

## **Safe Church Report to Synod 2016 Report of Committee Reviewing Church Order Articles 82-84 and Their Supplements**

### **I. Background**

Synod 2015 received an overture from Classis Chatham regarding sexual misconduct perpetrated by those who occupy positions of authority in congregations, and noting that “our denomination has committed to ensuring that congregations are safe places for individuals of all ages to grow as disciples of Jesus. Our denomination also expects that all who hold office in the church exercise their authority with integrity” (*Agenda for Synod 2015*, p. 436). Concerns were expressed that Articles 83-84 of the Church Order were not adequate in addressing this issue or in providing clear definitions and guidelines for assisting congregations and classes dealing with sexual misconduct by a church leader. The overture went on to say, “Fundamental to the intentions of this overture is the recognition that all officebearers occupy positions of power and authority in the context of congregational ministry, and that any pastoral relationship that transgresses healthy boundaries by including activities of a sexual nature or sexualized behavior represents a misuse of power on the part of those who hold office” (*Agenda*, p. 437).

In addition, the overture noted a need to “communicate greater pastoral sensitivity to those who have suffered as victims of sexual abuse on the part of officebearers” (*Agenda*, p. 437).

Synod observed that (1) the overture had merit “in distinguishing between sexual misconduct and sexual abuse as well as in highlighting issues of power differential between officebearers and others”; (2) “the current Supplement to Church Order Article 84 is not as clear as it could be”; and “churches, officebearers, and especially victims have not been adequately served and supported by the current Church Order Articles 83-84 and their Supplements” (*Acts of Synod 2015*, p. 644).

### **II. Mandate by Synod 2015**

In response to the overture, Synod 2015 decided to

instruct the Board of Trustees to ask Safe Church Ministry, in concert with other denominational entities (Pastor-Church Relations, Calvin Theological Seminary, Calvin College, and a Church Order expert), to review and to recommend revisions, if needed, to Church Order Articles 83-84 and their Supplements regarding suspension, deposition, and reinstatement to office in cases of sexual misconduct and sexual abuse.

(*Acts of Synod 2015*, p. 644)

Synod 2015 also decided

that the committee, formed by the BOT . . . be mandated to do as follows:

- a. Differentiate sexual misconduct from sexual abuse.
- b. Provide guidelines for how gradations in severity and victim impact would affect decisions regarding reinstatement.
- c. Clarify the imbalance of power and how it affects the issue of sexual misconduct and sexual abuse.
- d. Consult with other denominations and agencies regarding their policies.
- e. Consult with legal counsel.
- f. Address matters of resignation of office-bearers in situations of abuse.

- g. Report to Synod 2016 with proposals and potential polity changes to Church Order Articles 82-84 and their Supplements.

(Acts of Synod 2015, p. 644)

A committee was formed according to the Synod 2015 directive with the following membership:

- Colin Watson, Sr., director of ministries and administration
- Bonnie Nicholas, director of Safe Church Ministry
- Kathy Smith, adjunct professor of church polity at Calvin Theological Seminary and associate director of the Calvin Institute of Christian Worship at Calvin College
- Cecil Van Niejenhuis, consulting pastor, Pastor-Church Relations

This committee met several times to review the mandate from Synod 2015, the overture from Classis Chatham, the applicable Church Order articles, and the most current Safe Church guidelines adopted by Synod 2010, and to research and discuss these important matters.

Research into this topic revealed that a 2009 study by Baylor University “demonstrates the widespread nature of clergy sexual misconduct and refutes the commonly held belief that it is a case of a few charismatic and powerful leaders preying on vulnerable followers.”<sup>1</sup> The study goes on to identify themes that describe the social characteristics of congregations in which clergy misconduct occurs, as well as to propose prevention strategies. The top two prevention strategies involve education about power in ministry relationships: (1) “Educate the public about clergy sexual misconduct as ‘misconduct’ and ‘abuse of power,’ not a consensual affair between persons of equal power”; and (2) “provide religious education based on the scriptures about the role of power, and its use and abuse, in the workplace, the community of faith, and the family.”<sup>2</sup>

A clear understanding of the power dynamic operating in abuse and misconduct situations is critical to any further discussion of this topic. Therefore, this report begins with the part of the mandate given to clarify the imbalance of power and how it affects the issue of sexual misconduct and sexual abuse (item c in the committee’s mandate, above). The subsequent sections address the remaining parts of the mandate.

*A. Clarify the imbalance of power and how it affects the issue of sexual misconduct and sexual abuse*

Those who hold ordained positions of church leadership must be held to a high standard. They are called by Christ and the church to be officebearers who serve as leaders in local congregations and who also represent our denomination. The character of our officebearers sends a message about the kind of community we are and hope to be. Because the community will tend to follow and reflect its leaders, the standards we apply to officebearers have implications for all of us.

Our Lord provides a leadership example to officebearers in his use of power. His infinite power is used in self-sacrificing love, for the salvation and benefit of many, and his power is shared with his people, through the Holy Spirit, for the flourishing of his kingdom. Officebearers

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<sup>1</sup> The Prevalence of Clergy Sexual Misconduct with Adults: A Research Study Executive Summary; Diana R. Garland; <http://www.baylor.edu/clergysexualmisconduct/index.php?id=67406>

<sup>2</sup> Ibid.

are called to follow the way of our Lord in the way they use positional power. Using this positional power for selfish gain, to harm, to manipulate, or to control dishonors our Lord.

