize and accept responsibility for harm done by abuse is a major barrier to healing. As an ecclesiastical process, the current process includes elements that encourage acceptance of responsibility. Using restorative justice practices that encourage admission of wrong and greater empathy for the victim could be used to enhance acceptance of responsibility for harm done in cases of sexual misconduct by church leaders.

- b. Focus on broken relationships between persons

A key feature of restorative justice is the clear focus on the harm done to another person as well as breaking laws or church rules. Within the CRC, the advisory panel process allows claimants to tell about their story, the harm done, and the impact of what happened for their ability to be the persons God intended them to be. It also allows accused persons to present their side of the story and explain circumstances and impacts for them. This is an important first step toward justice and healing of broken relationships.

Extending the role of the advocate through the decision making process helps to ensure that the harm done to the victim remains at the center of the decision making. It is important to note that the need to improve restitution to victims gave rise to this task force. The task force heard stories of experiences that left a wronged person feeling hurt and estranged from the community rather than restored to wholeness and a place of dignity, and fewer cases in which broken relationships were restored, which is the ultimate goal of justice.

Restorative justice processes put more focus on making whole again what was harmed and broken as a way of accepting responsibility. Synod 2009 took another step forward by approving a proposal to extend the role of the advocate in the area of restorative justice. Some of

the recommendations in this report move in the direction of restorative justice. As the CRC embraces restorative justice thinking and begins to put it into practice, more alternatives will emerge. In this way, the church also provides a witness within society, which struggles with a justice system that puts the apparatus of the state, such as police and courts, at the center instead of the people affected.

c. More attention to restoration of both victim and offender

The advisory panel process facilitates the first essential step in abuse response, which is fact-finding and truth-telling. After the panel process completes its work, church councils are faced with the enormous challenge of holding offenders accountable in a way that protects congregants and leads to genuine changes in behavior, repairs harm done to victims, and restores broken relationships within the community of believers as much as possible. This task force was formed in response to a case that demonstrated the need for more focus on this stage of the process, which is about restitution and restoration.

The task force identified that church councils with limited experience in such matters find themselves faced with complex, emotion-laden issues and are required to make judgments with limited options while having limited expertise to dedicate to it. Testimony suggests that people on all sides are sometimes left with unresolved hurts. Because of the secrecy that surrounds the whole process, it is difficult for the community to provide support for each of the parties, to know what they can do that will be helpful, and to learn from individual cases to better prevent abuse within the CRC.

Restitution, in the context of abuse, focuses on healing and extends beyond the victim to the offender and the community. Restorative justice practices, using a trained facilitator, can be helpful to address the needs of each party. The victim, for example, is allowed to state what will help in the healing process. This may include apologies, increased safety for others, medical treatment, psychological treatment, and/or specific elements that reflect individual circumstances. An offer of restitution by an offender must be voluntary and genuine for healing, but it can be developed with help from a restorative justice facilitator. Within a restorative justice framework, restitution promotes healing because it symbolizes recognition of the harm done and gives back part of what was lost, without the concern that the victim is seeking revenge or retribution. It is not a substitute for consequences for the offender or a reward for the victim; its role is to reduce suffering, promote healing, and seek the restoration of right relationships within the church community.

The meaning of restitution to offenders and victims must be stated clearly. Restitution is not a consequence to the offender, nor does restitution bargain away any consequence. Restitution is an acknowledgment of wrongdoing, of the harm done. Restitution comes with a remorse that can hardly be expressed. Restitution is an act that expresses the offender's longing to amend, to restore what was broken. On the other hand, restitution is never a gift to the victim. It does not reward, or celebrate, or congratulate, or mark an achievement. Instead,

restitution is balm for a wound that does not heal. Restitution does not remove the injury, but it can ease the aching pain.

Restitution is also healing for the church community. The church community needs to heal and in many cases the relationship between a victim and the local church needs healing and restitution. Within a restorative justice framework, communal restitution is healing because it recognizes that justice and injustice take place in community and affect the whole community. Restitution is one step in restoring right relationships and healing the community following the deep wounds of sexual abuse by a church leader. Restorative justice processes focus on what is needed to restore all the broken relationships that result from abuse. A lot of thought and deliberation go into deciding what should be done to restore justice, with on-going community accountability for implementation of measures developed through participation of everyone.

Recognizing that this is an area for continued learning, this report recommends the initial use of pilot projects in restorative justice. Careful evaluation of these will likely reveal promising practices for broader application.

d. Participation by the person harmed throughout the decision-making process

The CRC advisory panel process makes it easier for victims of abuse to come forward, and the role of the victim's advocate provides some voice for the victim in the early stages of council decision-making. In the final stages of council decision-making, however, the victim's voice can be lost, particularly in cases involving a pastor who is close to the council making the decision. Victims who spoke to the task force identified that the exclusion from the final decision-making process impeded their healing and asked that this matter receive more attention.

Another area of concern is information about deliberations after the advisory panel process has concluded. Some claimants reported not learning about decisions made until they made further inquiries. Some of the restrictions on sharing information are important for impartiality. This can leave the claimant on the outside of the decision-making process, accentuating anxiety about the final outcome.

Restorative justice processes actively engage claimants, the accused, and related community members throughout the process from storytelling through decision making. They require trained facilitators to do that with sensitivity to all the stakeholders.

e. More attention to other stakeholders and community

It is widely recognized that spouses, families, and the church family are all affected by abuse when it occurs and all have an important role to play in restoring justice for individuals and for the community as a whole.

