MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE
(May also be used for other ministerial misconduct complaints)

CONTENTS
Theological Statement
Ministerial Sexual Misconduct Policy
Complaint Procedure
Section 1. Introduction
Section 2. Definitions
Section 3. Complaint by an Individual
Section 4. Jurisdiction
Section 5. Investigation
Section 6. Judgment and Sanctions
Section 7. Appeal
Section 8. Credential Status of a Sanctioned Minister

Addendum: FLOW CHART
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November 2016
Theological Statement
As followers of Jesus Christ, we are called to participate in Christ’s ministry of good news, healing and hope, peace and justice. We are called to bear witness to Christ’s healing love in the face of violence, including sexual abuse.

All Christians are called to ministry to extend the work of Christ, yet Mennonite Church Canada and Mennonite Church USA recognize that God calls particular persons in the church to specific credentialed leadership ministries, such as, but not limited to, that of pastors, chaplains, missionaries, teachers and area conference ministers. (See A Shared Understanding of Ministerial Leadership, pages 41-42.) These leaders are accountable to God and to the community of faith as they serve the Church. The character and reputation of these leaders is to be above reproach.

Sin is also part of our world, and when we sin, we turn away from our Creator causing unrighteousness and injustice, which results in pain and brokenness. The Bible describes leaders as shepherds entrusted with the care of the flock, who are to serve and be an example (1 Peter 5:2-4). When leaders care for themselves in unhealthy ways at the expense of God’s people, God will hold these leaders accountable for their behavior. The Lord will rescue the flock and shepherd the flock with justice so that the injured and weak are strengthened (Ezekiel 34:7-16). We believe the Lord requires the Church to be a part of this justice.

Ministerial Sexual Misconduct Policy
It is ministerial sexual misconduct for a minister to engage in sexualized behavior with a person with whom the minister has a professional relationship. The minister is always responsible to prevent and to stop such behavior. (See A Shared Understanding of Ministerial Leadership, pages 68ff for a greater detailed list of what sexual misconduct includes.) The area conference through its designated Ministerial Leadership Committee is responsible for disciplining ministers who engage in such misconduct. Using this policy to address complaints of ministerial sexual misconduct applies to credentialed and non-credentialed ministers, whether the person remains in the church assignment or not, is dead or alive, refuses to cooperate with the area conference or relinquishes his/her credential.

When a minister engages in misconduct, they sin against the person(s) abused, their own family, the congregation, and the office of ministry. If such misconduct occurs, the church acts first to protect the abused and prevent further harm. This is the first priority in a longer process of the church seeking justice and healing for the person(s) who were abused. Disciplinary action also seeks the safety, healing and trust of the family of the offender, the congregation and the office of ministry. The process of discipline calls the offender to responsibility, repentance and healing. The Ministerial Sexual Misconduct Policy and Procedure statement will help guide the Church through this difficult journey.
Complaint Procedure

Section 1. Introduction

This procedure is a means for the area conference that has oversight of a minister who has been accused to make factual determinations about complaints of ministerial sexual misconduct and to discipline when warranted. The focus of this document is disciplinary.

The area conference may address several complaints against a minister in one proceeding, or may conduct a separate proceeding for each complaint. The area conference may also use this procedure as a guide to address complaints of misconduct other than sexual misconduct (See A Shared Understanding of Ministerial Leadership, page 68ff).

Long-ago Ministerial Misconduct. There is no statute of limitations, and therefore a charge of ministerial sexual misconduct may be brought for acts that allegedly occurred many years before. Reliability of memory and availability of witnesses and evidence should be taken into account when deciding whether to charge. In some such cases, the area conference through its Ministerial Leadership Committee may decide in consultation with the National Office that an adapted process of this procedure is appropriate to address the alleged misconduct.

Previously Disciplined Ministerial Misconduct. A minister who was previously charged with misconduct shall not be charged again for that situation, provided that the area conference that had jurisdiction for the charge confirms at the time of the new complaint that the minister has followed through with any requirements that arose from that previous charge. However, the investigation and the judgment in an earlier disciplinary proceeding will be considered when relevant to a current charge by the area conference. Relevancy may include prior misconduct of the type described in a current complaint. Following a disciplinary process, if complaints from additional complainants come forward, the area conference will engage in another investigation.