Officebearers possess the authority of their role. Their position is a sacred trust between the Lord and the church they serve. Trust in the role is established from an early age; people grow up believing that officebearers are to be trusted, and there is assumed trust that those who serve in church leadership have been vetted by the community and have been found worthy of ordination status. This sacred trust is an ever-present reality and must always be carefully considered in ministry relationships. Ironically there is also a growing suspicion of church leaders today because of the prevalence of clergy abuse situations and the public awareness of this problem throughout the Christian church.

Behavior of a sexual nature in this context typically represents a transgression of healthy ministry boundaries and an abuse of the church leadership role. This is true regardless of the behavior or consent of the congregant. It is always the responsibility of the officebearer to maintain healthy boundaries in ministry relationships. Meaningful consent implies a relationship of equality and therefore does not apply in this context. Therefore, the general rule is that intimate relationships between officebearers and congregants are inherently problematic.

It must be acknowledged that unmarried officebearers and congregants may date, fall in love, and marry. The church is a natural environment in which healthy romantic relationships develop. But where there is officebearer responsibility, care must be taken to ensure that pastoral needs are met by a designated person or another church leader. An officebearer has a duty and responsibility to disclose a potentially intimate relationship to members of the consistory, who, if such a case should occur, would be able to assist in the process of securing a designated person to meet the pastoral needs of the congregant, which could no longer be ethically provided by the officebearer. Officebearers are called to the highest standards of Christian ethics within their personal as well as their ministry relationships.

Church Order Article 83 states that “neglect or abuse of office” is a ground for special discipline. As a specific example, the power imbalance inherent in a relationship between officebearer and parishioner may lead to a misuse of power that is self-serving, rather than in service to others. Awareness of this dynamic is essential for one who exercises the authority of the Servant. While the general principle is clearly stated in Church Order Article 83, this specific example of abuse warrants inclusion in the Supplement so as to highlight its significance.

**Recommendation: That synod adopt the following statement and include it as a new Supplement to Church Order Article 83:**

*One of the key dynamics in considering abuse of office is the imbalance and misuse of power. The power inherent in the role of an officebearer represents a sacred trust and must not be misused.*

*Ground:* Power is a foundational dynamic in ministry and in other professional relationships. Adding this statement to the Supplement will help ensure that the power dynamic is understood and is not ignored in considering these issues.

**B. Differentiate sexual misconduct from sexual abuse**

Many factors must be considered in distinguishing sexual misconduct from sexual abuse and also from legally determined sexual abuse. First, it is important to note that legal definitions

for abuse vary from state to state and from province to province. This becomes problematic in the language we use in referring to various types of behavior as abuse. There is risk for legal implications in misuse of terms for behavior that does not match legal definitions. Therefore, a determination that a church leader is found guilty of sexual abuse under the law is the basis for a determination of the leader's being guilty of sexual abuse for ecclesiastical purposes as well. However, ecclesiastical proceedings may still be in order if a leader has engaged in sexual misconduct which does not result in the individual being legally guilty of sexual abuse.

The term *sexual misconduct* should never be viewed as a lesser offense than *sexual abuse*. Rather, sexual misconduct is a broader term than sexual abuse, so sexual abuse is a subset of sexual misconduct. Further, legally determined sexual abuse is a subset of sexual abuse. Anyone who has been found guilty of sexual abuse by legal or civil proceedings is by definition guilty of sexual misconduct. As well, sexual misconduct extends beyond behavior defined as abuse to include other inappropriate and harmful behaviors. Due to the power differential inherent in the ministry relationship, any sexual misconduct in that context is by its very nature an abuse of office, position, and authority. Such behaviors are unbecoming, ungodly, and cause severe harm to individuals and communities that bear the name of our Lord.

The Safe Church "Guidelines for Handling Abuse Allegations Against a Church Leader" approved by Synod 2010 state:

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 [later in the "Guidelines"] 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.

(*Agenda for Synod 2010*, p. 503)

It is important to be cognizant of fiduciary duties imposed at law as well as criminal statutes that pertain to client-professional relationships, which in many places include clergy and officebearers who possess a position of authority or work with vulnerable individuals. Ordained church leaders may be included with other professionals (doctors, therapists, lawyers, etc.) in laws that are created to prevent harm in helping relationships. These laws take into account the power differential in the relationship and criminalize sexual relations in the context of a professional role.<sup>3</sup> Participation in an ecclesiastical process does not preclude criminal prosecution.

Those who have experienced sexual abuse often choose not to prosecute their case even when there are grounds to do so. Reasons for this include shame and social stigma that surround abuse, which are present even when the person who has been victimized bears none of the blame. An ecclesiastical process, such as the Safe Church Advisory Panel Process, may

<sup>3</sup> <http://www.adultsabusedbyclergy.org/statelaws.html>

also serve those who have experienced criminal sexual abuse but choose not to go forward with their case in a court of law.

The Safe Church “Guidelines for Handling Abuse Allegations Against a Church Leader” define sexual misconduct as

- 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.

