

## **Section 5: Protocol for Cases of Alleged Professional Misconduct**

### **5.1 Guiding Principles:**

- 1) There is a presumption of innocence. The fact that formal proceedings have been initiated does not infer guilt.
- 2) Pastoral care is available through the Executive Minister to the Complainant(s), person(s) primarily affected and Respondent, their families and the church or agency affected by this process.
- 3) All matters coming before the BMSE under this policy are dealt with confidentially. However, confidentiality may be limited as necessary for the administration of this policy, or as required by law, or when any person is at risk, or if confidentiality is waived by the parties. (See appendix)
- 4) The BMSE is committed to a fair investigative process.
- 5) Where misconduct involves criminal activity, the BMSE is subject to the terms of federal and provincial legislation regarding reporting requirements and in adhering to the terms of court action or other legal process.
- 6) The BMSE will make every effort to ensure that its process is carried out with integrity and respect.
- 7) The BMSE recognizes that its actions impact the CABC and the larger community.

### **5.2 Reporting Allegations of Professional Misconduct:**

#### **5.2.1 Matters to be resolved in the local church / agency:**

In situations of personal disagreement and/or inter-personal conflict involving a pastoral leader, it is the responsibility of each individual involved to seek resolution, reconciliation, restoration, harmony and unity in accord with the instructions of our Lord in Matthew 5: 23-25 and Matthew 18: 15-17.

#### **5.2.2 Matters to come to the BMSE**

Formal written allegations of professional misconduct involving a pastoral leader accredited by the CABC should be brought to the BMSE through the Executive Minister.

#### **5.2.3 Reporting to the BMSE**

Formal written allegations of professional misconduct may come before the BMSE via the following four (4) routes.

##### **1. Allegation by Complainant**

A formal written allegation of professional misconduct may be made to the Executive Minister who shall report the matter to the Chair of the BMSE.

- i) Formal written allegations may be forwarded to the office of the Executive Minister by:
  - a) the person primarily affected
  - b) a third party with pertinent knowledge of the alleged professional misconduct
- ii) Formal written allegations are to include:
  - a) an account of the alleged incident(s), date(s), time(s)
  - b) name of the Respondent, witness(es) if any, and the person(s) primarily affected,
  - c) together with any corroborating evidence of the allegation.
- iii) The allegation must be signed and dated.

- iv) If the Complainant is not the person(s) primarily affected, the BMSE shall, where applicable, interview the alleged person(s) primarily affected and invite the person(s) to submit a written statement of the events. This statement must be signed and dated.
- v) In the absence of a formal written allegation, a summary of an interview with a member of the BMSE, which will include the information outlined in (ii) above, signed and dated by the Complainant, is acceptable.

**Note:** In the event of a formal written allegation against the Executive Minister, the written allegation, signed and dated, shall be forwarded directly to the Chair of the BMSE.

**2. Report of an Allegation by Church/Agency Leaders**

When a formal allegation of professional misconduct against a pastoral leader accredited by the CABC comes to the attention of the leaders of their church or agency, it is the responsibility of those leaders to inform the Executive Minister who shall report the matter to the Chair of the BMSE.

The church/agency leaders shall be required to submit a written statement detailing:

- a) the alleged incident(s), date(s), time(s),
- b) name of the person(s) primarily affected, witness(es) if any,
- c) together with any corroborating evidence of the allegation.

The statement must be signed and dated.

**3. Self Report by a Pastoral Leader Accredited by the CABC**

When a pastoral leader accredited by the CABC is aware that a formal allegation of professional misconduct has been made against them to the leaders of the local church or agency, or the pastoral leader confesses to professional misconduct, it is the responsibility of that accredited person to inform the Executive Minister, who shall report the matter to the Chair of the BMSE. The pastoral leader shall be expected to submit in writing the formal allegation. { See 5.2.3 - 1. (ii and iii) for guidelines }

**4. Report by the Executive Minister to the Executive of the BMSE**

The Executive Minister, upon learning of alleged circumstances that could result in a finding of professional misconduct against an accredited pastoral leader shall provide a written report of the alleged circumstances to the Executive of the BMSE who will determine the need for an investigation.

**5.2.4 Response to Formal Written Allegations:**

The Executive Minister shall have the responsibility together with the Chair of the BMSE to respond to all formal written allegations of professional misconduct by a person accredited by the CABC and determine whether an investigation is merited. This determination may be made in consultation with the Executive of the BMSE or the whole Board.

**5.3 Consent to Release of Information:**

**5.3.1 By the Complainant:**

The Complainant or anyone reporting alleged professional misconduct to the Executive

Minister is asked to sign and date a Consent to Release of Information form. [See appendix for details of this form.] The process normally will not continue further until the Consent to Release of Information form is signed by the Complainant and returned to the Executive Minister (or chair of the BMSE in cases of allegations against the Executive Minister.)

**Exceptions:**

*Note 1:* In cases where there are reasonable grounds to conclude that abuse to others may occur if the investigation does not proceed.

*Note 2:* In cases of alleged child or elder abuse, the Executive Minister shall ensure that the alleged abuse is reported immediately to the appropriate provincial agency.

*Note 3:* If the adult Complainant was a minor at the time of the alleged abuse, no report will be made without the consent of the Complainant unless there is concern that other children may be at risk. In such cases, the Executive Minister shall report to the appropriate provincial agency.

**5.3.2 By the Respondent:**

The Respondent is asked to sign and date a Consent to Release of Information form and return it to the Executive Minister. [See appendix for details of this form.]

**5.3.3 By a Witness:**

Any witness submitting a written statement or correspondence must sign and date a Consent to Release of Information form before it is considered in the Investigative Process.

**5.4 Response of the Board of Ministerial Standards and Education:**

**5.4.1 To Allegations of Professional Misconduct:**

The BMSE will regard any formal written allegation of professional misconduct seriously.