Restorative justice processes, which carefully consider all affected persons, can be used to enhance the work of restoration and reconciliation after the adjudication stage is complete. With the help of trained facilitators, other stakeholders are engaged in understanding the harm done and contributing to the healing process in appropriate ways.

Wider circles of support, beyond one advocate, are available for both

claimant and the accused person and work with them on a long-term basis.

Restorative justice approaches could be advisory to church councils, to fit in with CRC church polity. Using restorative justice methods after the advisory panel process is complete could assist councils by providing more options for dealing with issues related to restitution and restoration and allowing trained persons to do some of this work that councils may find themselves inadequately trained to do.

4. Awareness of restorative justice within the CRC

Having determined the value of restorative justice for abuse response, the task force considered another concern: the general lack of awareness and understanding of restorative justice among the CRC membership. The task force considered whether education was necessary before application or whether education and application could proceed together. In consultation with restorative justice team members, the task force determined it would be advantageous to pursue education and some initial steps toward application together. The cautious recommendations in this report invite the CRC community to move forward on a journey of education, application, and development of restorative justice practice that can serve the CRC well and contribute to providing a witness to the larger society about the biblical meaning of *justice*.

C. *Financial care*

Synod 2006 asked the task force to specifically consider how the denomination ought to respond “whether in financial terms or otherwise, to the very real consequences of sexual abuse in the lives of current and former members.” Synod 2006 was made aware of the financial consequences of such abuse through Mr. Heersink’s appeal and testimony. Genuine pastoral care includes effectively addressing the financial costs that arise as a consequence of sexual abuse by church leaders.

The task force identified the following three areas of financial need that require consideration for financial assistance as part of a comprehensive approach to pastoral care:

- financial costs of counseling services
- financial costs associated with an ecclesiastical or synodically approved process
- financial costs related to longer-term restoration and healing

1. Financial assistance for counseling services

The first form of financial assistance addresses the costs of counseling services related to possible abuse by a church leader. Financial assistance for counseling is important as an early diaconal care response to an individual with a need. It should be approached as need-based benevolence and provided without judgment regarding the allegations and without requiring the recipient to proceed with a charge of sexual abuse or continue into an advisory panel process. People who have experienced abuse by a church leader often need counseling to better understand the events and to make decisions that lead to healing. They may or may not decide to proceed with a formal allegation.

While financial assistance for counseling of possible victims of sexual abuse by a church leader is recommended, a church or classis may wish to expand the availability of benevolent counseling funds to any member who has experienced abuse including family abuse, domestic violence, date rape, or elder abuse. Persons who need such counseling often do not wish to tell others about the abuse; they are often reluctant to ask family members for the necessary funds; and they may not be able to afford counseling on their own.

At least two models exist for providing financial assistance for counseling services. The first model is a classis counseling fund. Following established criteria and provisions for confidentiality, managers of the fund provide resources to support necessary counseling for members of any church within the classis. A classis fund allows member churches to share the financial burden for what are unexpected and unpredictable costs that can be difficult for individual churches to manage within a yearly budget. For example, a smaller church that could not offer counseling funds alone can contribute to and have access to a larger resource, if needed. In addition, confidentiality through a classical fund increases the likelihood that a victim may accept this important form of pastoral care and get the help needed for healing. Presently, Classis Eastern Canada operates a fund on this model. Further information, such as principles, criteria, and operating policies, is available for other classes that would like to develop an appropriate mechanism for their context.

A second model provides financial assistance for counseling through arrangements between a local church and a local mental health or counseling agency, often a Christian agency. For a yearly fee, paid by the church, the agency agrees to provide counseling services to church members, as needed, according to established criteria. These programs are similar to an employee assistance program in the workplace.

2. Provision for costs of the ecclesiastical process

A second area for financial assistance is provision to cover the costs of participation in a church-approved or synodically approved process, such as the advisory panel process. Expenses related to the process may include

- the cost of contacting witnesses and meetings with an advocate.
- cost of preparing testimony and documents.
- necessary travel to meet a witness or advocate.
- travel and accommodations to participate in an advisory panel or similar process.
- wage loss incurred while participating in an advisory panel or similar process.
- cost of daycare or babysitting services while participating in an advisory panel or similar process.
- other expenses directly related to the process.

Presently the chairperson of the advisory panel process works with the claimant's advocate to assure that many of these costs are covered. Expenses are covered by the church where the accused person is a member, the classis whose safe church team is conducting the panel, or the classis

that includes the accused person's church. Classes with appropriate processes in place to deal with such an unexpected request can respond in a timely and effective manner.

3. Financial aspects of restitution

Finally, a third area of financial assistance addresses the need to make amends for the financial costs that result from sexual abuse by a church leader. This is part of restitution that was addressed earlier in this report. The financial aspects of restitution are only one part of a comprehensive approach to restitution; however, they can play an important role in the healing process. Financial restitution may include paying for

- documented medical expenses paid by the victim.
- documented psychotherapy or counseling costs paid by the victim.
- documented wage loss if the victim cannot work as a consequence of the sexual abuse.
- court costs in a civil or criminal complaint.
- pain and suffering.
- other expenses that are a consequence of the sexual abuse by a church leader.

Restitution is, first of all, the moral responsibility of the offender. In situations where an offender has died, moved, or cannot provide restitution for other reasons, the local church may accept a moral responsibility to become involved out of love for a victim and out of a commitment to restore as much as possible what was broken for the victim. Addressing the financial aspects of restitution raises serious concerns about legal liability, litigation, and insurance policies. These hurdles should not divert from the church's primary focus on justice and reconciliation. They can be overcome.