*(Agenda for Synod 2010, p. 503-504)*

Including this synodically approved definition in the Supplement to the Church Order would provide a more consistent framework for dealing with this issue.

*C. Provide guidelines for how gradations in severity and victim impact would affect decisions regarding reinstatement*

Church Order Article 83 declares, “Special discipline shall be applied to officebearers if they violate the Covenant for Officebearers, are guilty of neglect or abuse of office, or in any way seriously deviate from sound doctrine and godly conduct.” This article does not give lists of examples of deviation “from sound doctrine and godly conduct” but leaves each council to discern when deviation requires the application of special discipline.

The desire to create a list of clearly defined responses for every possible occurrence of sexual misconduct involving an officebearer is understandable, but the reality is that such a list is not possible. Each situation is unique, with its own set of complicating factors, so it is important to allow for discernment by those closest to the situation. That responsibility rightly belongs to the bodies that oversee officebearers. They are in the best position to decide on consequences for misconduct, disciplinary action if needed, and possibilities of future reinstatement and fitness for ministry leadership. In certain instances, per the Supplement to Article 84, reinstatement is not allowed.

Article 84 of the Church Order indicates that “persons who have been suspended or deposed from office may be reinstated if they give sufficient evidence of repentance and if the church judges that they are able to serve effectively. Requests for reinstatement to office by those deposed for acts of sexual abuse or sexual misconduct shall be dealt with according to guidelines adopted by synod.”

Being forgiven and welcomed in the community of believers must not be confused with being allowed to serve in the role of officebearer. Church leadership is not a right; it is a privilege and a sacred calling. The honor of the role of officebearer, as well as the reputation of our Lord and his church, must be taken into account whenever reinstatement is considered. The repentance of the officebearer and the discernment of the council regarding his or her ability to serve effectively are both required.

The following general principles are offered as considerations in responding to sexual misconduct:

1. A voice for those victimized

Those who have suffered as victims of sexual misconduct understand what it means to feel powerless. It's a traumatic, devaluing, and often devastating experience. It may be difficult for those who have not experienced it to understand the full impact. One way to restore a sense of value and to empower those who have been victimized is to involve them in the process of responding to what has happened. Our congregations should be places of healing and support for those who have been harmed by sexual misconduct. As difficult as it is, sharing an experience of sexual misconduct with people who understand, and who do not condemn, can be a significant step toward healing. The Safe Church Advisory Panel Process, described in the "Guidelines for Handling Allegations of Abuse Against a Church Leader," has been designed to make this possible. It offers a forum—a safe place to disclose what has happened—with a small group of people who have been trained to hear this important voice. A Safe Church Advisory Panel offers significant assistance to the council in understanding and in determining the severity and veracity of the behavior in question. Restorative practices are also designed to provide opportunity to hear all voices involved in a situation. The voice of the one who has experienced sexual misconduct must not be silenced or ignored; it must be heard. And the impacts of the experience, which are unique to each individual, must be acknowledged and taken into account.

2. Greater impact of sexual misconduct within the church leader role

An important consideration is whether or not the sexual misconduct took place within the context of the officebearer role. While we hold officebearers to a high standard of godly behavior both in and outside of this role, special consideration must be given to the greater impact of sexual misconduct while acting within this role. In such cases, special discipline may be required prior to and beyond general discipline, which applies to all members. Special discipline "consists of suspension and deposition from office" (Church Order Article 82). In addition, inappropriate sexual behavior that takes place while acting within the role of an officebearer is not only an individual offense but also makes impacts affecting the entire church community.

3. A pattern of behavior or a one-time incident?

Sexual misconduct is often revealed as a pattern of behavior that takes place over time. It should not be referred to as a "mistake" or a "lack of judgment." There may have been many inappropriate behaviors, or steps, that led up to sexual misconduct. Harmful patterns of behavior must be recognized, and extra precautions must be taken to prevent future harm. It is important to note that in situations of sexual misconduct, what comes to light is often only the tip of the iceberg. This issue tends to be veiled in silence and secrecy and can be well hidden within communities and congregations. Therefore, great care must be taken in determining whether the behavior in question represents an ongoing pattern in the context of ministry relationships and whether one or more people have been harmed by it.

4. The nature of the behavior

A careful discernment process is needed to determine the nature of the sexual misconduct, including its severity and impact. Is the behavior within or outside the

boundaries of normal ministry relationships? Does the behavior fit into definitions of criminal sexual conduct? Criminal sexual behavior has already been defined by the broader community as unacceptable. Any behavior committed by a church leader that fits into definitions of criminal sexual conduct is to be considered a severe deviation from godly conduct and must be taken extremely seriously, whether or not criminal proceedings have taken place (e.g., if a church leader confesses to conduct that amounts to criminal sexual conduct, or enters a *nolo contendere*, or “no contest,” plea).

There are some behaviors that do irreparable harm to an officebearer’s reputation and potential for effective ministry and that may disqualify him or her from a leadership role in the church. The harm done, and potential for future harm, may be serious enough that reinstatement should not be considered. Church leaders are to be above reproach (1 Tim. 3:2, 10; Titus 1:7). Currently the Church Order Supplement to Article 84 includes provisions for some situations in which reinstatement to office—any office—is not possible.