While the BMSE respects and recognizes the autonomy of the local church, it has the responsibility and authority

- i) to undertake an investigative process when a formal written allegation is presented by the Executive Minister or Chair of the BMSE concerning alleged professional misconduct by a person accredited by the CABC and
- ii) to prescribe disciplinary and/or remedial measures if needed.

In summary, the BMSE will respond in the following way according to protocol in Section 5.5 and 5.6:

1. Appoint, or empower the Executive Minister and Chair of the BMSE to appoint, an Investigative Team to investigate reports of alleged professional misconduct presented to them by the Executive Minister or the Chair of the BMSE.
2. Receive the Investigative Report from the Team, arrive at one of the determinations listed in Section 5.5.2 Step 5 and take appropriate action.
3. Prepare a Written Decision.

4. Communicate the Written Decision to the Complainant by registered mail.
5. Communicate the Written Decision to the Respondent, delivered by a BMSE member if possible, or otherwise by registered mail.
6. Oversee any disciplinary, remedial and/or restorative process prescribed as defined in Section 5.6 and Section 8.

#### **5.4.2 To the Surrender of Credentials:**

When there is a voluntary surrender of credentials, the BMSE will determine if an investigation is required.

#### **5.5 Investigative Process:**

The following Protocol is to be used in establishing an investigative process.

##### **5.5.1 Role of the Executive Minister:**

###### **Step 1. Receipt of Written Allegation**

Upon receipt of a formal written allegation, the Executive Minister shall, where possible, within seven (7) days:

- i) share the nature of the allegation with the Chair of the BMSE;
- ii) assure the Complainant, in writing, that the issue will be addressed;
- iii) provide the Complainant with a copy of this policy and a Consent to Release of Information form;
- iv) offer the Complainant and/or person(s) primarily affected an appropriate pastor or lay leader to provide a pastoral presence, and to interpret the process being undertaken by the BMSE.

###### **Step 2. Notification to Respondent**

Upon receipt of the signed Consent to Release of Information form from the Complainant, the Executive Minister shall, where possible, within three (3) days:

- i) inform the Respondent of the general nature of the allegation;
- ii) inform the Respondent of the investigative process to be followed;
- iii) require the Respondent, where circumstances permit, to have no further contact with the Complainant and/or person(s) primarily affected pending the outcome of the investigation;
- iv) provide the Respondent, by registered mail with
  - a) a copy of this policy
  - b) a copy of the formal written allegation and any other materials being considered in the investigation
  - c) a Consent to Release of Information form
  - d) a directive in writing that the Respondent have no further contact with the Complainant and/or person(s) primarily affected, where circumstances permit, pending the outcome of the investigation.
  - e) a written caution against any inappropriate use of the allegation that would cause unnecessary harm to the Complainant and/or person(s) primarily affected.
- v) require the Respondent to provide a written response to the allegation, signed and dated, normally within fourteen (14) days of receipt of the registered letter, along with the Respondent's signed and dated Consent to Release of Information form.
- vi) offer the Respondent and family an appropriate pastor or lay leader to provide a pastoral presence and to interpret the process being undertaken by the BMSE.

*Note:* The Complainant and Respondent are expected to respond in a timely way throughout the process. Requests for extensions will be considered.

### **Step 3. Notification to the Church**

1. Upon receipt of the written response and the signed and dated Consent to Release of Information form from the Respondent, the Executive Minister shall, in consultation with the Executive of the BMSE,
  - i) determine whether the church or agency should be informed of the allegation at this point,
  - ii) notify the Senior Pastor when the allegation is against someone in a staff position,
2. The nature of the notification will be:
  - i) to inform of the general nature of the allegation and response;
  - ii) to inform of the investigative process to be followed and, as appropriate, to request that person's involvement in the investigation;
  - iii) to inform of the directive given to the Respondent (See: 5.5.1 Step 2. iv d&e) and to request notification to the Executive Minister of any areas of non-compliance;
  - iv) to arrange, when appropriate, for the Respondent to take an immediate leave of absence until the matter is resolved.
3. In the event of the Respondent's non-compliance with the investigative process, the Executive Minister shall inform the appropriate leaders of the church or agency.

### **Step 4. Formation of the Investigative Team**

1. The Executive Minister, in consultation with the Chair of the BMSE, shall appoint as soon as possible a team to investigate the allegation.
2. *The Team:*
  - i) shall not be fewer than three (3) individuals, one of whom shall be the Chair of the BMSE or designate from within the BMSE, and may conduct interviews with at least two (2) of the Team present;
  - ii) shall have male and female representation at each interview;
  - iii) shall be composed of members who have a clear arms-length relationship with the Complainant, person(s) primarily affected, Respondent and the church involved.
  - iv) normally the Chair of the BMSE or the Executive Minister will chair the Team
  - v) the Executive Minister, in consultation with the Chair of the BMSE, shall have the authority to add persons who have expertise in dealing with the particular circumstances upon which the allegation is based.
3. The Executive Minister shall inform the **Complainant** of the names of the Investigative Team. The Complainant may request that the Executive Minister consider replacing any member of the Investigative Team who may have a conflict of interest.
4. The Executive Minister shall inform the **Respondent** of the names of the Investigative Team. The Respondent may request that the Executive Minister consider replacing any member of the Investigative Team who may have a conflict of interest.
5. The Executive Minister shall ensure that each member of the Investigative Team is provided with a copy of this policy, the formal written allegation, the written response and other related documentation.

### **5.5.2 Role of the Investigative Team:**

The Investigative Team shall commence the investigation, where possible, within fourteen (14) days of their enlistment.

#### **Step 1. Meeting with the Complainant**

The Investigative Team shall arrange to meet first with the **Complainant** who may choose to be accompanied by a support person:

- i) to outline the process to be followed;
- ii) to hear the Complainant's account and ask clarifying questions ;
- iii) to review the Respondent's written response with the Complainant;
- iv) to assure the Complainant of confidentiality within the Team/BMSE process, as far as possible;
- v) to inform the Complainant that the Team will present a report with recommendations and all documents to the BMSE for their consideration and decision regarding any action to be taken;
- vi) to inform the Complainant that the decision of the BMSE will be communicated to them in writing, normally by the Executive Minister.

