

Converge MidAmerica



Pastoral Search Services

Moral Failure Policy

Converge MidAmerica Moral Failure: Guidelines and Policies

Purpose Statement

As people who believe strongly in biblical mandates to follow God's will in all things, we the people of Converge MidAmerica affirm that moral failure in all its forms is sin. Moral failure often constitutes an abuse of vulnerable people. It can represent a misuse of the power and authority given to God's shepherds, leaders or teachers. It sullies the church's representation of the character of Jesus Christ, and is an abomination to the heart of God. At the same time we affirm the mercy of God is available to perpetrators upon confession and repentance. The healing grace of God is the sure hope for victims.

The purpose of this policy is to provide direction for education, intervention, proper disclosure, accountability, and potential restoration for those who fail morally. Further it is our purpose to protect vulnerable people, thoroughly investigate, guard the dignity and bring healing to the victims of moral failure.

MORAL FAILURE

Introduction

This policy will assist Converge MidAmerica in upholding the highest biblical standards of personal holiness and sexual purity with particular scrutiny given to those who are in positions of leadership, power and influence. As an autonomous self-governing organization, this policy sets high standards for those who are credentialed, employed, or empowered within the organization to effect or influence the lives of others. It is our intent, through this policy, to guide the life and conduct of these spiritual leaders motivating them to high levels of personal, moral and sexual conduct and guarding those who have been put in their spiritual care.

This policy also provides procedures for the discipline and/or removal of any leader who violates this high standard, thereby forfeiting his or her right to continue in a position of spiritual leadership. Such order and procedure can provide an environment where complaints are clearly heard, abusers are identified and vulnerable ones protected.

Biblical Foundations

The primary mandate for this policy is the Word of God. Our secondary mandate is the law of civil government. This policy will assist Converge MidAmerica in upholding the highest biblical standards of personal holiness and sexual purity with particular scrutiny given to those who are in positions of leadership, power and influence. We believe the Bible clearly condemns those who wander away from this high standard. The Bible warns of the disastrous impact such misconduct will have upon their own person, victims affected and upon the church as a whole.

God's Standard

"You shall not commit murder, You shall not commit adultery, you shall not steal, you shall not bear false testimony against your neighbor. You shall not covet your neighbor's wife. You shall not set your desire on . . . anything that belongs to your neighbor." Deut. 5:17-21

"They pour abuse upon things they do not understand; like the beast they will perish, suffering hurt for the hurt they have inflicted. To carouse in broad daylight is their idea of pleasure; while they sit with you at table they are an ugly blot on your company, because they revel in their own deceptions. They have eyes for nothing but women, eyes never at rest from sin. They lure the unstable to their ruin; past masters in mercenary greed, God's curse is on them! They have abandoned the straight road and lost their way." II Peter 2:12b-15 New English Bible

Jesus Upholds the Standard

"Do not think I have come to abolish the Law or the Prophets; I have come not to abolish them but to fulfill them." Matthew 5:17

"But if anyone causes one of these little ones who believe in me to sin, it would be better to have a large millstone hung around his neck and to be drowned in the depths of the sea. Woe to the world because of the things that cause people to sin! . . . woe to the man through whom they come! . . . It is better for you to enter life with one eye than to have two eyes and be thrown into the fire of hell. Matthew 18:6-9(Selected)

Apostle Paul Instructs

"Here is a trustworthy saying: 'If anyone sets his heart on being an overseer, he desires a noble task. Now the overseer must be above reproach . . . ' I Timothy 3:1,2a

"Do not entertain an accusation against an elder unless it is brought by two or three witnesses. Those who sin are to be rebuked publicly, so that others may take warning. I charge you, in the sight of God and Christ Jesus and the elect angels, to keep these instructions without partiality, and to do nothing out of favoritism. Do not be hasty in the laying on of hands and do not share in the sins of others. Keep yourself pure. I Timothy 5:19-22

"But now I am writing you that you must not associate yourself with anyone who calls himself a brother but is sexually immoral or greedy, an idolater or a slanderer, a drunkard or a swindler. With such a man do not even eat." I Corinthians 5:11

"Flee from sexual immorality. All other sins a man commits are outside his body, but he who sins sexually sins against his own body. Do you not know your body is the temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought with a price. Therefore honor God with your body." I Corinthians 6:18-20

"Have respect for marriage. Always be faithful to your partner because God will punish anyone who is immoral or unfaithful in marriage." Hebrews 13:4

"The love of money causes all kinds of trouble. Some people want money so much they have given up their faith and caused themselves a lot of pain. I Timothy 6:10

The Bible mandates the leaders of Converge MidAmerica, pastors, leaders and members of the church as a whole to a standard of moral purity that honors God and is pure and blameless before an unbelieving world.