*D. Consult with other denominations and agencies regarding their policies*

Research was conducted regarding how other denominations handle sexual misconduct by a church leader. Information was reviewed from the Reformed Church in America, the Presbyterian Church (U.S.A.), the Mennonite Church Canada, the Evangelical Lutheran Church in America, and the United Methodist Church. Although specific guidelines among denominations varied, there was agreement across denominations that sexual misconduct is incompatible with the role of church leader and must not be tolerated. Immediate administrative leave emerged as a common procedure used to handle many different kinds of allegations and complaints against a church leader. The need for very careful consideration in determining a return to ministry after sexual misconduct is evidenced by the following:

In the **Reformed Church in America**, restoration takes place when a two-thirds majority of the judicatory is satisfied that “the honor of the office will not be impaired and that the welfare of the church will be served by such a restoration.”<sup>4</sup>

According to the **Presbyterian Church (U.S.A.)**, “there can be no healing without justice-making.”<sup>5</sup> This is further defined by seven necessary “Elements of Justice Making” from the Faith Trust Institute<sup>6</sup>: Truth telling (giving voice to the reality of abuse); Acknowledging the violation (name it and condemn it as wrong); Compassion (listen to and empathize with the one victimized); Protecting the vulnerable (take steps to prevent further abuse); Accountability (confrontation and consequences, which make repentance possible); Restitution (may have to be symbolic since, what was lost can never be restored); Vindication (aiding the journey to freedom from the pain and impacts caused by the abuse).

The **Mennonite Church Canada** recognizes that restoration to a ministerial leadership office in the church calls for additional discernment and does not necessarily follow confession and forgiveness. Furthermore, forgiveness will not always lead to a minister’s restored fellowship in the congregation where misconduct occurred.

<sup>4</sup> The Reformed Church in America Book of Church Order; Article 6, p. 85; <http://images.rca.org/docs/bco/2015BCO-Discipline.pdf>

<sup>5</sup> “Rebuild Trust: How Can Healing Come?” Presbyterian Church (USA); <http://www.presbyterianmission.org/ministries/creating-safe-ministries/rebuilding-trust/>

<sup>6</sup> “Elements of Justice Making” (*Clergy Misconduct: Sexual Abuse in the Ministerial Relationship*) – Faith Trust Institute (<http://www.faithtrustinstitute.org/>)

Restoration to a position of leadership should only be considered after a person has complied with the terms of their accountability plan. Even then, restoration should not be assumed or guaranteed. Only if the Ministerial Leadership Committee has some assurance that behaviors will not be repeated should restoration to leadership be considered.

If restoration to a leadership position is allowed, the Ministerial Leadership Committee may wish to set up additional accountability and support structures for a time in order to help the person's reentry into ministry, and to provide safeguards for all involved. These should be reviewed on a regular basis, and may be continued as needed and appropriate.<sup>7</sup>

The consultant to the **Evangelical Lutheran Church in America** for the prevention of sexual misconduct said that if pastors are removed for sexual misconduct, they must do appropriate counseling, repeat candidacy, have permission from their bishop, and wait five years. Reinstatement doesn't happen without a case-by-case consideration.

The **United Methodist Church** offers the following list of conditions that are required before reinstatement of clergy following sexual misconduct may be considered. This list is helpful in considering the process involved in restoration.

Below is a list of ten conditions necessary for favorable consideration of restoration to active ministry by a recovering clergy sexual offender. The list is not exhaustive; there are likely to be additional issues that arise in specific cases. And even if all are conscientiously fulfilled they do not guarantee an absolutely risk-free result.

1. **The recovering offender admits wrongdoing.**  
Not infrequently deeper understanding of responsibility for the wrongdoing and the full nature of its impact on self and others, as opposed to a mere superficial admission of guilt, is a process that evolves over time with expert therapeutic assistance.
2. **The recovering offender cooperates willingly with an imposed discipline.**  
"Willing cooperation" may also grow over time. It is important that therapy not be confused or equated with discipline and that there are no unresolved, pending, or anticipated criminal, civil, or ecclesiastical actions involving the clergyperson.
3. **The offender participates willingly in individual, family, and/or group therapy, as deemed appropriate.**  
Formal spiritual direction may also be appropriate. Participation in therapy is often a difficult and painful process. It is normal for participation to be resisted at some points and more willingly sought at others.
4. **The recovering offender willingly attempts to make amends to any injured individuals or communities.**  
Often amends can only be made partially, sometimes not at all or not until some future date. Making amends may always remain a potential action, depending primarily on the timing and needs of any victim(s) and on their circumstances outside the direct control of the offender.
5. **The recovering offender gives strong evidence of having learned about his or her own psychological issues and personal psychosexual dynamics.**  
The actual offending behavior is always connected to other life issues and must be examined and understood in the larger context.