When possible, interviews will be recorded with written consent of the Complainant.

#### **Step 2. Meeting with the Respondent**

The Investigative Team shall arrange to meet promptly with the **Respondent** who may choose to be accompanied by a support person:

- i) to outline the process to be followed;
- ii) to hear the response to the allegation and ask clarifying questions;
- iii) to assure the Respondent of confidentiality within the Team/BMSE process as far as possible;
- iv) to inform the Respondent that the Team will present a report with recommendations and all documents to the BMSE for their consideration and decision regarding any action to be taken.
- v) to inform the Respondent that the decision of the BMSE will be communicated to them in writing, normally by the Executive Minister, and delivered by a BMSE member if possible, or otherwise by registered mail.

When possible, interviews will be recorded with written consent of the Respondant.

*Note:* Failure of the Respondent to file a written response and/or meet with the Investigative Team or undertake any other step required of the Respondent in the protocol will not preclude the investigation from proceeding.

#### **Step 3. Meeting with Witnesses**

The Investigative Team shall arrange to meet with any others deemed necessary.

When possible, interviews will be recorded with written consent of the witness(es).

#### **Step 4. Summary Reports of Interviews**

The Investigative Team shall provide the Complainant, Respondent and any other witnesses with a written summary of the interview for review and comment. If no comment is forthcoming within seven (7) days, the summary will be deemed to have

been accepted. The summary may then be disclosed;

### **Step 5. Conclusion**

The Investigative Team, upon evaluation of the evidence, is charged with making one of the following conclusions and forwarding its conclusions and any recommendations to the BMSE for its determination and appropriate action:

- A. An evaluation of the evidence indicates that no professional misconduct has occurred. Every reasonable effort should be made to exonerate the Respondent in the eyes of his/her peers, congregation and community, as deemed necessary. The Investigative Team may bring to the BMSE recommendations that it feels appropriate in bringing about resolution/ restoration.
- B. An evaluation of the evidence indicates the allegation of professional misconduct is substantiated. Disciplinary measures are recommended. (See Section 5.6.3 for disciplinary measures)

### **Step 6. Investigative Report**

1. The Investigative Team shall prepare an Investigative Report to the BMSE which will include:
  - i) the formal written allegation and consent form
  - ii) the Respondent's written response and consent form
  - iii) a detailed summary of the investigative process
  - iv) copies of interview summaries and consent form(s)
  - v) a list of all materials that were considered by the Investigative Team and included in the file
  - vi) the determination made by the Team as to the merit of the allegation
  - vii) recommendations
2. The Investigative Team shall ensure that a copy of the Investigative Report is given to the BMSE through the Executive Minister and the Chair of the BMSE.

## **5.6 Discipline:**

The disciplinary process undertaken by the BMSE will uphold morality and justice in a spirit of compassion and respect for all parties. The response of the BMSE will reflect its desire to minister to the Complainant, any person(s) primarily affected and the Respondent.

It is acknowledged that the seriousness of the offence must be matched by an appropriate disciplinary response, while remembering the depth of God's grace and the cost of God's forgiveness in Christ. The ideal outcome of a disciplinary process is genuine repentance, healing for all those involved, and restoration to ministry, where possible, for the Respondent.

### **5.6.1 Goals of Discipline:**

The overall goal of discipline is to uphold the integrity of the Christian witness, and to encourage reconciliation between all parties, where appropriate and possible.

#### **1. Concerning the Respondent:**

To reclaim the Respondent to restoration to God and family, to fellowship within the Christian community and, if possible, to effective pastoral leadership. To that end, this process will aim:

- a) To lead the Respondent to acknowledge the gravity of the offence
- b) To lead the Respondent to genuine repentance
- c) To return the Respondent to ethical/moral conduct
- d) To re-establish the confidence of the CABC in the Respondent.

## **2. Concerning the church or agency:**

To facilitate a process of restoration within the local congregation or agency in which the offence took place. To *that end*:

- a) To assist them to demonstrate Christian love, justice, and care to all parties involved;
- b) To assist the congregation or agency, with the help of the Regional Minister where needed, to address their concerns so as to bring healing to their brokenness.

### **5.6.2 Disciplinary Guidelines:**

1. In cases where an allegation is sustained, the nature and type of discipline is determined by the severity and frequency of the incident(s).
2. Following any disciplinary action, should another offence occur, the level of discipline will be increased.
3. In all matters relating to the disciplinary process, refusal to meet with the BMSE or its designated team, without cause, will be in itself sufficient reason for accreditation to be suspended or removed.
4. Disciplinary measures (see 5.6.3) are available to the BMSE and may be taken individually or in combination.

### **5.6.3 Disciplinary Measures:**

1. Admonition: a letter of advice and exhortation to the Respondent, a copy of which shall be kept on file.
2. Formal written apology from the Respondent to the Complainant: request the Respondent write a letter of apology, a copy of which shall be forwarded to the Executive Minister to be kept on file. A personal or public apology may also be considered.
3. Requirement to undergo specific remedial training: eg. anger management, sensitivity training, financial management, counselling.
4. Reprimand: official written statement expressing disapproval of a behaviour as unbecoming a person accredited by the CABC, a copy of which shall be kept on file.
5. Period of probation: the Respondent is placed under supervision for a specific period of time, with possible restrictions for ministry.
6. Therapy: The Respondent is required to have therapy with a competent counsellor or therapist and/or spiritual mentoring for a specified period of time.
7. Temporary leave of absence: In consultation with the leadership of the church, arrange for immediate restrictions from ministry or a temporary leave of absence.



8. Suspension of credentials: In order to implement a program of discipline and restoration, credentials may be suspended for a minimum of one (1) year and no more than two (2) years before any request for reinstatement will be considered by the BMSE. During the period of suspension, the BMSE will prescribe and supervise the implementation of a restorative process.