In relation to insurance, churches need to be aware of the relevant provisions of their insurance policy and discuss this as part of abuse prevention. Some insurance companies now have specific policies for churches that also encourage abuse prevention. In the context of a specific case, the insurance company should be informed as soon as required by the church's insurance policy. The insurance company is one of the stakeholders in any discussion about restitution.

With regard to legal liabilities, an offender may be warned away from restitution or apology because it implies guilt that could result in lawsuits. Diligence and inclusion of legal counsel, as well as all stakeholders, in any discussions, can lead to options that remove this hurdle and better meet the needs of all parties. As one example, legal counsel or trained restorative justice facilitators are sometimes able to negotiate a restitution agreement that disallows future litigation. Each case has unique factors and needs to be considered carefully. Churches do not need to reject out-of-hand options that reflect restorative justice principles because of legal or insurance issues.

D. *Education about abuse in the church*

Education is a powerful tool for developing a kingdom-building approach to the destructive power of abuse by church leaders. Councils, classes, and congregations benefit from education about the complexities of effective

prevention, sexual misconduct, emotional abuse, responding to allegations, and comprehensive healing. Councils and congregations need ongoing education to prevent abuse and to prepare for wise and just responses in the event of an allegation of abuse. Church councils in particular bear heavy responsibilities when abuse allegations are presented. Yet, frequently councils have little preparation for the task they face and the decisions that must be made. Since each year brings new council members, councils need to plan yearly training on abuse prevention and response.

When council members are faced with an allegation, they need immediate information about abuse, and they need assistance to understand their responsibilities in the process for responding to allegations. The task force suggests that the Safe Church Ministry be asked to develop a specific handbook for council members, containing information about the dynamics of abuse and a step-by-step description of the role and guidelines council members should follow in the process of responding to an allegation of abuse. This handbook should be distributed and read by all council members before they begin their deliberations on a specific case. Informational material specifically for council members dealing with abuse allegations could also be available on the Safe Church Ministry website, where any council member could access it when needed.

Ongoing education for members of CRC congregations supports abuse prevention and wise responses in the event of an allegation. The Safe Church Ministry offers materials to all congregations. The Safe Church Ministry also provides initial and ongoing training to members of classical safe church teams resulting in knowledgeable people available at the local level.

Some suggestions received by the task force include brochures for church information centers, specific training for church council members, and expansion of the resources available on the Safe Church Ministry website. This would provide easy access by all church members to practical materials designed for the possible situations and roles they may be facing when they look for information.

Aspiring pastors need training and education about abuse dynamics and clergy abuse. Trained, knowledgeable clergy will reduce the risk of abuse in the future and increase the likelihood of sensitive and wise responses to situations of alleged abuse. Calvin Theological Seminary includes training about abuse and boundaries in its curriculum. The seminary is encouraged to continue this training, develop it further as new materials become available, and reinforce it in continuing education programs.

E. Guidelines for handling abuse allegations against a church leader

The denominational guidelines for handling abuse allegations against a church leader provide direction when abuse is alleged. The guidelines seek to facilitate justice for everyone involved. The task force, including the director of Safe Church Ministry, reviewed the guidelines to take into consideration knowledge gained from experience; advice from past claimants; comments from advisory panels; and recommendations from legal, insurance, and other professionals. Proposed modifications of the guidelines improve their usefulness as an effective response to allegations of abuse by a church leader. The appendices to this report contain the proposed advisory panel guidelines as amended. Appendix A is a clean version of the proposed

revisions and Appendix B is included to show the changes as compared to the 1997 version.

III. Recommendations

A. That synod give the privilege of the floor to Ms. Kathy Vandergrift and Ms. Laura V. Triezenberg as representatives of the Abuse Victims Task Force.

B. That synod urge church councils to provide for the pastoral care needs of the claimant, the accused, families, and congregation when an allegation of sexual abuse against a church leader is brought forward.

Grounds:

1. Effective pastoral care is necessary for healing for individuals and for the congregation.
2. Effective pastoral care is an essential component of a just and merciful response fitting to the followers of Christ.
3. The elders are charged to provide faithful care and discipline for the church.

C. That synod urge councils to immediately appoint a person or small group of persons, accountable to the elders, who will ensure that the pastoral care needs of the claimant, the accused, families, and congregation are addressed.

Grounds:

1. A structure and accountability will assist with effectively meeting pastoral care needs.
2. The importance of pastoral care merits the focused attention of a small group so that pastoral care needs will not be overlooked.

D. That synod reaffirm the decision of Synod 2005 in its support for restorative justice principles and their application in the way that churches respond to abuse issues, recognizing that it will not be appropriate in all cases.

Grounds:

1. This complies with the decision of Synod 2005 that calls on all parts of the church to “employ restorative justice practices” in their community lives (*Acts of Synod 2005*, p. 762), and asks churches to review their own practices in light of restorative justice principles.
2. There is research to document the added value of applying restorative justice principles in response to abuse within close communities, when appropriate.
3. Consistency between public witness and internal practice is important for the credibility of the church, especially in the current cultural context.

E. That synod encourage CRC churches and agencies to take steps to increase awareness and understanding of restorative justice teachings and their relevance for life within the church, among both pastors and church members.

Grounds:

1. There is limited awareness of restorative justice within the CRC community, and dominant messages in our culture reinforce an adversarial approach to justice that is contrary to restorative justice principles.
2. Increased general awareness is essential for implementing the decisions of Synod 2005, and this awareness is important for effectiveness in application to abuse response within the CRC.

F. That synod, to begin implementation, allow for pilot projects in the use of restorative justice practices in response to specific situations of abuse by church leaders, provided that recognized restorative justice facilitators are available and participation is genuinely voluntary. Pilot projects and evaluations of them will be coordinated by the Safe Church Ministry to share the learning for application to other cases.