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<sup>7</sup> "Justice Making: The Church Responds to Clergy Misconduct," p. 7; Mennonite Church USA and Canada; <http://www.commonword.ca/FileDownload/18153/Justice-MakingPartII-Attachments.pdf>

6. **The recovering offender understands and cooperates with any safeguards and/or conditions connected with return to the exercise of ministry.**  
Rarely is a recovering offender restored without some continuing conditions and/or controls for his or her protection as well as for the protection of the community at large.
7. **The recovering offender receives an evaluation from an appropriately accredited institution and/or therapist indicating that he or she is not at risk to repeat the offending behavior.**  
Sometimes this conclusion is reached upon initial evaluation and treatment, sometimes afterwards. Sometimes such an institution or therapist cannot or will not make a clear statement about risk of repeat offense. This evaluation may include but never be exclusively limited to the evaluation of the cleric's personal therapist. A statement that the risk of repeat offense is high must be considered a major negative factor in coming to any favorable decision about eventual return to ministry. Not infrequently more than one formal evaluation may be indicated. Some church insurers have underwriting guidelines in this as well as in other areas.
8. **The "community" in which the recovering offender intends to exercise ministry is informed as fully as possible about the circumstances of the offense(s) and comes to substantive agreement about the offender's return to ministry.**  
People who may receive a recovering offender's ministry have a right to know as much about the situation as possible, however, protection of innocent persons must always be kept in mind. Presumably, opinions about the recovering offender's return to ministry will not be unanimous. Though any primary victim(s) of the offender's ministry will presumably not continue to be recipients of the recovering cleric's ministry, it is important that such persons be informed and consulted in advance about any intended return to ministry.
9. **The recovering offender personally desires to return to the exercise of ministry and understands the issues and problems likely to be connected to that return.**  
This means that the recovering offender has seriously considered other vocational options and still feels a call to public ordained ministry. The cleric fully recognizes that such a continuing call needs to be affirmed by the Church through appropriate channels for it to be exercised.
10. **The recovering cleric has ready access to ongoing support systems and gives evidence of willingness to make regular use of them.**  
Ongoing support systems are not intended to be merely passive. Support persons seek out ways to give support and care to recovering persons.<sup>8</sup>

#### *E. Consult with legal counsel*

The committee sought legal counsel from the United States and from Canada. Revisions were made to the recommendations in this report based on that legal review. The committee also notes that churches should seek competent legal counsel in the appropriate jurisdiction in situations of discipline or consideration of reinstatement to office.

#### *F. Address matters of resignation of officebearers in situations of abuse*

Significant harm is caused when officebearers who have been found guilty of sexual misconduct in one congregation are free to serve again in a leadership position in that same

<sup>8</sup> "Restoring Clergy to Ministry after Sexual Misconduct"; from Hopkins, Nancy Myer and Laaser, Mark, eds., *Restoring the Soul of a Church* (Collegeville, Minn.: Order of St. Benedict, Inc., 1995), pp. 135-37; United Methodist Church; <http://umsexualethics.org/restoring-clergy-to-ministry/>

congregation or in a different congregation where there is no knowledge of the church leader's history. Such a situation sends a powerful message that sexual misconduct is not taken seriously in our denomination, and shows a lack of concern for those who have been victimized by it. Churches and classes must be vigilant in attempting to prevent situations of misconduct from being repeated and, whenever possible, must share information appropriately.

In some situations, ministers resign from office in order to avoid special discipline. This route should neither be encouraged nor considered a viable option. As the *Manual of Christian Reformed Church Government* states (with regard to Church Order Article 14), "When a minister of the Word resigns from office, the assemblies must deal with the resignation as an irregular procedure. The assemblies may have to acquiesce in the resignation of a minister of the Word but ought not to use the terminology of 'accepting the resignation.'" <sup>9</sup>

If the resignation of a minister cannot be avoided and the council must acquiesce in that resignation, then the minister would be released from office by way of Church Order Article 14-c, with the approval of classis and the concurring advice of the synodical deputies, and a declaration would be made regarding the status of the person released, most likely in terms of being "dismissed" or "in the status of one deposed." See the Supplement to Article 14-c for details. Ministers who resign from office while under discipline, or to avoid discipline relating to sexual misconduct, must be given a resignation status that so indicates. In this way, such matters may be appropriately considered should such a minister seek reordination by way of Article 14-e or any other leadership role in the CRC. The council of the congregation holding the minister's credentials will keep a record that clearly describes the nature of the sexual misconduct. This is important because, according to Article 14-e, the classis that released the minister must approve of any future request to be declared eligible for call again and to be reordained. This process will help to prevent future harm and will help to maintain the integrity of church leaders within the CRC.

If a minister resigns due to an allegation of sexual misconduct before guilt or innocence is established, it will be up to the council to discern a prudent course of action in determining the status of the resignation.

Unlike ministers, if elders, deacons, or commissioned pastors resign from office to avoid discipline, there is no mechanism currently in place to make a declaration as to their status or as to how their resignation and its circumstances might affect their future service in office. If they are deposed, then the provisions of the Supplement to Church Order Article 84 would apply, identifying situations in which reinstatement to office would be denied. This situation applies to any office in the church. While Article 14 is about the release of ministers, Articles 82-84 apply to special discipline of all officebearers. And although a person may have resigned from office, that person would yet be subject to the general discipline that applies to all members.

Note that Synod 1998 decided that it is the responsibility of the classis to "inform classical stated clerks of any action to depose, as required by the Church Order," and, "If the pastor moves to another region," the classis is responsible to "inform the regional pastor, congregation, and classis of his/her presence in the new region, encouraging follow-up and support" (*Acts of Synod 1998*, p. 398-99). So a mechanism is in place for communication to prevent deposed ministers from serving in office again. And when the classis releases such a person from office, it can make a declaration that the person is in the status of one deposed, which would be a

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<sup>9</sup> *Manual of Christian Reformed Church Government: 2015 Revision*, p. 68.

matter of public record in the minutes of classis and reported to synod through the work of the synodical deputies.