*Upon receiving*

- a) a written request for reinstatement and
- b) written affirmation by those directly overseeing the restorative process and
- c) a successful interview with the BMSE,

*the Board may:*

- a) reinstate,
- b) consider a continuing suspension for a maximum of two (2) years (the total suspension prescribed by the BMSE will not normally exceed four (4) years) or
- c) withdraw credentials permanently.

9. Withdrawal of credentials: In extreme cases of professional misconduct (eg., child sexual abuse), the BMSE may withdraw credentials permanently without a period of suspension.
10. Report to civil authority.

#### **5.6.4 Implications of Suspension/Withdrawal of Credentials:**

1. Any and all ministry associated with pastoral care in any form within the CABC must not take place until such time as the credentials are fully reinstated.
2. Because the Respondent is no longer accredited by the CABC during the said suspension, license to perform marriages, which requires denominational accreditation, will be revoked.
3. The suspension of the Respondent's accreditation by the CABC shall mean that their name will not be circulated to churches seeking pastoral leadership nor listed in the CABC Directory.
4. During the period of suspension or withdrawal of credentials, benefits may be sustained to the fullest extent possible, within the limitations of the Pension and Insurance Board of the CABC.

#### **5.6.5 Compliance to Disciplinary Process:**

If a Respondent refuses to follow the disciplinary process as prescribed by the BMSE, the BMSE may consider further disciplinary action, including but not limited to withdrawal of credentials.

#### **5.7 Reconsideration of the Written Decision on the Basis of Fresh Evidence**

##### **5.7.1 The BMSE may reconsider and as a result affirm, vary or rescind its determination made pursuant to section 5.4.1 ( 2) of this protocol in the following circumstances:**

1. If the Request for Reconsideration is received by the Executive Minister within 30 days of the BMSE issuing its determination; and

2. If the BMSE is provided with fresh evidence which;
  - (a) is material to the determination of the allegation; and
  - (b) was not submitted to the Investigative Team during the investigation; and
  - (c) would likely have caused the BMSE to resolve the allegation differently than it did if the evidence had been previously submitted by the Investigative Team to the BMSE; and
3. If the BMSE is satisfied as to the reason why the evidence submitted with the Request for Reconsideration, was not previously provided to the Investigative Team or to the BMSE.

**5.7.2** The BMSE shall not reconsider its determination if;

1. it is alleged that the BMSE misapprehended or disregarded evidence which was submitted to either the Investigative Team or the BMSE;
2. it is alleged that the BMSE reached the wrong decision based on the evidence before it;
3. it is alleged that the BMSE's determination was too harsh, too lenient or otherwise inappropriate.

**5.7.3 The following is the protocol for submitting and processing a Request for Reconsideration.**

*Step 1.*

Either the Complainant or Respondent may request that the BMSE reconsider its determination made pursuant to section 5.4.1 (2) of this protocol by submitting a written Request for Reconsideration to the Executive Minister. The Request for Reconsideration must set out the following:

- a) Particulars of the evidence that was not before either the Investigative Team during the investigation or the BMSE when it made its determination;
- b) The basis upon which the person requesting the reconsideration considers the evidence to be material to the subject of the allegation and the BMSE's determination thereof;
- c) An explanation as to why the evidence which forms the basis of the Request for Reconsideration was not placed before either the Investigative Team during the investigation or the BMSE when it made its determination;
- d) Copies of any written documents that were not submitted to the Investigative Team during the investigation or before the BMSE when it made its determination.

*Step 2.*

The Executive Minister shall forward the Request for Reconsideration to:

- a) the Chair of the BMSE;
- b) each member of the BMSE who considered the allegation; and
- c) the Chair of the Investigative Team that investigated the allegation.

*Step 3.*

If the Request for Reconsideration is made by the **Respondent**, the Executive Minister shall forward the Request for Reconsideration to the Complainant and ask the Complainant to provide to the Investigative Team their position regarding the Request for Reconsideration. This submission must be received in writing by the Executive Minister within twenty (20) days, who shall then forward the submission to the Chair of the Investigative Team.

*Step 4.*

If the Request for Reconsideration is made by the **Complainant**, the Executive Minister shall forward the Request for Reconsideration to the Respondent and ask the Respondent to provide to the Investigative Team their position regarding the Request for Reconsideration. This submission must be received in writing by the Executive Minister within twenty (20) days, who shall then forward the submission to the Chair of the Investigative Team.

*Step 5.*

Upon receipt of the response of the Respondent or Complainant as the case may be, or after the twenty (20) day time limit has passed for them to respond, the Executive of the Board shall determine if the following has been established:

- a) that the evidence which the party seeks to place before the BMSE is material to the determination of the allegation; and
- b) that the evidence which the party seeks to place before the BMSE was not submitted to the Investigative Team during the investigation; and
- c) that the evidence which the party seeks to place before the BMSE would likely have caused the BMSE to resolve the allegation differently than it did if it had been previously submitted by the Investigative Team to the BMSE; and
- d) that the party seeking to place the evidence before the BMSE has put forward a satisfactory reason why the evidence submitted with the Request for Reconsideration was not previously provided to the Investigative Team or to the BMSE.

*Step 6.*

If any further investigation is warranted, the Executive will name an Investigative Team to deal with the Request for Reconsideration.

1. In light of the Request for Reconsideration and any written submissions, the Investigative Team shall;
  - a) reconsider the Board's Written Decision made pursuant to section 5.5.3 Step 5 (2)
  - b) recommend to the Board whether the Request for Reconsideration should result in a variation in the Board's Written Decision and if so to what extent.
2. In its report, the Investigative Team will provide:
  - (i) the Request for Reconsideration,;
  - (ii) any response received;
  - (iii) any documents gathered or other evidence obtained through the investigation process; and
  - (iv) its recommendation on the Request for Reconsideration.