Assumptions

There are a number of assumptions that govern the development and implementation of these guidelines and policies:

Nothing could be more cruel than the tenderness that consigns another to his sin. Nothing could be more compassionate than the severe rebuke that calls a brother back from the path of sin. Dietrich Bonhoeffer, Life Together

1. Truth is the only pathway to wholeness.
2. Biblical confession and repentance is the only pathway to grace and mercy.
3. Most offenders will deny allegations until proven. Initial confessions are seldom the whole story. Pain can be a symptom of revealed truth. Efforts to alleviate pain for personal comfort often thwart the revelation of truth.
4. Intervention may require multiple confrontations.
5. Failure to intervene and disclose places the church and denomination at risk.
6. Intervention and disclosure should be exercised even if offenses are known to have ceased. Unconfessed sin and unacknowledged victims dishonor God and prevent healing.
7. The goal of investigation, intervention, disclosure and restoration is truth, wholeness and health, not punishment.
8. Forgiveness is unconditional. Restoration, however, is conditioned by the perpetrator's repentance, confession, responses and behavior over time.
9. The dignity of victims, the families of victims, the church, the perpetrator's family and the perpetrator must remain a top priority, but not at the expense of full and truthful disclosure.

10. The feelings, reputation and career of the perpetrator is secondary to the interests of the victim, their family and the church.

11. God is just. His justice demands that we act appropriately in all cases of misconduct. No entity that calls itself the Body of Christ can neglect to act in behalf of those who suffer wrongdoing under its care.

12. The perpetrator is incapable of acting in the best interests of himself, his family, the church or denomination. Therefore the perpetrator's involvement in the development of disclosure or restoration plans is inappropriate.

13. Scripture clearly teaches that people in leadership should set an example in faith, love, and purity. Any behavior or attitude that is potentially injurious to people under their care is to be avoided. The church should be a safe place for everyone.

14. The greater the level of the perpetrator's responsibility/visibility, the broader the disclosure required to discover the potential existence of additional victims and to insure accountability for the perpetrator.

15. These guidelines and policies will be kept without partiality or favoritism with regard to personal relationships or status.

Definitions

A. Sexual Misconduct

1. Sexual Abuse - Sexual abuse is the subjection of a person of any age to any sexual act which is in violation of the criminal sexual conduct code. The perpetrator may be anyone responsible for their care, a peer or a person of power and influence. There is no such thing as "mutual consent" in terms of physical or sexual contact. No matter how the dependent person behaves, the professional is responsible for the protection of that person.

2. Sexual Harassment

a. Harassment is unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct and communication of a sexual nature which is made a condition of employment or is made as a factor in decisions affecting an individual's employment or is creating stress in the employee's workplace and is undealt with by the perpetrator and employer after adequate time to take timely and appropriate action.

b. Harassment is the introduction of objects such as posters, pictures, or drawings that create for others such stress that they cannot function without distress or great discomfort.

- c. Harassment is any communication that explicitly or implicitly offers or invites the exchange of sexual favors for a promise of some advantage the promisor has power to give.

3. Sexual Exploitation

- a. Sexual Exploitation is any kind of sexual interaction between a spiritual or psychological counselor and the client (whether initiated by either the counselor or the client) when the counselor is clearly empowered to be offering help in the client relationship.
- b. Exploitation is any actual or attempted sexual contact with a minor; actual or attempted rape or sexual contact by force, threat or intimidation; criminal sexual behavior as defined by law.

4. Homosexuality - Homosexuality is the engaging in sexual relations with others of the same sex. Such behavior is biblically forbidden (Romans 1:26-27, 1 Corinthians 6:9-1, Leviticus 18:22, Leviticus 20:13)

5. Pornography - Pornography is sexually explicit material which appeals to one's prurient interests. The use of pornography is inappropriate in that it tempts one to "commit adultery in one's heart (Matthew 5:27-28); can create a dependent fixation on or compulsion with sex; and its production and consumption exploit and demean people created in the image of God.

B. Financial Improprieties. The misuse or misappropriation of funds not belonging to the individual. Such misuse is not limited to money belonging to the church or individuals within the church. It includes not only overt theft but securing money, loans or other considerations based on misrepresentation.