*G. Report to Synod 2016 with proposals and potential polity changes to Church Order Articles 82-84 and their Supplements*

**Given the background and discussions above, and in response to the mandate to consider polity changes, it is recommended that synod adopt the following changes to the Church Order and its Supplements:**

***Current Articles 82-84 and their Supplements***

*Article 82*

All officebearers, in addition to being subject to general discipline, are subject to special discipline, which consists of suspension and deposition from office.

*Article 83*

Special discipline shall be applied to officebearers if they violate the Covenant for Officebearers, are guilty of neglect or abuse of office, or in any way seriously deviate from sound doctrine and godly conduct.

*Article 84*

Persons who have been suspended or deposed from office may be reinstated if they give sufficient evidence of repentance and if the church judges that they are able to serve effectively. Requests for reinstatement to office by those deposed for acts of sexual abuse or sexual misconduct shall be dealt with according to guidelines adopted by synod.

—Cf. Supplement, Articles 78-84

—Cf. Supplement, Articles 82-84

—Cf. Supplement, Article 84

**Supplement, Articles 82-84**

*The Admonition and Discipline of Officebearers*

- a. General discipline shall not be applied to an officebearer unless he/she has first been suspended from office.
- b. The appropriate assembly shall determine whether, in a given instance, deposition from office shall take place immediately, without previous suspension.
- c. Suspension/deposition of elders, deacons, and commissioned pastors
  - 1) The suspension or deposition of an elder, deacon, or commissioned pastor shall be imposed by the council with the concurring judgment of the council of the nearest church in the same classis.
  - 2) If the neighboring council fails to concur in the position of the council of the elder, deacon, or commissioned pastor involved, the latter council shall either alter its original judgment or present the case to classis.
- d. Suspension/deposition of ministers

- 1) The suspension of a minister of the Word shall be imposed by the council of the minister's church with the concurring judgment of the council of the nearest church in the same classis.
  - 2) If the neighboring council fails to concur in the position of the council of the minister involved, the latter council shall either alter its original judgment or present the case to classis.
  - 3) The deposition of a minister shall not be effected without the approval of classis together with the concurring advice of the synodical deputies.
- e. Ministers subject to two councils
- 1) A minister of the Word whose membership resides with a congregation other than the calling church is subject to the admonition and discipline of the councils of both churches. Either council may initiate disciplinary action, but neither shall act without conferring with the other.
  - 2) If the councils disagree, the case shall be submitted to the classis of the calling church for disposition.
- f. The lifting of suspension is the prerogative of the assembly which imposed suspension.
- g. The council of the church which deposed the minister shall declare the deposed minister eligible to receive a call upon the affirmative judgment of the classis which approved the deposition, together with the concurrence of the synodical deputies. Upon acceptance of a call, the previously deposed minister shall be reordained.

*(Acts of Synod 1991, pp. 719-20)*

*Note:* Councils and classes should take note of the regulations regarding suspension and/or deposition from ministerial office adopted by Synod 1998 (see *Acts of Synod 1998*, pp. 396-99).

#### **Supplement, Article 84**

##### *Regulations for Reinstatement of Office Bearers Guilty of Sexual Misconduct*

When reinstatement is requested by a former officebearer who confessed to or was determined to be guilty of sexual misconduct leading up to suspension and deposition from office:

1. Reinstatement to office shall be denied to individuals who:
  - a. Confessed to or are determined to be guilty of sexual misconduct against a minor.
  - b. Confessed to or are determined to be guilty of sexual misconduct against more than one victim in a single church or community.
  - c. Confessed to or are determined to be guilty of sexual misconduct in more than one community or church.
  - d. Confessed to or are determined to be guilty of sexual misconduct and other related ungodly conduct. Examples of related ungodly conduct include but are not limited to engaging in adult or child pornography, engaging a prostitute for sexual contact, exhibitionistic or voyeuristic behavior, attending a nudist camp, sexual addiction, and so forth.

2. Councils and classes shall not reinstate a former officebearer suspended or deposed for sexual misconduct or ungodly conduct not covered in items 1, a-d without receiving the advice of legal counsel concerning the church's liability and the advice of a Christian licensed psychologist concerning the likelihood of an officebearer's reoffending.

*Note:* In Church Order Article 84 and its Supplement, the expression *sexual misconduct* is defined as: The sexual exploitation of a parishioner, minor or adult, regardless of age or consent, for the purposes of sexual gratification and maintaining control over the person. The expression *determined abuser* is defined as: An officebearer who either confesses to or is adjudicated to be guilty of sexual misconduct by a court of competent jurisdiction or an ecclesiastical assembly.