Grounds:

1. Pilot projects are a useful way to explore implementation of a different approach. Using them allows learning and opportunity to address any problems before changing existing practices for the entire church community.
2. Current guidelines and CRC church polity allow flexibility when stakeholders and relevant church authorities agree that an alternative approach might be beneficial.

G. That synod encourage all church councils to develop a plan for providing financial assistance for abuse-related counseling, if and when it is needed, as a diaconal response to a person in need, as early as possible and without judgment regarding any future claims. Options for consideration are a classis counseling fund, an arrangement with a local counseling or mental health agency, or other appropriate means.

Grounds:

1. Such counseling represents proper pastoral care for those in need.
2. Counseling is often needed to assist claimants with greater understanding of their situation and to assist with decisions that lead to healing.
3. Providing benevolent financial assistance is a typical diaconal activity.

H. That synod advise each church council to annually review its policies for abuse prevention and liability coverage.

Grounds:

1. Prevention of harm is essential for the well-being of individuals, the congregation, and the witness of the church.
2. Stewardly planning and resource use require responsible liability coverage for situations in which abuse occurs despite prevention efforts.

I. That synod encourage councils to use a restorative justice framework in decisions regarding restitution following sexual abuse allegations against a church leader that have been sustained.

Grounds:

1. Justice is facilitated when a victim receives needed healing responses.
 2. Restitution should not be neglected or minimized as part of responding to victims with justice and mercy.
 3. Restorative justice principles and practices are effective means for determining what may be needed for healing.
- J. That synod strongly encourage councils to participate in yearly training on topics such as effective abuse prevention, the complexities of abuse situations, the denominational abuse response guidelines, and comprehensive healing for everyone affected by the situation.

Grounds:

1. Councils are entrusted with the well-being of their congregations; education will support the fulfillment of this responsibility.
 2. Councils bear primary responsibility for decisions when abuse allegations are presented; education will result in thoughtful consideration of the complexities of mercy and justice in difficult situations.
- K. That synod request that the executive director of the CRCNA develop additional educational resources on abuse prevention and church leader misconduct that are easy-to-understand and readily accessible for church members in general (e.g., brochures for church information centers, and specific resources on the dynamics of abuse by church leaders for church council members).

Grounds:

1. Information should be available to everyone in the church, including ministry leaders.
 2. Education efforts need to address the reality and dynamics of abuse committed by church leaders in order to enhance prevention efforts and to support just and healing responses when abuse occurs.
 3. Wide distribution of educational resources increases the probability that people will protect themselves and their fellow church members more effectively against abuse in the church.
 4. New technology, including the Internet, offers expanding opportunities for wide dissemination and easy access.
- L. That synod request that the executive director of the CRCNA develop a handbook that clearly describes the roles and responsibilities of church council members when an allegation of sexual abuse by a church leader arises, for distribution to church council members when a case arises, and for easy reference throughout the process.

Grounds:

1. Council members have primary responsibility for decisions in situations of alleged sexual abuse by a church leader.
2. Council members need to be equipped with knowledge in order to fulfill the responsibilities of their office when situations involving abuse arise.

M. That synod adopt the revised “Guidelines for Handling Abuse Allegations Against a Church Leader” as indicated in Appendix A.

Ground: These changes are consistent with the mandate to respond to the needs of victims of abuse.

N. That synod instruct the Board of Trustees to take the necessary steps to ensure that adequate resources are available to implement the recommendations in this report.

Grounds:

1. Synod has repeatedly made decisions indicating that effective abuse prevention and response is a high priority for the denomination.
2. Additional information and analysis are needed to determine what can be accomplished with existing resources and what additional human and financial resources are required.
3. This involves administrative decisions that go beyond the mandate of the task force.

O. That synod dismiss the Abuse Victims Task Force with thanks.

Abuse Victims Task Force

Bruce G. Adema, staff adviser

Daniel B. Mouw, BOT representative

Beth A. Swagman, Safe Church Ministry staff

Laura V. Triezenberg, reporter

Katherine M. Vandergrift, chair

Appendix A

Proposed Guidelines for Handling Abuse Allegations Against a Church Leader (clean version)

Note: The following material contains recommended changes to the “Guidelines for Handling Abuse Allegations Against a Church Leader.” In developing this draft document for your review, the Abuse Victims Task Force omitted several paragraphs from the original 1997 version in order to reduce the length of this draft document and because changes were not recommended to those paragraphs. The omitted paragraphs are intended, however, to be included in the final set of guidelines despite their absence from this draft document.

1. Definitions

- a. Church Leader: Member churches and classes should be allowed some freedom in defining *church leader*. A member church or classis may use the definition of church leader that is consistent with its general liability policy or other insurance coverage.
- b. Misconduct: The Canadian provinces and each of the fifty United States have legal definitions of child abuse, child sexual abuse and exploitation, and physical abuse as well as a host of definitions of crimes committed against adults, including assault and battery, rape, and sexual harassment. Ecclesiastical procedures such as those out-

lined in Sections 2 and 3 that follow 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 of child abuse or rape 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 behaviors are not violations of civil or criminal code and therefore are not subject to criminal prosecution or civil redress. They are, instead, 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 the churches in understanding the types of behaviors that might constitute ungodly conduct, misuse of power, sexually inappropriate behavior, and so forth:

1) Physical misconduct

Physical misconduct means

- 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

Sexual misconduct means

- 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.