All of these documents shall be referred to as the "*Request Documents*".

*Step 7.*

If further investigation is not deemed necessary, the Executive will report its recommendation to the Board citing its reasons why the Request for Reconsideration should be denied.

*Step 8.*

The BMSE, upon receipt of the Request Documents or the recommendation of the Executive, shall determine whether to grant the Request for Reconsideration and shall determine whether to affirm, vary or rescind its determination made pursuant to section

5.4.1 (2) of this protocol.

## **Section 6: Confidentiality and Record Keeping**

### **6.1 Personnel Files:**

Personnel Files on persons who are or have been accredited by the CABC are the property of the CABC and are secured in a locked filing cabinet in the office of the Executive Minister. These files contain correspondence with the Executive Minister's office, information pertaining to credentials and general personnel information. After notification of the individual's death, that individual's file is normally destroyed within six (6) months.

### **6.2 Access to Personnel Files:**

1. Persons having access to an individual's file would be:
  - (a) The individual, in the presence of the Executive Minister or designate;
  - (b) The Executive Minister or designate;
  - (c) The Executive Secretary;
  - (d) The Ministry Secretary.
2. Access to an individual's file by any other person can only occur when there is a signed release of information by the individual and in the presence of the Executive Minister or designate, and a notation will be made in the file of the date, person and purpose of access to the file.
3. Copies of personnel files are not forwarded to other Conventions or Denominations except by written request of the individual.

### **6.3 Sealed Envelopes:**

1. Matters of a confidential nature relating to any allegation of professional misconduct, how the allegation was handled, and the outcome shall be retained in a sealed and dated envelope and placed in the Personnel File.

Information on the front of the envelope shall note the following:

- (a) The date that the envelope was sealed and placed in the file;
  - (b) The name of the person;
  - (c) The position/title of those persons having access to the contents of the envelope. (such as the individual, the Executive Minister, the Chair of the BMSE);
  - (d) Circumstances under which the envelope may be opened.
2. In the event the Personnel File contains information about an individual that has resulted in the loss of accreditation, the only information that may be given out is the statement that credentials have been lifted.

### **6.4 Access to Sealed Envelopes:**

1. Sealed envelopes in an individual's file can only be opened by:
  - (a) The individual in the presence of the Executive Minister or designate;
  - (b) The Executive Minister or designate;
  - (c) Chair of the BMSE when neither the Executive Minister nor designate is available.
2. Notation must be left on the envelope of the date, person, and purpose for access to the sealed envelope.

## **Section 7: Appeals:**

The following protocol is to be used for Appeals arising from decisions of the BMSE:

### **7.1 The Appeal Board**

1. The Appeal Board shall be constituted annually at the annual meeting of the Examining Council of the Convention of Atlantic Baptist Churches.
2. At its annual meeting the Examining Council shall elect seven (7) of its members plus three (3) alternates to form the Appeal Board to hear Appeals from decisions of the BMSE. A quorum for the Appeal Hearing shall be seven (7) members. Consideration shall be given to ensure that the composition of the Appeal Board reflects the diversity of the constituency. In the event that the Council does not reflect such diversity in any given year, it shall have the power to select members to form the Appeal Board from the Convention at large.
3. The Appellant or any Interested Person(s), within seven (7) days of receiving notification of the date of the Appeal, may challenge any member of the Appeal Board when there is a perceived conflict of interest. The Chair of the Appeal Board shall make the decision on this matter. If the Chair is challenged on a perceived conflict of interest, the remaining members of the Appeal Board shall decide the matter. Any member of the Appeal Board who has a perceived conflict of interest shall declare it or may be asked by the Chair to remove themselves from the Appeal process.
4. The Examining Council shall not elect any person to the Appeal Board who during the previous twelve (12) months sat on the BMSE or participated in any deliberations leading to any Written Decision of the BMSE.
5. Those elected to the Appeal Board shall serve for the next twelve (12) months and may be reappointed to the Appeal Board at the next annual meeting of the Examining Council. A person shall not serve on the Appeal Board for more than three (3) consecutive years.
6. The Appeal Board which receives a Notice of Appeal shall retain jurisdiction over that Appeal and shall see the process through to completion.
7. The Appeal Board shall be chaired by the Vice-President of the Convention of Atlantic Baptist Churches. If the Vice-President is unable to serve as Chair of the Appeal Board, or is unable to serve as Chair of a particular Appeal, the Appeal Board by a vote of simple majority shall select a Chair to serve for either the full year or for one or more Appeals as required.

### **7.2 Filing Notice of Appeal:**

1. Either the Complainant or the Respondent may appeal the decision of the BMSE by filing in writing a Notice of Appeal with the Executive Minister of the Convention within forty-five (45) days of receipt of the BMSE's Written Decision.
2. The Notice of Appeal must set out in summary form the grounds on which the Appeal is advanced and identify the relief sought. The person filing the Notice of Appeal shall herein be referred to as the Appellant.

*Note:* If the Appeal is made solely on the basis of fresh evidence, and does not fall within the jurisdiction of the BMSE (Section 5.7), the Appeal may be brought to the Appeal Board at any time.

### **7.3 Notification:**

#### **7.3.1 Notification to the Appeal Board**

1. Upon receipt of the Notice of Appeal, the Executive Minister shall normally within ten (10) days forward to the Chair and members of the Appeal Board:
  - a) The Notice of Appeal
  - b) The Investigative Report and
  - c) The Written Decision of the BMSE

#### **7.3.2 Notification when the Appellant is the Respondent**

##### *Step 1:*

1. The Executive Minister shall normally, within twenty (20) days of receiving the Notice of Appeal, forward to the Appellant:
  - a) a copy of the Investigative Report and
  - b) a copy of the Written Decision of the BMSE

##### *Step 2:*

1. The Executive Minister shall normally, within twenty (20) days of receiving the Notice of Appeal, forward to the Complainant a copy of the Notice of Appeal.
2. The Executive Minister shall also invite the Complainant to participate in the Appeal Process, and will advise that if they choose to be involved in the Appeal Process, they must respond in writing to the Executive Minister within twenty (20) days of receipt of the Notice of Appeal.
3. The Executive Minister shall advise the Complainant that they will be informed of the outcome of the Appeal even if the Complainant does not participate in the Appeal.