When the area conference minister is accused. When there is a complaint against the area conference minister, the National Office will facilitate this process and not the area conference.
Section 2. **Definitions** of terms used in this *Policy and Procedure*:

Clarity facilitates fact-finding and discipline. All words defined in this section are italicized throughout the document.

**Appeal Panel**: Three persons appointed by the *area conference* governing body to hear *a minister’s* appeal following a *judgment* determining that a *minister* engaged in *misconduct*. No member of the *appeal panel* shall be an *investigator*, a member of the *Ministerial Leadership Committee*, a member of the same congregation as the *minister*, nor have any relationship that materially affects impartiality.

**Appellant**: The *minister* or the *complainant* who registers an appeal to the *area conference*.

**Area Conference**: A regional body of Mennonite congregations, covenanted together for purposes of mission, fellowship and credentialing. This term describes conferences of Mennonite Church USA and area churches of Mennonite Church Canada.

**Area Conference Leadership**: The executive *minister* or executive director of an *area conference* who does not carry *area conference minister* responsibilities. In area conferences that have an *area conference minister* who also has executive *minister* responsibilities, the *area conference* moderator or chairperson serves in the *area conference leadership* role for the purpose of this *Policy and Procedure*.

**Area Conference Minister**: An oversight *minister* at the *area conference* level, who serves as pastor to regional *ministers*, and/or pastors, including the oversight of *credentials*.

**Charge**: Verb: Action by the *area conference* to formally accuse a *minister* of *misconduct*, based on a written *complaint*. Noun: A formal accusation of *misconduct*, brought by the *area conference*, based on a written *complaint*.

**Complainant**: One who alleges that a *minister* engaged in *misconduct*.

**Complaint**: A written allegation of *misconduct*, signed by a *complainant*, including the name of the accused and, as much as possible, the date, time, location, circumstances, names of any witnesses and other relevant information.

**Contact Person**: A *contact person* is appointed by the *area conference minister* for the *complainant* to assist the individual in reviewing the *Ministerial Sexual Misconduct Policy and Procedure*, assist the person in putting the *complaint* into writing, assure that the written *complaint* is received by the *area conference*, and remain the *contact person* for the *complainant* if a *charge* is brought. The *minister* will also be offered a *contact person*. 
Credential: Verb: To ordain or license a minister by the area conference and/or to accept responsibility for the continued authorization of an ordained or licensed minister to act as a minister. Noun: The recognition of ministerial authority that is granted to a minister by a credentialing area conference.

Evidence: Witness testimony, documents, objects or other information that make a claim or defense more likely or less likely to be true.

Investigation: Upon receipt of a written complaint, investigators conduct an investigation to gather more information about the complaint in order to issue a report to the Ministerial Leadership Committee.

Investigators: ‘Qualified and independent’ persons appointed by the area conference to participate in a panel investigating a complaint. (See Section 5)

Judgment: Determination by the Ministerial Leadership Committee of whether a minister engaged in misconduct or did not engage in misconduct, based on the investigation.

Jurisdiction: The appropriate area conference to have disciplinary authority over the minister for whom a complaint has been filed. (See Section 4)

Minister: One who has been ordained or licensed to act as a minister in the area conference, one who serves as a non-credentialed pastor in a congregation or one who is an employee of an organization that the area conference acknowledges is area conference-related or requires credentialing.

Ministerial Leadership Committee: The area conference committee that grants credentials and administers the discipline process according to this Ministerial Sexual Misconduct Policy and Procedure.

Ministerial Misconduct File: The area conference’s personnel file regarding a minister’s misconduct or alleged misconduct, maintained by the area conference. The national ministerial leadership office will receive a duplicate file from the area conference.

Ministerial Sexual Misconduct: Sexualized behavior by a minister, involving one or more individuals with whom the minister has a professional relationship.