C. Addictions. The compulsive bondage to specific behaviors such as gambling, sex, the consumption of alcohol, non-prescription drugs and other mood-altering substances.

D. Professional Ethics. Professional ethics are the rules or standards governing the conduct of the members of a profession. Any pastor or church staff person who gives counseling, care, or direction to others must recognize that the person seeking help or guidance is in a dependent position, both by nature of their need, and by nature of the professional's role. Ethical guidelines mandate that the responsibility for safeguarding the dependent person's personal boundaries lies with the professional

E. Perpetrator. The perpetrator is the guilty party. This term is to be used only after proof of misconduct. Otherwise, use "the alleged perpetrator".

F. Victim. A person who is harmed or made to suffer by the actions of another person. This term is to be used only after proof of misconduct has been evaluated and decisions made about it. Otherwise, use "the complainant." Secondary victims include family members of both victims and perpetrators.

G. Allegations. An assertion made by a party which must be proved or supported with evidence. All allegations are to be taken seriously. Care should be taken to distinguish honestly the degree of certainty in all reports.

H. Confidentiality. Confidentiality refers to statements made with the expectation of privacy. Confidentiality cannot be absolutely guaranteed, because records of investigations are subpoenaable by court systems. Nevertheless we must be sensitive to people who would be harmed by inappropriate disclosure.

I. Investigation. The process by which the facts and the truth are discovered. The early stages of investigation determine the nature and timing of the intervention.

J. Intervention. The process by which the accused is confronted with the accusations and appropriate intermediate steps are taken until such time as judgment can be made based on the facts discovered in the investigation. The appropriate intermediate steps are determined as the investigation process progresses.

K. Disclosure. The desirable confession is revealing pertinent information. Truth-telling in a grace-filled environment is healthy. Unnecessary injury by dissemination of details should be avoided.

L. Restoration for the Perpetrator. The process by which reinstatement is addressed. Reinstatement may be to fellowship with the body of believers. It may, in rare instances, be to position. The level of restoration is dependent on the response of the perpetrator over extended time and the policies of the governing entity.

M. Restoration for the Victim(s). The process by which the renewal of health and wholeness are addressed. Restoration addresses (among other things) freedom from guilt and shame; renewal of ability to see ourselves in God's image; and relational vitality with God and others.

Policy

A. Who Is Included?

The following are included under the standards and procedures of this policy:

1. All ordained or licensed people employed by Converge MidAmerica.
2. All support staff people employed by Converge MidAmerica.
3. All Converge MidAmerica Board members.

B. Responding to Allegations and Instances of Moral Failure

1. Informal Investigations of Complaints - Should an incident of misconduct be reported, it will be forwarded to the Board chair or his or her designee (after this, referred to as "mediator"). In the event that the Board chair designates a mediator, that person will be one who has the respect of pastors and lay leaders in Converge MidAmerica and the personal and spiritual maturity to respect the confidences involved. In the event that the complaint is against any Board member, the Executive Minister will refer the matter to the alleged perpetrator's local church. In cases involving district employees, the incident will be immediately investigated according to the following procedure:
 - a. The mediator will present the alleged perpetrator with the complaint.
 - b. Every effort will be made to honor the complainant's request for anonymity. There will be a preliminary discussion, the investigation may or may not include a meeting or meetings between the complainant and the alleged perpetrator.
 - If it does not, the mediator will meet with the complainant to discuss the content and results of the meeting(s) with the alleged perpetrator and further explore options for resolution.
 - In the cases where such a meeting(s) between the complainant and the alleged perpetrator occurs, or at any such time in the process, each party may be accompanied by an advisor/advocate of his or her choice.
 - c. Following these preliminary meetings, the mediator will continue the investigation in order to determine the merits of the complaint in order to affect resolution. The mediator must maintain confidentiality and protect the rights of all parties, facilitating reconciliation, and a remedy in cases where there is merit, and facilitating understanding and protection in cases where there is no merit.
 - d. If in the investigation, the mediator determines that, indeed, sexual misconduct or other moral failure is likely to have occurred, he or she will move the process into a formal inquiry by making a report to the district Board.
 - e. The mediator will create an official, confidential record of the informal investigation process. This record will contain a statement of the complainant, notes on related meetings and witness conversations, assessment of the findings, and any actions

recommended or taken. Whether or not the matter is forwarded to the district Board, the mediator will keep a single official record of the incident. An informal investigation will seek to be concluded within 14 days of the reporting of the incident.