2. Suggested guidelines when the claimant is an adult

The guidelines in this section describe the process to be followed (1) when the claimant is an adult or (2) when the claimant comes forward as an adult with an allegation of abuse that took place during childhood or adolescence. The guidelines for handling abuse allegations by an adult against a church leader assume the availability of an advisory panel. The role of the advisory panel is to evaluate the gravity of the allegations and the probable veracity of them. The standard of proof is that the testimony “more likely than not” supports the allegations.

Note: Provisions that specify the time to convene a meeting or the place of that meeting are only guidelines and are not requirements of the procedure.

- a. The claimant contacts the office of Safe Church Ministry or a classis safe church team for an advocate. The advocate will assist the claimant with her or his allegation by helping to compile witnesses and testimony, by attending the panel session with claimant, and by advocating for the claimant before other ecclesiastical bodies.
- b. The advocate should contact a member of the executive committee or similar committee (executive) of the accused person's church or the chairperson of the safe church team (team) with a request to convene an advisory panel. The contact should include the allegation in writing with the names of the claimant and the accused person.
- c. The executive notifies the safe church team chairperson (or the chairperson notifies the executive) of the advocate's contact. The executive (or chairperson) will identify the claimant, the accused person, and the allegation known at that time.

Note: The advisory panel will notify the accused person of the allegation after it has evaluated the testimony of the claimant to be both probable and serious.

- d. If a classis does not yet have a safe church team, then the advocate or the executive should contact the nearest team to convene an advisory panel (panel). A panel should convene as soon as possible after it receives a request to convene.
- e. The chairperson of the panel contacts the advocate to schedule the claimant's meeting. The panel chooses the location and the time. The claimant and witnesses should be available for the meeting. The panelists, executive committee members, claimant, advocate, and witnesses should not publicly mention the meeting.
- f. The panel chairperson brings the panelists under a pledge of confidentiality regarding the name of the claimant, the accused person, and the details of the allegation brought forward. The claimant and witnesses may waive confidentiality of their own testimony at the conclusion of the panel process so the advocate, the panelists, and the representatives (see section 2, g below) may report on the matter when it is presented to the executive, the council, and other ecclesiastical bodies.
- g. If the executive chooses, it may appoint two representatives to observe both the claimant's and the accused person's meeting with the panel. A representative must adhere to confidentiality during the panel process.
- h. The panel receives the information presented to it by the claimant, examines the contents of written materials, questions the witnesses, and consults with experts as needed.

Testimony may be in the form of written material, witnesses, notarized statements, depositions (statements taken under oath), email and other electronic communications, and personal property. When distance would make travel difficult, costly, or cause an undesirable delay in convening the panel, teleconferencing and other secure methods of communication are permissible.

- i. Following the meeting with the claimant, if the panel evaluates the allegation as both serious and probable, then the panel notifies the claimant of their evaluation and the panel moves to the next step in the advisory panel process. If, however, the allegation is not evaluated as serious or probable, then the panel ends its work. If the panel ends, it notifies the claimant and the executive. The executive may dismiss the matter or continue contact with the claimant.
- j. If the panel process continues, a panelist notifies the accused person that a claimant's advisory panel meeting took place. The panelist submits the allegations in writing to the accused person. The allegation must include specific incidents, the dates of those incidents when possible, and an indication of witnesses or corroborating evidence. The accused person has at least five (5) days after receiving the written allegation to prepare for his or her meeting with the panel. The accused person should be accompanied by a support person who is not a current or former practicing lawyer.

The accused person presents his or her testimony before the same panel at a time and location chosen by the panel. The panelists, executive committee, accused person, support person, and witnesses should not publicly mention the meeting.

- k. The panel receives the information presented to it by the accused person. They examine the contents of written material, notarized statements, or depositions. They interview the accused person and witnesses, and they consult with experts as needed. When distance would make travel difficult, costly, or cause an undesirable delay in convening the panel, teleconferencing and other secure methods of communication are permissible.

The accused person and witnesses may waive confidentiality of their own testimony at the conclusion of the panel process so that the panelists and the representatives may report to the executive, the council, and other ecclesiastical bodies.

- l. The panel convenes to consider the seriousness and the probability of the allegation along with the testimonies offered by the claimant and the accused person. The panelists sign a report of their findings. If the panel hears the accused person's admission of misconduct, or if the claimant's testimony is more likely to have occurred than that of the accused person's testimony, the panel may offer specific recommendations for pastoral care and church discipline. The panel will send a copy of their report to the claimant and the accused person.
- m. The executive receives the panel's report. The chairperson presents the panel's report first; next, the advocate (or the claimant) presents to the executive; and then the representatives present to the executive.

If the accused person is an ordained pastor, then a classical church visitor or member of the classical interim committee must be present when the chairperson, advocate or claimant, and the representatives meet with the executive.

- n. The executive must convene the council to bring the panel's report. At this meeting, the chairperson first presents the panel's report. Second, the council should meet with the claimant (or advocate) and the accused person individually, one after the other. Neither the claimant (advocate) nor the accused person should meet with the council prior to this meeting. Third, the representatives meet with the council.
- o. If the accused person acknowledges his or her guilt at the council meeting, the council should initiate steps of discipline by following Church Order Articles 82 and 83. When the council takes a step of discipline, it should inform the neighboring council for its concurrence, if necessary, and the congregation as well.
- p. The council has thirty days from receipt of the report to adjudicate the allegation and decide the next course of action. The council will notify in writing the claimant and the accused person of its adjudication and its next course of action. The council may conduct its own hearing into the matter, and if so, the claimant and the accused person may have legal counsel present at the council's expense.
- q. If the council decides to take no further action on the report, or if the action taken by the council is contrary to the findings of the advisory panel, then the panel chairperson, after consultation with the claimant or advocate, will
 - 1) submit a copy of the panel's report to the church visitors with a request for intervention; or
 - 2) submit a copy of the panel's report to the classical interim committee with a request for intervention.
- r. If the executive does not inform the council of the panel's report, the panel chairperson or advocate will immediately contact the church visitors or classical interim committee.
- s. The advocate and the claimant may attend any subsequent ecclesiastical meetings where the allegations are discussed, including classis, the denominational Judicial Code Committee, or the advisory committee of synod.
- t. The claimant and the accused person may appeal the decision of the council. Such appeals should be addressed to the classis, where standard appeal procedures are applied.