Misconduct: An act or omission by a minister that is contrary to the policies or principles of the area conference based on A Shared Understanding of Ministerial Leadership.

Non-disciplinary Leave of Absence: A leave with pay, granted to a minister for non-disciplinary reasons, by a congregation or other employer at its discretion.
**Personal Supporter:** A person selected by the complainant or a person selected by the accused minister to provide pastoral care and practical support. (See Section 3D)

**Policy and Procedure:** This Ministerial Sexual Misconduct Policy and Procedure.

**Preponderance of Evidence:** The greater weight of the evidence required for the Ministerial Leadership Committee to decide in favor of one side or the other.

**Probable Grounds:** Facts and circumstances that reasonably justify a determination that an alleged event has, more likely than not, occurred.

**Probation of Credentials:** The credential status given when the minister has been placed under close supervision for a specified period of time in order to determine whether the credential will be continued. At the conclusion of the probationary period, it is determined whether the credential becomes active, suspended or terminated.

**Professional Relationship:** The relationship between a minister and one who relates or has related to the minister as congregant, student, counselee, employee or in a comparable role, or a relationship where the religious role gives the minister privilege and power. A professional relationship does not include:

- A married minister’s relationship with the minister’s spouse; or
- An unmarried minister’s dating relationship with an unmarried person with whom the minister has had a professional relationship, if the minister has clearly communicated to the person that the minister will not provide for any one-to-one professional ministry care and there is acknowledgement and accountability with the area conference minister.

**Sanction:** Verb: To discipline a minister. Noun: A reprimand, the probation, suspension or termination of credentials.

**Sexualized Behavior:** Behavior by the minister in a professional relationship that shows sexual interest or a choice to make the sexual dimension overt in a relationship whether orally, electronically, on paper or any other form of communication. (See A Shared Understanding of Ministerial Leadership, page 68 ff.)

**A Shared Understanding of Ministerial Leadership:** The polity manual for Mennonite Church Canada and Mennonite Church USA that provides a common understanding of how we do things in the church, specifically in the area of church leadership.

**Suspension of Credentials:** The status given when the ministry credential is laid aside for a specific period of time for disciplinary reasons. Suspended credentials are not valid for performing ministerial functions.
Termination of Credentials: The status given when the area conference has removed the credential because of a disciplinary action. The individual will no longer have any credential.

Section 3. Complaint by an Individual

A. Report of Misconduct. A person who believes that a minister has engaged in misconduct or ministerial sexual misconduct should contact the area conference office (usually the area conference minister) with a report of misconduct. If the complaint is against an area conference minister then the report is filed directly with the National Office.

B. The area conference minister will:
   1. Report to governmental authorities any child abuse or other violation that requires reporting according to the laws of that state or province.
   2. Give the complainant this Policy and Procedure. The area conference minister should also, depending on the circumstance, encourage the complainant to seek medical and/or legal assistance. If there is a concern that the complainant is in physical danger or that a crime has been committed the area conference minister will immediately contact the police. This Policy and Procedure is not the complainant’s only source of redress.
   3. Assign a contact person to assist the person reporting misconduct in preparing a written complaint, and to walk with the individual through the process. Refer to Paragraph F. below regarding the content of the complaint. The contact person will not have supervisory responsibilities for the complainant or the accused minister nor have any other shared responsibilities related to the accused minister or the complainant.
   4. Contact the National Office for assistance in being accountable to this Policy and Procedure.
   5. Contact legal counsel to assure that the area conference is following regional laws.

C. The contact person will meet with the complainant to:
   2. Help the person put their complaint into writing.
   3. Serve as the connector between complainant and the process.
   4. Deliver the written complaint directly to the National Office when it is against an area conference minister. The National Office will oversee this Policy and Procedure.
   5. Encourage the selection of a personal supporter.