(Acts of Synod 2004, pp. 611-12)

**Proposed changes to Supplement, Articles 82-84**

*New sections a and b, indicated by italics (the former sections a-g would remain unchanged and would be relettered as sections c-i):*

*a. An administrative leave may be imposed without prejudice by the council in order to investigate allegations of deviation from sound doctrine or godly conduct. Ordinarily, compensation and benefits would continue, and any duties to be performed during the leave would be specified by the council. All suspensions and administrative leaves are temporary.*

*Ground:* This statement offers administrative leave as an option for cases in which an allegation has been made but guilt or innocence has not yet been established. In addition, it explains the temporary nature of these actions.

*b. Officebearers who confess to or are determined to be guilty of sexual misconduct will be considered guilty of deviation from godly conduct and worthy of discipline.*

*Ground:* This statement acknowledges the serious nature of sexual misconduct by a church leader and the damaging impacts it brings to individuals and to church communities.

*A new section j (indicated by italics):*

*j. When a minister resigns under discipline or to avoid discipline, he or she should be released from office per Article 14-c, noting that the provisions of Supplement, Article 14-b also apply to Article 14-c, especially in these situations.*

—*Cf. Supplement, Article 14-c*

*Ground:* This addition provides a cross-reference to Supplement, Article 14 and will aid churches in dealing with situations of resignation.

**Proposed new Supplement, Article 83**

*(indicated by italics)*

*One of the key dynamics in considering abuse of office is the imbalance and misuse of power. The power inherent in the role of officebearer represents a sacred trust and must not be misused.*

*Ground:* Power is a foundational dynamic in ministry and in other professional relationships. Adding this statement to the Supplement will help ensure that the power dynamic is understood and is not ignored in considering these issues.

**Proposed changes to Supplement, Article 84**

*A new “Examples” paragraph to replace the paragraph under section 1, d (indicated by italics):*

*Examples of related ungodly conduct include, but are not limited to, participation in pornography, engaging in sexual contact in return for payment or any other favor, exhibitionistic or voyeuristic behavior, displays of sexually offensive material, suggestive gestures and remarks, and other sexually intimidating behavior.*

*Ground:* The committee believes that this paragraph should be more comprehensive and be updated to more current language.

*A definition of sexual misconduct to replace the Note under section 2 (indicated by italics):*

*The “Guidelines for Handling Abuse Allegations Against a Church Leader” adopted by Synod 2010 (cf. Agenda for Synod 2010, pp. 503-504) define sexual misconduct as*

- 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.*

*Ground:* The most recent definition of sexual misconduct approved by synod should be used.

*Insert the following additional Note (indicated by italics):*

*Note: These rules that prevent the reinstatement of deposed officebearers in particular situations also apply to those ministers who have been released by way of Article 14 and have been declared “dismissed” or “in the status of one deposed” due to those situations.*

*Ground:* If these former officebearers confessed to or are determined to be guilty of sexual misconduct, as per the parameters defined in the Supplement to Article 84, they should not be allowed to serve again in office.

## **Current Article 14 and its Supplements**

### *Article 14*

- a. A minister of the Word shall not leave the congregation with which the minister is connected for another church without the consent of the council.
- b. A minister of the Word who resigns from the ministry in the Christian Reformed Church to enter a ministry outside the denomination shall be released from office by the classis with an appropriate declaration reflecting the resigned minister's status and with the concurring advice of the synodical deputies.  
—Cf. Supplement, Article 14-b
- c. A minister of the Word, once lawfully called, may not forsake the office. A minister may, however, be released from office to enter upon a non-ministerial vocation for such weighty reasons as shall receive the approval of the classis with the concurring advice of the synodical deputies.  
—Cf. Supplement, Article 14-c
- d. A minister of the Word who has entered upon a vocation which classis judges to be non-ministerial shall be released from office within one year of that judgment. The concurring advice of the synodical deputies shall be obtained at the time of the judgment.
- e. A former minister of the Word who was released from office may be declared eligible for call upon approval of the classis by which such action was taken, with the concurring advice of the synodical deputies. The classis, in the presence of the deputies, shall conduct an interview that examines the circumstances surrounding the release and the renewed desire to serve in ministry. Upon acceptance of a call, the person shall be re-ordained.

### **Supplement, Article 14-b**

#### *Declaration regarding ministers who resign from the CRC*

- a. Synod directed the churches and classes dealing with ministers who depart from the Christian Reformed Church in North America (CRCNA) in order to seek ordination in the ministry of the Word in another church to take note of the statement made by Synod 1978 that "Synod has instructed all our churches and classes that in all cases of resignation a proper resolution of dismissal must be adopted with the concurring advice of synodical deputies" and to realize that this statement allows for a broad degree of flexibility in responding to such situations (cf. *Acts of Synod 1978*, p. 73).
- b. Synod directed the churches and classes to take into account the manner and spirit in which a minister has acted during the time leading up to and including departure from office when determining what action to take. (Some situations may require a deposition; others may require only a simple release from office.)
- c. Synod encouraged the churches and classes
  - 1) To recognize carefully the conditions and circumstances of a particular case that may come to their attention (e.g., whether it be a formal or a de facto resignation) and, having done so,

- 2) To make a declaration reflecting the resigned minister's status that is appropriate to the way and spirit in which the minister acted during the time leading up to and including the minister's resignation from office. Such a declaration could reflect one of the following:
  - a) The resigned minister is honorably released.
  - b) The resigned minister is released.
  - c) The resigned minister is dismissed.
  - d) The resigned minister is in the status of one deposed.