##### *Step 3:*

1. The Executive Minister shall normally, within twenty (20) days of receiving notice from the Complainant of their intent to be involved, send to the Complainant:
  - a) a copy of the Investigative Report; and
  - b) a copy of the Written Decision of the BMSE.

*NOTE:* When the Appellant is the Respondent and there is no identified Complainant, the Executive Minister need only forward the Investigative Report and the Written Decision of the BMSE to the Appellant.

#### **7.3.3 Notification when the Appellant is the Complainant**

##### *Step 1:*

1. The Executive Minister shall normally, within twenty (20) days of receiving the Notice of Appeal from the Appellant, forward to the Appellant:
  - a) a copy of the Investigative Report; and
  - b) a copy of the Written Decision of the BMSE.

##### *Step 2:*

1. The Executive Minister shall normally, within twenty (20) days of receiving the Notice of Appeal, forward to the Respondent:
  - a) a copy of the Notice of Appeal;
  - b) a copy of the Investigative Report; and
  - c) a copy of the Written Decision of the BMSE.

2. The Executive Minister shall also invite the Respondent to participate in the Appeal Process, and will advise that if they choose to be involved in the Appeal Process, they must respond in writing to the Executive Minister within twenty (20) days of receipt of the above documents.
3. The Executive Minister shall advise the Respondent that they will be informed of the outcome of the Appeal even if the Respondent does not participate in the Appeal.

## **7.4 Appeal Process**

**Definition:** Any person (other than the Appellant and the Appeal Board) who received the Investigative Report and intends to be involved in the Appeal Process shall hereafter be referred to as an Interested Person.

### **7.4.1 Date of the Appeal**

1. Upon receipt of the Notice of Appeal, the Investigative Report, the Written Decision of the BMSE and the names of those wishing to participate in the Appeal, the Chair of the Appeal Board shall:
  - a) set a date, time, and location for the Appeal;
  - b) communicate the date, time, location and membership of the Appeal Board to the Appellant and to any Interested Person(s).
2. The Appeal shall be heard by the Appeal Board no sooner than sixty (60) days and no later than one hundred and eighty (180) days after submission of the Notice of Appeal.

### **7.4.2 Written Brief by Appellant**

1. The Appellant must submit to the Executive Minister a Written Brief in support of the appeal no later than thirty (30) days before the date set for the Appeal.
2. The Written Brief in support of the Appeal must:
  - a) set out all of the Appellant's grounds of appeal; and
  - b) set forth all submissions in respect of the grounds of appeal; and
  - c) include all documents on which the Appellant intends to rely and any jurisprudence to which the Appellant intends to refer.
3. The Executive Minister shall forward the Appellant's Written Brief in support of the Appeal to:
  - a) the Chair of the Appeal Board;
  - b) all Appeal Board members; and
  - c) any Interested Person(s).

*NOTE:* The Chair of the Appeal Board has the right to dismiss the Appeal if the Appellant's Written Brief is not received within thirty (30) days prior to the assigned hearing date.

### **7.4.3 Written Submission by Interested Person(s)**

1. Any Interested Person may file written submissions with the Executive Minister (these written submissions shall hereafter be referred to as the Interested Person's Submission).

2. The Interested Person's Submission must be filed with the Executive Minister no later than fifteen (15) days before the date set for the Appeal.
3. The Interested Person's submission shall:
  - a) set out in detail the Interested Person's position with respect to the Appeal; and
  - b) include all documents on which the Interested Person intends to rely and any jurisprudence to which the Interested Person intends to refer.
4. The Executive Minister shall forward the written submission of the Interested Person(s) to:
  - a) the Chair of the Appeal Board;
  - b) all Appeal Board members;
  - c) the Appellant; and
  - d) any Interested Person.

*NOTE:* The Chair has the right to exclude from consideration submissions received from any Interested Person later than fifteen (15) days prior to the assigned hearing date, and to exclude such Persons from making oral submissions at the Appeal.

#### **7.4.4 Procedure for the Appeal**

1. The Chair of the Appeal Board shall determine the procedure for the Appeal and outline in writing the procedure to all participants at least seven (7) days prior to the Appeal.
2. The Appellant shall be permitted to speak at the Appeal, however the Chair has the right to limit the time permitted for the Appellant's oral submissions. The Chair and each member of the Appeal Board has the right to question the Appellant during the Appeal.
3. The Chair shall, except as limited herein, permit each Interested Person to make a submission at the Appeal, however the Chair shall set the time allocated for submissions from Interested Persons. The Chair and each member of the Appeal Board has the right to direct questions to the Interested Person(s).
4. Any party entitled to appear before the Appeal Board is entitled to be accompanied by a support person of their choosing who may assist at the Appeal. However, legal counsel shall not be present for either side at the Appeal hearing.

#### **7.4.5 Appeal Board's Decision**

1. The Appeal Board may request further written submissions from the Appellant and/or Interested Persons after the Appeal has been heard and prior to the issuance of the Appeal Board's decision.
2. The Appeal Board shall render a Written Decision to the Appellant and the Executive Minister within thirty (30) days of hearing the Appeal. The Executive Minister shall communicate the Written Decision of the Appeal Board to all Interested Persons.
3. The Appeal Board may decide the Appeal in one of the following ways:
  - (a) revoke the Written Decision of the BMSE;
  - (b) uphold the Written Decision of the BMSE; or
  - (c) allow the Appeal in part.



4. The Appeal Board may substitute, vary, and/or add to any option selected by the BMSE as outlined in Section 5.6.3 of this protocol.
5. The decision of the Appeal Board shall be final, binding and immediate within the CABC.