D. The complainant may select a personal supporter. Personal supporters shall not have supervisory responsibilities for the complainant or minister nor have any other responsibilities related to the complainant or minister.
E. The personal supporter will:
   1. Provide pastoral care, practical support and assure the complainant has structures around them to help them be safe.
   2. When requested, accompany complainant as an observer to meetings required by this Policy and Procedure.
   3. Will not advocate to the area conference, the Ministerial Leadership Committee, the area conference minister, the investigators or the appeal panel.
   4. Make timely objection on behalf of the complainant to the investigators or the chair of the Ministerial Leadership Committee if the personal supporter believes the Policy and Procedure is not being fairly administered.

F. The complaint should include:
   1. The name of the minister.
   2. The name of the complainant.
   3. The nature of the alleged misconduct.
   4. Sufficient information about date, time, place and circumstance to specifically inform each incident of complaint. (Describe multiple incidents of alleged misconduct in separately numbered paragraphs.)

Section 4. Jurisdiction

Following receipt of the written complaint, jurisdiction is determined to be lodged in one of the area conferences. Jurisdiction to address a minister’s alleged misconduct exists in:

- The area conference receiving the written complaint, for its credentialed and non-credentialed ministers, whether the person remains in the church assignment or not, is dead or alive, refuses to cooperate with the area conference or has relinquished his/her credential.

- The area conference receiving the written complaint if the minister is serving as an agent of an organization which requires credentialing from the area conference.

- Any other area conference that credentials the minister (this applies to dual conference congregations).

- The area conference of the congregation in which the minister is or was previously serving even if there is no current credential.

The area conference minister of this area conference shall inform any other area conference that currently holds the credential of the accused that a complaint of misconduct by the accused is being investigated. The area conferences will confer regarding which area conference shall exercise jurisdiction. Generally, but not
always, *area conferences* will exercise *jurisdiction* in the order of priority shown above. If there is disagreement or lack of clarity about which *area conference* should take priority in exercising *jurisdiction*, the *area conferences* will confer with the National Office, and that office may recommend which *area conference* shall exercise *jurisdiction*.

The disciplinary *jurisdiction* of this *area conference* is not limited because another professional accrediting entity is investigating or has investigated an allegation of *misconduct* by an accused *minister*.

This *area conference* may not revoke accreditations that currently are extended by another entity, but is obligated to inform the accused minister’s employer that a *complaint* has been received and will be investigated. However, this *area conference* has full and exclusive responsibility for the *credential*. If this *area conference* finds that a *minister* has engaged in *misconduct* that would warrant *sanctions*, this *area conference* may prohibit the *minister* from acting as a *minister* in this *area conference* or impose conditions that limit how the *minister* may serve in this *area conference* and impose restrictions on transferring a *credential* to another *area conference*.

After this *area conference* determines it has *jurisdiction*, *jurisdiction* shall continue until the *area conference* determines otherwise. *Jurisdiction* may continue after a *minister* has relinquished or lost *credential*. The *area conference* is required and may be legally responsible to follow through in this process even if the congregation in which the accused *minister* serves does not want to participate in the process. If the accused *minister* refuses to cooperate with the *area conference* according to this *Policy and Procedure*, then his/her *credential* will be terminated immediately. Such refusal will be noted in the *ministerial misconduct file* that the *area conference* maintains concerning the *minister*, which is shared with the National Office and recorded in MennoData, the national database for credentialed persons.

The *area conference* will cooperate fully when law enforcement is involved. The *area conference* will immediately suspend the accused *minister’s credential*. On completion of that legal process the *area conference* will proceed with this *Policy and Procedure*.

Section 5. *Investigation*

A. Upon receiving a *complaint* that alleges *misconduct* by a *minister* and after *jurisdiction* in this *area conference* is determined, the *area conference minister* as facilitator of this procedure will:

1. Contact the National Office that a *complaint* has been received, to provide accountability beyond the *area conference* and to determine if there are any possible related records. In the case where the *complaint* is against the *area conference minister*, the complaint is sent by the contact person directly to the
National Office. The National Office will facilitate this Policy and Procedure and not the area conference.

2. Consult with the National Office to determine whether the area conference minister has a conflict of interest with the complainant or the accused minister. When a conflict of interest exists, the area conference leadership will appoint an alternative facilitator of this Policy and Procedure.