*Note:* In distinction from a minister who retires, any resigned minister no longer retains the honor and title of minister of the Word in, nor has an official connection with, the Christian Reformed Church in North America (cf. Church Order Article 18-b).

- d. Synod encouraged churches and classes to prayerfully consider the following principles in their deliberations:
  - 1) Schismatic activities are to be considered a serious violation of the sacred trust associated with ordination and a dishonoring of God which results in pain and brokenness in the body of Christ.
  - 2) All declarations by churches and classes should clearly evidence hope for the possibility of restoration and mutual reconciliation.

*(Acts of Synod 1993, pp. 581-82)*

#### **Supplement, Article 14-c**

The provisions of Supplement, Article 14-b also apply to Article 14-c, especially in those situations when ministers resign under discipline or to avoid discipline.

#### ***Proposed new Supplement, Article 14-e***

(indicated by italics)

*The provisions of Supplement, Article 84 related to reinstatement of ministers who have been deposed also apply to ministers who resign under discipline or to avoid discipline and later seek reordination by way of Article 14-e.*

*Ground:* Just as deposed officebearers are not allowed reinstatement to office in certain circumstances related to sexual misconduct, so also ministers who resign from office in certain cases of sexual misconduct should not be allowed to be reordained in those same circumstances. This procedure is included in the *Manual of Christian Reformed Church Government* as a recommended practice.

### **III. Recommendations**

A. That synod adopt the following proposed changes to the Church Order and Its Supplements (proposed additions are in *italics*):

#### ***Proposed changes to Supplement, Articles 82-84***

*New sections a and b, indicated by italics (the former sections a-g would remain unchanged and would be relettered as sections c-i):*

- a. *An administrative leave may be imposed without prejudice by the council in order to investigate allegations of deviation from sound doctrine or godly*

*conduct. Ordinarily, compensation and benefits would continue, and any duties to be performed during the leave would be specified by the council. All suspensions and administrative leaves are temporary.*

*Ground:* This statement offers administrative leave as an option for cases in which an allegation has been made but guilt or innocence has not yet been established. In addition, it explains the temporary nature of these actions.

*b. Officebearers who confess to or are determined to be guilty of sexual misconduct will be considered guilty of deviation from godly conduct and worthy of discipline.*

*Ground:* This statement acknowledges the serious nature of sexual misconduct by a church leader and the damaging impacts it brings to individuals and to church communities.

*A new section j (indicated by italics):*

*j. When a minister resigns under discipline or to avoid discipline, he or she should be released from office per Article 14-c, noting that the provisions of Supplement, Article 14-b also apply to Article 14-c, especially in these situations.*

*—Cf. Supplement, Article 14-c*

*Ground:* This addition provides a cross-reference to Supplement, Article 14 and will aid churches in dealing with situations of resignation.

### ***Proposed new Supplement, Article 83***

*(indicated by italics)*

*One of the key dynamics in considering abuse of office is the imbalance and misuse of power. The power inherent in the role of officebearer represents a sacred trust and must not be misused.*

*Ground:* Power is a foundational dynamic in ministry and in other professional relationships. Adding this statement to the Supplement will help ensure that the power dynamic is understood and is not ignored in considering these issues.

### ***Proposed changes to Supplement, Article 84***

*A new “Examples” paragraph to replace the paragraph under section 1, d (indicated by italics):*

*Examples of related ungodly conduct include, but are not limited to, participation in pornography, engaging in sexual contact in return for payment or any other favor, or voyeuristic behavior, displays of sexually offensive material, suggestive gestures and remarks, and other sexually intimidating behavior.*

*Ground:* The committee believes that this paragraph should be more comprehensive and be updated to more current language.

*A definition of sexual misconduct to replace the Note under section 2 (indicated by italics):*

The “*Guidelines for Handling Abuse Allegations Against a Church Leader*” adopted by Synod 2010 (cf. Agenda for Synod 2010, pp. 503-504) define sexual misconduct as

- *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.*

*Ground:* The most recent definition of sexual misconduct approved by synod should be used.

*Insert the following additional Note (indicated by italics):*

*Note: These rules that prevent the reinstatement of deposed officebearers in particular situations also apply to those ministers who have been released by way of Article 14 and have been declared “dismissed” or “in the status of one deposed” due to those situations.*

*Ground:* If these former officebearers confessed to or are determined to be guilty of sexual misconduct, as per the parameters defined in the Supplement to Article 84, they should not be allowed to serve again in office.

***Proposed new Supplement, Article 14-e***

(indicated by italics)

*The provisions of Supplement, Article 84 related to reinstatement of ministers who have been deposed also apply to ministers who resign under discipline or to avoid discipline and later seek reordination by way of Article 14-e.*

*Ground:* Just as deposed officebearers are not allowed reinstatement to office in certain circumstances related to sexual misconduct, so also ministers who resign from office in certain cases of sexual misconduct should not be allowed to be reordained in those same circumstances. This procedure is included in the *Manual of Christian Reformed Church Government* as a recommended practice.

B. That synod refer this report to the churches for study and for awareness of these important issues.

C. That synod instruct the executive director to communicate these changes to the churches and classes directly—separately from the summary report of decisions of Synod 2016 so as to emphasize the importance of these changes.