*Exception:*

In cases where the Respondent is exonerated by the Appeal Board, but is found guilty in a separate court of law, a second hearing may be convened by the Chair of the Appeal Board in consultation with the Executive Minister and the Executive of the BMSE.

## **Section 8: Protocol and Process toward Restoration**

### **8.1 Purpose of the Restoration Process:**

The purpose for the restoration process is to enable the fallen pastoral leader to be restored to God, to family, to the offended church, to individuals and, if possible, the restoration of ministerial credentials. Although professional misconduct on the part of a pastoral leader normally affects a whole circle of individuals in varying degrees of intensity, the primary focus of restoration will be the pastoral leader and his/her family. When possible, other individuals whose lives were affected by the misconduct may be helped in the process of restoration.

### **8.2 Goals of the Restoration Process:**

The goals of the restoration process are:

1. To seek the restoration of the pastoral leader under discipline to a wholesome relationship with Jesus Christ.
2. To seek the restoration of wholesome relationships within the families affected by the moral failure.
3. To seek the inclusion of the pastoral leader under discipline into a fellowship of believers which is capable of embracing the pastoral leader (and perhaps, his/her family) in wholesome restorative love and understanding.
4. To encourage a pastoral leader under discipline, when that person has demonstrated his or her repentance by deeds, to use his or her spiritual gifts in a way that is consistent with the degree of regained credibility.
5. To help the affected church heal from the consequences experienced because of the misconduct.

### **8.3 Initiating the Restorative Process**

If a pastoral leader undergoes an investigative process that results in the withdrawal of ministerial credentials (see section 5) the BMSE shall offer the ministry of restoration at the meeting where the decision to withdraw ministerial credentials is communicated to the pastoral leader. A resource package will be available at this meeting and include such things as: the Restorative Process protocol, information on health coverage, Employee Assistance Programs, employment insurance, career counseling resources in the pastor's area, and titles of a few books that could be helpful.

## **8.4 Response of the Pastoral Leader to the Offer of a Restoration Process**

### **8.4.1 Initiating the Process**

It is the responsibility of the pastoral leader to contact the Executive Minister's office if he/she wishes to initiate a restoration process.

### **8.4.2 Meeting with a Subcommittee and Determination of Readiness**

The pastoral leader will meet with a subcommittee appointed by the BMSE, which will discern the pastoral leader's readiness to proceed with the restoration process. The restoration process will only be initiated if there is a unanimous recommendation from this subcommittee and the recommendation is accepted by the full BMSE.

*A. Factors that would encourage beginning the restoration process include:*

1. A demonstrated submission to God.
2. A demonstrated submission to others.
3. A cooperative spirit.
4. A spirit of humility.
5. Respect for the authority of the BMSE.
6. Compliance with the BMSE's discipline and direction.
7. A heart that is eager to do what is right.
8. A concerted effort to make restitution.
9. A return to ethical, moral conduct.
10. Support from his/her spouse and family.

*B. Factors that would caution against beginning the restoration process would include:*

1. Being engaged in a romantic relationship with someone other than his/her spouse.
2. Unwillingness to be reconciled with his/her spouse, if applicable.
3. A state of denial, lack of repentance, or minimization of the gravity of the sin.
4. Resistance to discipline.
5. Refusal to accept the authority of the BMSE.
6. Criticism of, or scorn for, those in authority.
7. Refusal to submit to professional counseling, if prescribed.
8. Attempts to practice vocational ministry while credentials have been suspended or withdrawn.
9. Believing his/her problems are unique or could only be understood by other special people.
10. Having a grandiose sense of his/her self-importance or exaggerating his/her achievements, talents, or potential.
11. Taking advantage of others to achieve his/her own ends.

After an investigation, the subcommittee may recommend to the BMSE:

1. that it offer the restoration process to the pastoral leader
2. that it offer an opportunity for the pastoral leader to re-apply to the Executive Minister's office at a later date. The time frame for reapplication will be determined by the BMSE.

3. that no further applications for restoration from this pastoral leader be considered by the BMSE.

## **8.5 Steps in the Restoration Process**

A pastoral leader who has been received into the restorative process must complete the following steps:

### **8.5.1 Become Accountable to an Overseer**

A pastoral leader, having been received into the restorative process, must be accountable to an overseer appointed by the Executive Minister's office, in consultation with the Regional Minister and Chair of the BMSE. The overseer shall normally be the Regional Minister; however another mature minister/lay person may be appointed. The Regional Minister normally shall not be responsible for overseeing more than one restoration case at one time on a long-term basis.

*The role of the overseer is to:*

1. Supervise and instruct the Restoration Support Team (RST).
2. Request a written progress report from the RST on its involvement monthly for the first quarter and then quarterly for the duration of the restoration process.
3. Maintain regular contact (at least once every three months) with the pastoral leader by phone, in person, and/or by encouraging notes. In the first three months contact should be more frequent.
4. Enlist further support systems such as a professional counselor and/or a spiritual mentor in consultation with the Executive Minister's office and the Chair of the BMSE.

### **8.5.2 Become a Part of a Local Church**

The pastoral leader seeking restoration shall become part of a local church. The purpose of this is to provide a place of worship, fellowship, love, protection and healing for the pastoral leader, and spouse and family, where applicable.

The Regional Minister, even if he/she is not the overseer, will oversee the following procedure and will keep the Chair of the BMSE and the Executive Minister's office informed of the process and progress:

1. The Regional Minister, in consultation with the pastoral leader seeking restoration, will secure a suitable local church fellowship.
2. The local church leadership (i.e. pastors and deacons) must grant permission for the pastoral leader seeking restoration, spouse and family to be part of the fellowship.
3. Where deemed necessary and appropriate, the local church leadership, in consultation with the pastoral leader seeking restoration, may prepare a statement to be read to the congregation disclosing necessary information. This is intended to help overcome gossip and to assist the pastoral leader seeking restoration to be restoratively embraced by the local congregation.
4. The leadership of the local church will appoint a prayer team to engage actively in praying for the daily needs and concerns in the restoration process.