3. Take steps to prevent any interaction between accused minister and the complainant.

4. Ensure confidentiality. The identity of the complainant is to be protected and is not to be named publicly and in any form of communication either directly or indirectly by the accused minister or anyone involved in the investigation.

5. Determine if immediate suspension of credential is needed and make an appropriate announcement. If the law is involved, the area conference will immediately suspend credentials and cooperate with the authorities.

6. Notify accused minister that a written complaint alleging ministerial misconduct has been filed and an investigation will be conducted. The minister may be informed of the identity of the complainant, unless there is a concern for safety of the complainant, and the minister shall be directed not to communicate with the complainant about the complaint either directly or indirectly.

7. Give the minister this Policy and Procedure.

8. Offer a contact person to assist the minister through the process.

9. Notify the leaders of the congregation in which the minister is serving (or other employer of the minister) and any other ministers for the congregation that a complaint has been received and give them this Policy and Procedure. Following consultation with the area conference minister and legal counsel, the leadership of the congregation’s governing board will make a congregational announcement such as: "(The named minister) has been granted a leave of absence from all responsibilities as minister while a complaint is being investigated. The fact that a complaint is being investigated does not mean that misconduct has occurred, but area conference policy takes complaints of sexual abuse seriously and requires an investigation."

10. Recommend that the congregational leaders provide a paid leave of absence to the minister.

11. Appoint three independent investigators (at least one of whom is male and at least one of whom is female) who are known to be fair, objective, honest, of mature Christian character and not from the accused minister’s congregation. They should also be familiar with abuse, mental health, substance abuse, domestic violence and trauma issues. It is strongly recommended that at least one member of the investigation team has no connection to the area conference. A professional investigator who has specialized in sexual abuse should be considered to work with the investigation team.
12. Following the announcement of the appointment of the investigators to the complainant and the minister, objections about partiality or other unfairness must be submitted in writing within two days to the area conference minister. The resulting decision of the area conference minister concerning the objection shall be binding for all purposes concerning the investigation, determination and appeal of the complaint and any resulting charge. Partiality shall not be assumed because a person is a member or a leader in the area conference.

13. Notify the complainant and the accused minister through the contact persons that an investigation will begin.

14. Locate personnel files including any ministerial misconduct file that the area conference, former area conference and National Office maintain concerning the accused minister. These files must be shared with the investigators.

15. Notify insurance carrier of area conference and follow required procedures while keeping the integrity to the process outlined in this Policy and Procedure.

B. Investigators will conduct an investigation, including:

1. Review the written complaint.

2. Interview the complainant (who may have personal supporter present), to review any evidence, and request that the complainant give a signed written statement if they believe additional information may be needed to substantiate any of the allegations in the complaint.

3. Interview the accused minister. Inform the minister of the nature of the complaint.

4. Advise the minister that the investigators are willing to receive information and any statements by the minister. Inform the accused minister that any statement may be used in disciplinary proceedings. The investigators may, in their discretion, decline to show the signed written complaint if there is concern for safety, or if law enforcement or other civil authorities request that this not occur. If there are no such compelling reasons to not share the written complaint, the minister should receive a copy along with direction that within five days of the minister’s receipt of the complaint, the minister shall deliver to the investigators a statement, responding to each numbered allegation in the complaint stating:
   • That the minister agrees with the allegation, or
   • That the minister disputes the allegation and sets forth all the reasons the minister disagrees, as well as the minister’s full account of each disputed incident that is alleged.

5. Review any relevant evidence offered by the accused minister or the complainant.

6. Interview other persons who may have relevant information. These persons will be informed of the need for confidentiality.

7. Keep accurate records of interviews, including the date, parties present and name of the recorder.
8. If necessary, ask the Ministerial Leadership Committee to extend the time to conclude the investigators’ written report.