3. Five important footnotes

- a. These are *suggested* guidelines. The circumstances of abuse may dictate that church officials deviate from them. In addition, state and provincial laws vary somewhat in terms of the manner in which abuse is defined and how it should be reported. The presumption should be in favor of following the guidelines in the case of each allegation of abuse; however, the church is best served by retaining legal counsel with expertise in the area to define the legal standards relevant to a particular jurisdiction. Furthermore, the director of Safe Church Ministry can be consulted regarding the application of the guidelines.

- b. The guidelines anticipate that the claimant's allegations will be disclosed to certain entities or individuals at certain times. At each stage of the proceedings outlined in the guidelines, those individuals who disclose and/or receive information relating to the allegations should use extensive precautions to ensure that the allegations and surrounding circumstances are not shared with any entities or individuals other than those expressly described under these guidelines or required by law. Accuracy is of the utmost importance in the disclosure of allegations or surrounding circumstances to those individuals or entities named in these guidelines. Wrongful or inaccurate dissemination of information can lead to adverse legal consequences.
- c. Whenever a disclosure of allegations of child abuse or assault is warranted, the disclosure must include the language of the criminal code along with the indication that criminal authorities have made the charges and will follow them up to the full extent of their capabilities. If the allegations are ungodly conduct, abuse of office, and so forth, then the disclosure must include the language of the Church Order along with the indication that church officials will follow up to the full extent of their capabilities. After a judgment on the matter is rendered, subsequent disclosure must include the language of the Church Order; an explanation of the violation(s) may be given but only with care so as to protect the identity of the victim. Failure to explain the nature of the violation enables the offender to continue a pattern of denial or minimization and promotes the perception that the matter is being covered up somehow.
- d. Member churches and classes that adopt these guidelines should check with their own legal counsel about potential liability that arises from the guidelines. By adopting the guidelines, the member church and its classis may be assuming legal obligations not dictated under the laws of their jurisdiction. The liability of the advisory panel that serves the member church or classis should also be discussed with legal counsel. A classis that forms a safe church team and advisory panel should be incorporated and should obtain legal protection for the volunteers serving on each. Finally, member churches and classes that adopt the guidelines should follow the procedures specified. Negligent failure to follow the guidelines as adopted could be a basis for potential liability.
- e. Denominational personnel should not serve on either a safe church team or an advisory panel.

Appendix B

Guidelines for Handling Abuse Allegations Against a Church Leader (changes noted)

Note: The following "Guidelines for Handling Abuse Allegations Against a Church Leader" show the changes made from the 1997 version of the guidelines for comparison purposes. Several paragraphs from the 1997 version have been omitted in order to reduce the length of this draft document and because changes were not recommended to those paragraphs.

1. Definitions

- a. Church Leader: Member churches and classes should be allowed some freedom in defining *church leader*. A member church or classis may use the definition of *church leader* that is consistent with its general liability policy or other insurance coverage.
- b. Misconduct: The Canadian provinces and each of the fifty United States have legal definitions of child abuse, child sexual abuse and exploitation, and physical abuse as well as a host of definitions of crimes committed against adults, including assault and battery, rape, and sexual harassment. Ecclesiastical procedures such as those outlined in Sections 2 and 3 that follow 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 of child abuse or rape 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 behaviors are not violations of civil or criminal code and therefore are not subject to criminal prosecution or civil redress. They are, instead, 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 the churches in understanding the types of behaviors that might constitute ungodly conduct, misuse of power, sexually inappropriate behavior, and so forth:

- a. ~~Physical abuse is any non-accidental injury inflicted on another person. It is sometimes a single event but more often a chronic pattern of behavior. It may result from severe punishment.~~

1) Physical misconduct

Physical misconduct means

- 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.

- b. ~~Sexual abuse is exploitation of a person regardless of age or circumstance for the sexual gratification of another.~~

2) Sexual misconduct

Sexual misconduct means

- 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.

2. Suggested procedures and guidelines when the abuse victim claimant is an adult

The guidelines in this section describe the process to be followed (1) when the alleged victim claimant is an adult or (2) when the alleged victim claimant comes forward as an adult with an allegation of abuse that took place during the victim's childhood or adolescence. The guidelines for handling abuse allegations by an adult against a church leader assume the availability of an advisory panel. The role of the advisory panel is to evaluate the gravity of the allegations and the probable veracity of them. The standard of proof is that the testimony "more likely than not" supports the allegations.