2. Procedures for a Formal Inquiry by Converge MidAmerica Board of Overseers

Any incident which has been informally investigated may be brought to the district Board at which point it becomes a formal inquiry. The following steps have been established as a process for the district Board to seek resolution in such an inquiry.

- a. The mediator will report to the Board of Overseers on the informal investigation done in preparation for the formal complaint.
- b. The mediator will also notify Converge MidAmerica insurance carrier and the President of Converge Worldwide of the formal inquiry.
- c. The Board of Overseers will inform the district that a formal investigation into misconduct has begun. (This will be either through the senior pastor or directly to the constituency at the discretion of the Executive Board and/or the Executive Minister.)
- d. The complainant shall be asked to submit his or her complaint in writing to the Board explaining the nature of the complaint and the facts upon which the complaint is based. The complainant will also be asked to articulate in this report the relief or action of the Board being requested in the situation.
- e. If there is probable cause to believe the alleged claim is substantiated or appears to be substantiated in accordance with the definition of misconduct hitherto presented, the alleged perpetrator may be relieved of all responsibilities in the district and placed on administrative leave pending the outcome of the formal investigation. Such a suspension will be made with pay and benefits unless otherwise determined by the Board of Overseers.
- f. The mediator will request a written reply from the alleged perpetrator, a copy of which will be forwarded to the complainant.

g. After having received the alleged perpetrator's response, the mediator will prepare a written report which will include:

- A description of the alleged incident(s) or the issues at stake pursuant to the definitions of sexual misconduct stated earlier in this policy.
- A description of the evidence supporting or refuting the complaint.
- A list of witnesses interviewed and their responses.

This report must not contain personal conclusions, or recommendations concerning the allegations.

h. The mediator shall present his report to the Board who will appoint an ad hoc hearing Board consisting of five members composed of at least two females and two males:

- One member from the constituency of the complainant,
- One member from the constituency of the alleged perpetrator,
- Two members from constituencies not represented by the complainant or the alleged perpetrator, and
- Chaired by a fifth member who is mutually agreeable to the complainant, the alleged perpetrator, the mediator, and the district Board of Overseers.

i. The hearing Board will convene within one week of its appointment by the Board of Overseers.

- Members will be given copies of the complaint, the alleged perpetrator's reply, the mediator's report, and supporting documentation.
- The mediator will serve as a consultant to the hearing Board relative to issues concerning policy interpretation and definition and to assist with the hearing procedure, including the coordination of the appearance of the witnesses.
- The hearing Board shall operate in accordance with basic principles of fairness, guaranteeing appropriate due process to the complainant and the alleged perpetrator. Confidentiality through these proceedings will be maintained. Within two weeks, the hearing Board will complete its hearing, forwarding all its reports and recommendations (including majority and minority reports, if appropriate) to the mediator.

- j. Within one week of receiving the report of recommendation of the hearing Board, the mediator shall forward the hearing Board's report to the Board chairman who will schedule a meeting which will consider final action on the complaint.

3. Board Action

- a. Victims of the misconduct may be given remedies designed to restore the complainant to circumstances that existed prior to the misconduct.
 - In the case of harassment this might include, but not be limited to, restoration of paid benefits, or position lost, reassignment to another job supervisor.
 - In the case of sexual abuse or sexual exploitation, the victim and the victim's family may be provided a care plan including, but not limited to, the following: anonymity, the right to privacy, the right to confront the perpetrator, spiritual support, and the offer of professional counseling.
 - In the case of other forms of moral failure, remedies might include restitution, public confession and apology.
- b. Infractions of this policy may warrant disciplinary action including, but not limited to, letters of warning or reprimand, suspension from certain types of ministry activity, mandatory counseling, participation in group accountability sessions, suspension with or without compensation, permanent termination (with or without severance pay), removal of credentials, removal of ordination credentials with notification of denominational authorities of this removal, or handing the person over to the criminal justice system.
- c. The chairman of the Board of Overseers will present its recommendations to the district in accordance with district constitutional procedures.
- d. The chairman of the Board of Overseers will report to the appropriate law enforcement agencies any perceived infractions of criminal misconduct law mandated to be reported by state law enforcement agencies. This reporting is mandated by almost every state in cases of sexual abuse of minors and vulnerable adults.
- e. An appeal of the decision resulting from the hearing and the action of the district Board may be made to the district Board by either party - the alleged perpetrator or the complainant. The only issues that would lead to reconsideration by the Board of Overseers on an appeal will be:

- The allegation of new evidences discovered that were not available at the time of the hearing and if presented would materially affect deliberations of the hearing and Board of Overseers.
- Allegations of gross procedural errors in the hearing procedure that materially affected the fairness of the hearing.