9. Prepare a written report to the Ministerial Leadership Committee. The report shall be based, as much as feasible, on statements of witnesses with direct knowledge, rather than on secondhand sources or circumstantial evidence. The report shall include:
   a. Evidence that the investigators believe supports the allegation that the minister, more likely than not, engaged in misconduct or ministerial sexual misconduct and the evidence that shows that the minister more than likely did not engage in misconduct or ministerial sexual misconduct.
   b. Any reasons why the investigators believe they cannot present such evidence.
   c. A recommendation to the Ministerial Leadership Committee:
      • To drop the complaint
      • To charge the minister
   d. Signatures and dates of all the members of the investigation team.

C. Upon receipt of the report with recommendation from the investigators, the Chair of the Ministerial Leadership Committee will convene the committee and either:

1. Decline to Charge.

When the Ministerial Leadership Committee receives the report and accepts the recommendation from the investigators to drop the complaint because there does not seem to be probable grounds to support any allegation of misconduct or ministerial sexual misconduct, the Chair of the Ministerial Leadership Committee will:

a. Inform the minister and the contact person in writing.
   b. Inform the complainant and the contact person in writing.
   c. Deliver the complete file to the area conference minister, who will maintain it as a ministerial misconduct file.
   d. Send complete ministerial misconduct file to the National Office.
      Update the credential status in the minister’s file on MennoData. In the status note section include the judgement, the date, the name of the area conference and the location of the ministerial misconduct file.
   e. Make appropriate reports to those involved and announce as widely as the earlier announcement about the original complaint.
2. Bring a Charge.

If the Ministerial Leadership Committee believes that investigators have presented evidence that the minister, more likely than not, engaged in misconduct or ministerial sexual misconduct, the Chair will ensure the following steps take place:

a. Change the credential status of the minister to either suspended, probation or terminated.

b. File a charge with the area conference executive, including:
   1. The name of the minister.
   2. The name of the complainant.
   3. The official complaint of ministerial sexual misconduct.
   4. Sufficient information about date, time, place and circumstance to specifically provide information about each incident of complaint. (Describe multiple incidents of alleged misconduct in separately numbered paragraphs.)

c. Deliver the charge to the minister and the contact person. If personal delivery of the charge is not practical, then it should be sent by certified mail to the last known address with return receipt requested. Electronic mail is not appropriate. The charge will include direction that within five days of the minister's receipt of the charge, the minister will deliver to the Chair of the Ministerial Leadership Committee a signed statement, responding to each numbered allegation in the complaint, stating:
   1. That the minister agrees with the allegation, or
   2. That the minister disputes the allegation and sets forth all the reasons the minister disagrees, as well as the minister's full account of each disputed incident that is alleged in the charge.

d. Inform the complainant and the contact person in writing that a charge has been filed by the area conference and a hearing may take place.

e. Upon receiving the minister's signed statement responding to the allegations, the Chair of the Ministerial Leadership Committee will convene the committee. If the minister agrees with the allegations, the committee will determine judgement and sanctions as outlined in Section 6.

f. If the minister disputes the allegations, the Ministerial Leadership Committee will give notice to the minister that a hearing will be scheduled to begin within seven days.

g. Direct that the accused minister shall not communicate with the complainant directly or indirectly for any reason.

h. If there is no Ministerial Leadership Committee member with professional competency in sexual abuse the committee will contract with a professional who does have competency in sexual abuse and who has no history with the accused minister or the complainant for the duration of this proceeding.
D. Hearing
   1. The chair of the Ministerial Leadership Committee will notify the minister and the investigation team of the date, time and location for the hearing.
   2. The complainant will be notified of the hearing. The complainant does not need to be present at the hearing nor does the complainant need to testify.
   3. The Ministerial Leadership Committee will hear the testimony of the investigation team (and their witnesses) and the minister (and the minister’s witnesses).
   4. The Ministerial Leadership Committee deliberates to make a decision concerning judgement.
   5. A written record of the hearing will be kept in the minister’s ministerial misconduct file and will include the investigator’s report, the testimonies and any additional information that came to light.