Note: Provisions that specify the time to convene a meeting or the place of that meeting are only guidelines and are not requirements of the procedure.

a. The claimant contacts the office of Safe Church Ministry or a classis safe church team for an advocate. The advocate will assist the claimant with her or his allegation by helping to compile witnesses and testimony, by attending the panel session with claimant, and by advocating for the claimant before other ecclesiastical bodies.

b. If a classis has an abuse response team, then the person with the allegation or an The advocate should contact either a member of the executive committee or similar committee (executive) of the accused person's church or a member of the chairperson of the safe church team (team) with a request to convene an advisory panel. ~~abuse response team.~~ The contact should include the allegation in writing with the names of the claimant and the accused person. with a request for an advisory panel.

c. In those cases when the abuse response team is contacted directly, the chairperson of the abuse response team notifies the executive committee of the church where the accused person is a member that an advisory panel has been requested, and then identifies the accused person, and the allegation known at that time. Confidentiality among these parties is very important. The executive notifies the safe church team chairperson (or the chairperson notifies the executive) of the advocate's contact. The executive (or chairperson) will identify the claimant, the accused person, and the allegation known at that time.

Note: The advisory panel will notify the accused person of the allegation after it has evaluated the testimony of the claimant to be both probable and serious.

d. If a classis does not yet have a safe church team, an abuse response team, then the person with the allegation or an then the advocate or the executive should contact the nearest team to convene an advisory

panel (panel). A panel should convene as soon as possible after it receives a request to convene. should contact a member of the executive committee of the accused person's church. The contact should include the allegation in writing with a request for an advisory panel.

The executive committee (or its equivalent), after consulting with one another (no one of those consulting may be implicated by the victim) and after reviewing the alternatives, should contact the nearest classical abuse response team to convene a panel. The advisory panel should be convened as soon as possible after the allegation is presented to a member of the executive committee or its equivalent.

- e. The chairperson of the panel contacts the advocate to schedule the claimant's meeting. The panel chooses the location and the time. The claimant and witnesses should be available for the meeting. The panelists, executive committee members, claimant, advocate, and witnesses should not publicly mention the meeting. A representative of the advisory panel should contact the accuser that an advisory-panel meeting will be held. The advisory panel chooses the location and the time for the meeting. The accuser and witnesses should be available for the meeting. No public mention of the meeting should be made by the panel members, the pastor, the president or vice president of council, or the accuser.
- f. The panel chairperson brings the panelists under a pledge of confidentiality regarding the name of the claimant, the accused person, and the details of the allegation brought forward. The claimant and witnesses may waive confidentiality of their own testimony at the conclusion of the panel process so the advocate, the panelists, and the representatives (see section 2, g below) may report on the matter when it is presented to the executive, the council, and other ecclesiastical bodies. When the advisory panel is convened, a chairperson should be appointed who is responsible to bring all panel members under a pledge of confidentiality regarding the name(s) of the alleged victim(s), the name of the alleged abuser, and any details of the allegation brought forward. The summary of the advisory panel should also be confidential, as well as any report of the advisory panel.
- g. If the consistory/council executive chooses, it may have appoint two representatives to observe both the claimant's and the accused person's meeting with hearing panels of the advisory panel the panel. A representative must adhere to confidentiality during the panel process. All matters of confidentiality apply to the consistory/council observers.
- h. The advisory panel should receives all the information presented to it by the accuser claimant, examines the contents of all written materials, questions the presenters witnesses, and consults with identified experts as needed. The experts should be knowledgeable in abuse dynamics, legal matters, church polity, child welfare, etc. The pledge of confidentiality extends to them as well.

For the advisory panel, supporting evidence Testimony may be in the form of written material, witnesses, notarized statements, depositions (statements taken under oath), email and other electronic

communications, and personal property. or oral testimony, including hearsay testimony. When distance would make travel difficult, costly, or cause an undesirable delay in convening the panel, teleconferencing and other secure methods of communication are permissible. it difficult or costly for travel or cause an undesirable delay in convening the advisory panel, videotaping and telephone conferencing are allowable.

- i. Following the meeting with the claimant, if the panel evaluates the allegation as both serious and probable, then the panel notifies the claimant of their evaluation and the panel moves to the next step in the advisory panel process. If, however, the allegation is not evaluated as serious or probable, then the panel ends its work. If the panel ends, it notifies the claimant and the executive. The executive may dismiss the matter or continue contact with the claimant.
- j. If the panel process continues, a panelist notifies the accused person that a claimant's advisory panel meeting took place. A representative of the advisory panel should contact the accused person and notify him/her that an advisory panel meeting has taken place. The panelist submits the allegations in writing to the accused person. The allegation must include specific incidents, the dates of those incidents when possible, and an indication of witnesses or corroborating evidence. The accused person has at least five (5) days after receiving the written allegation to prepare for his or her meeting with the panel. The accused person should be accompanied by a support person who is not a current or former practicing lawyer.

The accused person presents his or her testimony should then be invited to present his/her defense before the same panel at a time and location chosen by the panel. The panelists, executive committee, accused person, support person, and witnesses should not publicly mention the meeting.

Whenever possible, the accused should appear before the panel within seven days after the accuser does. At the time the accused is notified, he/she should be given information about the charges, including specific incidents, dates of specific incidents when possible, and indication of witnesses or corroborating evidence. The charges must be presented in writing.

- k. The advisory panel should receives all the information presented to it by the accused person. They examine the contents of all written material, notarized statements, or depositions. They interview question the accused person and witnesses, and they consult with experts as needed. For the advisory panel, supporting evidence for the accused may be in the form of written material, witnesses, depositions (taken under oath), or oral testimony. When distance would make travel it difficult, costly, for travel or cause an undesirable delay in convening the advisory panel, teleconferencing and other secure methods of communication are permissible. videotaping and telephone conferencing are allowable.

The accused person and witnesses may waive confidentiality of their own testimony at the conclusion of the panel process so that the

panelists and the representatives may report to the executive, council, and the other ecclesiastical bodies.