5. The pastoral leader in the restorative process shall not be involved in any part of ministry leadership with the local fellowship for the period of one year.
6. After one year, incremental involvement in ministry leadership with the local church may take place under the direction of the pastor and the leadership team, when appropriate.
7. After a period of six months the pastor of the local fellowship will be asked to send a restoration progress report to the Regional Minister who will share details with the Chair of the BMSE and the Executive Minister's office.
8. A restoration progress report shall be submitted annually by the pastor of the supporting church to the Regional Minister who will share details with the Chair of the BMSE and the Executive Minister's office.
9. Within a period of two years the pastor seeking restoration shall become part of a CABG church, if the initial participating church is not affiliated with the CABG.

### **8.5.3 Become Accountable to a Restoration Support Team**

A pastoral leader having been received into the restoration process must be accountable to a Restoration Support Team (RST) appointed by the Executive Minister's office in consultation with the Regional Minister and the chair of the Board of Ministerial Standards and Education.

*The role of the Restoration Support Team (RST) is to:*

1. Commit to a period of two years. If more time is needed, a new RST may be constituted.
2. Meet with the pastor seeking restoration at least weekly for the first three months, at least bi-weekly to the end of the first year, and at least monthly for the second year. Members of the RST may need to be available for support and encouragement on a casual basis.
3. Follow the processes outlined in the *Restoration Manual* produced by Winning Edge Ministries. Note: Where the manual refers to men, it should be understood to mean "men/women".
4. Submit a written report to the overseer monthly for the first quarter and then quarterly for the duration of the restoration process.
5. Be free to discuss any problems with the overseer.
6. Inform the overseer in the event that there is a breakdown in the process so the overseer can take appropriate action, which may include discontinuing the process.
7. Recommend a course of action to the overseer at the end of the two years.

## **8.6 Restoration of Ministerial Credentials**

### **8.6.1 Requesting Restoration of Ministerial Credentials**

An application from the pastoral leader seeking restoration of ministerial credentials will be considered only when, in the judgment of both the RST and the overseer, the restoration process has achieved its goals and is complete.

*The procedure will be as follows:*

1. The pastoral leader will be responsible to initiate the process by contacting his/her overseer.
2. It would be the responsibility of the overseer, on behalf of the pastoral leader, to request an interview with the BMSE for the purpose of discussing the restoration of credentials.
3. Attached to the request for an interview will be:
  - a. A written request by the pastoral leader for restoration of his/her ministerial credentials, and
  - b. A written report and recommendation from the RST, and
  - c. A written report and recommendation from the overseer, and
  - d. A written report and recommendation from the local church leadership.
4. A written report should also be sought by the BMSE from the pastoral leader's spouse and children, where applicable.

### **8.6.2 Interview with the Board**

The BMSE shall grant an interview to the pastoral leader seeking restoration when the Chair and the Executive Minister's office have agreed that the following are in place:

1. The restorative process has been completed, including some supervised ministry in a church setting; and
2. Satisfactory recommendations have been received from the RST, the overseer, and the local church leadership; and
3. Evidence that concerted, genuine attempts seeking forgiveness and appropriate restitution have been made toward all offended parties including the pastoral leader's spouse and children (if applicable) and churches; and
4. There is sufficient evidence of a return to ethical/moral conduct.

At the interview with the BMSE the overseer and at least one representative from the RST shall accompany the pastoral leader. They will be given opportunity to speak regarding the application. Following a minimum 80% positive vote by the BMSE, the Regional Ministers would be permitted to circulate the resume of the pastoral leader to churches.

### **8.6.3 Probationary Period**

A two-year probationary period will begin with the commencement of a call to a CABC-recognized ministry. There will be continued monitoring by the overseer. (During this probationary period, the name of the ordained minister seeking restoration will be placed on the list of *Ordained Ministers Awaiting Accreditation*.)

At the end of the probationary period a written evaluation by the overseer and the local church shall be submitted to the BMSE making a recommendation with regard to the pastoral leader's request for the full restoration of ministerial credentials.

### **8.6.4 Restoration**

Following a satisfactory probationary period and a minimum 80% favourable vote by the BMSE, full ministerial credentials will be restored.

If ministerial credentials have been restored and those credentials are withdrawn again, no consideration will be given to restoring credentials again. However, the BMSE may offer the restoration process.

### **8.7 Extreme Cases**

In extreme cases of professional misconduct the BMSE will not consider a restoration of ministerial credentials. Extreme cases of professional misconduct will be determined by the BMSE, taking into account the age and vulnerability of any victim(s), impact on the victim(s), frequency of activity, and probability of re-offending.

### **8.8 Ancient Cases**

Pastoral leaders who lost ministerial credentials prior to the establishment of a restoration process by the BMSE may request to become involved in a restoration process. In extreme cases of professional misconduct the BMSE will not consider a restoration of ministerial credentials.

*The process would be as follows:*

1. A written request from the former pastoral leader will be made to the Executive Minister's office and the Chair of the BMSE.
2. The Executive Minister's office and Chair of the BMSE will, as time and resources permit, appoint a subcommittee of the BMSE to investigate the request.
3. If, in the view of the subcommittee, the request meets the criteria outlined in section 8.4, the former pastoral leader will be required to meet with the BMSE to be interviewed personally by the current members of the Board.
4. If the result of the meeting with the BMSE is favorable, a restoration process that is appropriate for the former pastoral leader and consistent with this restoration document will be initiated.
5. A period of probation will be an essential part of the restoration process even if the former pastoral leader has had a number of years of vocational ministry since ministerial credentials were removed.
6. When the restoration process is completed, the former pastoral leader will return to the BMSE for an interview preceding a final determination regarding the restoration of his/her ministerial credentials. There must be a minimum 80% positive vote by the Board to restore ministerial credentials.