In the event of an appeal, the Board chair may request the President of Converge Worldwide or his designee to assist in the reexamination of the process and an assessment of the legitimacy of the appeal. With the advisement of Converge Worldwide and the review by the Board of Overseers, the acceptance or rejection of the appeal by the Board will be regarded as a final decision by Converge MidAmerica.

f. An alleged perpetrator will be restored to ministry if the evidence indicates that the complainant's charges are without merit.

g. In the event that there has been a violation of moral conduct according to this policy, and the perpetrator wishes to be restored to ministry, such restoration will be undertaken by Converge MidAmerica only if the following criteria are met.

- That there is full confession of the exact nature and extent of one's misconduct to begin and continue a restoration process.
- That there is no evidence that the misconduct is indicative of an ongoing pattern of sexual misconduct, addiction or financial impropriety.
- That there is clear evidence of openness and integrity in the process of addressing the charges.
- That there is clear indication of verbal and behavioral repentance evidenced by the cessation of the sin and the pursuit of Godly behavior.
- That there has been submission evidenced by the full acceptance of the restoration process and subjection to the complete authority of the restoration team. Submission is more than mere compliance.
- That there is clear evidence of reconciliation, healing and health between the perpetrator, spouse and children.
- That there has been revealed in interviews a genuine spiritual sensitivity to the pain and damage caused to others by the actions of the perpetrator.
- That in cases of financial impropriety, restitution be accomplished with appropriate monetary repayment.
- That the perpetrator has undergone evaluation by a qualified

Christian therapist experienced in matters related to sexual misconduct, and who recommends the alleged perpetrator's preparedness to reenter the responsibilities of ministry.

- That the perpetrator will have completed the above criteria and have evidenced fitness for restoration for a period of at minimum six months to two years.
- When the perpetrator is an unordained staff member, the district Board of Overseers will review the process and may recommend the restoration of such person to ministry.
- When the perpetrator is an ordained staff member other than the Executive Minister, a council of ministers be called to recommend the restoration of such a person to ministry. The district Board of Overseers will act upon the recommendation.
- When the perpetrator is the district executive minister, a council of ministers and executive ministers be called to recommend to the district Board that such minister be restored to ministry.

h. The establishment of a Restoration Team

The Board of Overseers shall appoint a Restoration Team utilizing the following guidelines:

If the perpetrator is not ordained, the team should consist of:

- the chair and one additional member of the hearing Board,
- three members of the district Board who exemplify fairness, character and strength,
- no less than two members of either gender

If the perpetrator is an ordained member of the district staff, the team should consist of:

- the chair and one additional member of the hearing Board,
- the President of Converge Worldwide or a designee,
- a respected pastor or lay person from the district,
- a respected leader who is not a member of the district,
- two members of the district Board who exemplify fairness, character and strength,
- no less than two members of either gender

i. The categories of restoration are:

- Restoration to fellowship within the Body of believers.
 - Restoration to spiritual and emotional health and wholeness.
 - Reinstatement to previous or similar position cannot be considered until the first two categories have been achieved. The first two categories are always achievable, depending upon the appropriate response of the perpetrator. Reinstatement of position is dependent upon the decisions of the Board of Overseers.
- j. The mediator will keep official and confidential records of all formal inquiries and will advise future ministry employers in accordance with state law.
- k. Restoration for Victim(s)

Steps in the process should include:

- Spiritual and Psychological Counseling (as needed).
- Intentional efforts of Converge MidAmerica leaders to avoid re-victimization during investigation, disclosure and restoration of the perpetrator.
- Intentional efforts of Converge MidAmerica leaders to acknowledge victimization value and affirm the person. These efforts might include appropriate apologies from the perpetrator.
- Monetary restitution (in cases of financial impropriety).

D. Policy Distribution and Maintenance

The vote of the Board of Overseers will put this policy in place. This policy may be amended by the Board in accordance with changes in statutes or judicial interpretations. This policy will be distributed to the personnel whom it affects and be made available to the district as a whole.

E. Disclosure of District Staff Moral Failure

- a. Disclosure for district support staff will be to all district pastors and district Board members.
- b. Disclosure for all ordained district staff will be to all district pastors, district Board members, other executive ministers, and the President of Converge Worldwide.