- l. The advisory panel should convene to consider the gravity seriousness and the probability probable veracity of the allegation along with the testimonies offered by the claimant and the accused person as quickly as possible. The panelists sign a report of their findings. If the panel hears the accused person's admission of misconduct, or if the claimant's testimony is more likely to have occurred than that of the accused person's testimony, the panel may offer specific recommendations for pastoral care and church discipline. A summary of its findings should be put in written form for all panel members to sign. The written report may contain specific recommendations for pastoral care and/or discipline. The panel will send a copy of their report to the claimant and the accused person.
- m. The executive receives the panel's report. The chairperson presents the panel's report first; next, the advocate (or the claimant) presents to the executive; and then the representatives present to the executive. Within one week of the advisory panel's formulation of its summary, the chairperson of the advisory panel, accompanied by the advocate, should report the panel's summary to the executive committee. The advisory panel should notify the accuser and the accused in writing of the panel's findings.
If the accused person is an ordained pastor, then a classical church visitor or member of the classical interim committee must be present when the chairperson, advocate or claimant, and the representatives meet with the executive.
- n. The executive must convene the council to bring the panel's report. executive committee (or its equivalent) of the council should convene the consistory within one week to bring the panel's summary and its recommendations for pastoral care and/or discipline. At this meeting, the chairperson of the advisory panel should report first presents the panel's report, summary, and the advocate will be present. Second, the council should meet with the claimant (or advocate) and the accused person individually, one after the other. Neither the claimant (advocate) nor the accused person should meet with the council prior to this meeting. Third, the representatives meet with the council. advisory panel ends when the chairperson of the advisory panel reports the panel's summary to the consistory of the alleged abuser's church. If one of the consistory/council members is implicated by the alleged victim, he/she is excluded from participation in the deliberative work of the consistory/council dealing with the allegations against that member.
- o. If the accused person acknowledges his or her guilt at the council meeting, the council should initiate steps of discipline by following Church Order Articles 82 and 83. When the council takes a step of discipline, it should inform the neighboring council for its concurrence, if necessary, and the congregation as well.

- p. The consistory council has thirty days from receipt of the report to adjudicate the allegation and decide the next course of action. The consistory council will should notify in writing the claimant and the accused person of its adjudication and its next course of action, and the accuser of its findings. The council may conduct its own hearing into the matter, and if so, the claimant and the accused person may have legal counsel present at the council's expense.
- q. If the council decides decision is made to take no further action on the report, or if the action taken by the consistory council is contrary to the findings of the advisory panel, then the panel chairperson, ~~of the advisory panel,~~ after consultation with the claimant or advocate, will
- (1) submit a copy of the panel's report to the church visitors with a request for intervention; or
 - (2) submit a copy of the panel's report to the classical interim committee with a request for further action intervention.
- Further action could include the following:
1. The Classical Interim Committee meets with the executive committee of the council, the chairperson of the panel, and the advocate to review the findings and discuss the possible steps to take with respect to the report.
 2. The Classical Interim Committee meets with the consistory to review the findings and discuss the possible steps to take with respect to the report.
 3. The Classical Interim Committee reports on the matter at the next classis meeting.
- r. If the executive does not inform the council of the panel's report, the panel chairperson or advocate will immediately contact the church visitors or classical interim committee.
- s. The advocate and the claimant may attend any subsequent ecclesiastical meetings where the allegations are discussed, including Classis, the denominational Judicial Code Committee, or the Advisory Committee of synod.

Note: The Victims Task Force proposes the following paragraphs be deleted because these actions are not part of the advisory panel process. If the consistory judges the allegations to be weighty and probable, then two members should notify the accused person within seven days that allegations of abuse have been lodged against him/her. The designees should also indicate to the accused the specific charges and the names of those making the charges. These charges should be given in writing. Also, within seven days, the accuser(s) should be notified by two members of the consistory that charges of abuse have been accepted against the accused person and that he/she/they are being notified of such charges.

A summary of the consistory's deliberations should be given in writing if requested. The accused person(s) may acknowledge or deny his/her/their guilt at the notification meeting. Such acknowledgment or denial should be confirmed by the two consistory members present. If the accused acknowledges the allegations, the council should be convened as soon as possible to initiate steps of discipline by following Church Order Articles 82 and 83. Both the accused and the accuser should be notified in writing of the pastoral care and church-discipline steps taken at this meeting. When the council decides either to suspend or depose from office, it should inform the congregation in writing of this action.

If the accused person denies the allegations made against him/her, the consistory has the responsibility to conduct a formal hearing to determine the likelihood of the accused's guilt. The formal hearing should be conducted prior to any recommended steps of discipline.

The formal hearing should be conducted within one week of the notification meeting in which the accused denies the allegations against him/her. The accused has the right to receive the specific charges in writing and to meet the accuser in the hearing. If a face-to-face meeting between accuser and accused would be materially detrimental to the accuser, then alternate arrangements might be made for the accuser to be available but out of the sight or presence of the accused. A tape-recording of the testimony should be made.

The consistory should convene in executive session to deliberate the truthfulness of the allegation(s) and the accused person's guilt or innocence. If the accused is found innocent, the matter ends, and both the accused and the accuser should be notified of the consistory's deliberations. If the accused is found guilty, the council should be convened as soon as possible to initiate appropriate steps of discipline. When the accused is a church leader (but not an office bearer), the person should be removed from duty or position as soon as possible. Both the accused and the accuser should be notified in writing of the pastoral care and church-discipline steps taken at this council meeting:

- t. The claimant and the accused person may appeal the decision of the council. in matters of discipline. Such appeals should be addressed to the classis, where standard appeal procedures are applied.