Section 6. Judgment and Sanctions

The Ministerial Leadership Committee will:

A. Determine a judgment stating whether the minister did or did not engage in misconduct or ministerial sexual misconduct.
   1. If it is determined that the minister more likely than not did not engage in misconduct or ministerial sexual misconduct, the committee, in its sole discretion, and depending on the circumstances, may:
      a. Identify concerns regarding fitness for ministry and required steps.
      b. Notify minister of judgement and any requirements if needed.
      c. Affirm, support and recommend how congregational leaders may affirm and support the minister and the minister’s continued ministry.
   2. If it is determined that the minister more likely than not did engage in misconduct or ministerial sexual misconduct the Ministerial Leadership Committee will inform the minister in writing through certified mail of the judgement and resulting sanctions imposed by the committee. A sanction that results in a credential status of terminated is a permanent sanction. When the credential status related to the judgement is suspended or probation, the letter will identify if this credential status will continue for a stated period of time or until further notice and include the details of each sanction. The letter will also include steps for determining, with external verification, that the minister is in compliance with all sanctions imposed by the committee. The sanctioned minister’s word will not determine compliance.
B. Report to:
   1. The *complainant* about the *judgment*.
   2. The *area conference leadership* regarding the *judgment* and *sanctions*, including a complete file to be maintained in a *ministerial misconduct file*.
   3. The congregation of the charged *minister* regarding the *judgement* and *sanctions*.
   4. *Ministers* within the *area conference* where the charge took place, of the *judgment* and *sanctions*.
   5. The employer who was notified of a complaint, of the *judgement* and *sanctions* regarding the charged *minister*.
   6. Other *area conference ministers* regarding the *judgment* and *sanctions*.
   7. The National Office, and submit the complete file.

C. Following reporting of the *judgment* and *sanctions*, the *Ministerial Leadership Committee* will update the *credential* status in the *minister’s file* on MennoData. The status note section should include the *judgment*, the date, the name of the *area conference* and the location of the *ministerial misconduct file*.

   Reminder: A credential with the status of *probation*, *suspended*, *terminated* or *withdrawn* is not transferrable to any other *area conference*.

D. Monitor Compliance with Sanctions.
   1. The *Ministerial Leadership Committee* will set the times and guidelines for determining compliance with the *sanctions*. External verification such as direct reports from a counselor, accountability group and/or another compliance entity will be used to determine the *minister’s compliance*.
   2. The *Ministerial Leadership Committee* may require the *minister* to appear before the committee at any time and may require additional *sanctions* if it finds that the *minister* is not in full compliance.
   3. If the *minister* remains noncompliant, the *credential* will be *terminated*, recorded in MennoData and the committee will report the termination to all those who were earlier informed of the *judgment*.

E. Provide Follow-up Care
   The *Ministerial Leadership Committee* will assure follow-up care for the *complainant*, the complainant’s family, the *minister*, the *minister’s family* and for the congregation.
Section 7. Appeal

An accused minister or the complainant may appeal the judgment and direct the appeal to the area conference leadership. Upon request of an appealing minister, the area conference leadership shall decide whether to delay the imposition of any sanction, pending outcome of the appeal.

A. Notice of appeal. The appellant shall give written notice of any appeal to the area conference leadership within five days after the judgment by the Ministerial Leadership Committee. The notice of appeal shall be signed by the appellant and state all grounds for appeal of the judgement.

B. Grounds for appeal. The appellant, in writing, shall state facts and reasons that demonstrate why there are not probable grounds to support the judgment.

C. Appointment of Appeal Panel. Upon receipt of an appeal, the area conference leadership shall appoint an appeal panel consisting of three persons, including a chair. No member of the panel shall be an investigator, a member of the Ministerial Leadership Committee, a member of the same congregation as the appellant, nor have any relationship that materially affects impartiality. The appeal panel members should also be familiar with abuse, mental health, substance abuse, domestic violence and trauma issues. One appeal panel member should have training in sexual abuse.

D. The appeal panel shall:
   1. Inform the minister, the complainant, and the Ministerial Leadership Committee that there will be an appeal hearing on the judgment; including the date of hearing.
   2. The appellant and the Ministerial Leadership Committee will be given the date, time and place for the appeal hearing.
   3. Convene the appeal hearing with the appellant and Ministerial Leadership Committee and:
      a. Read or otherwise identify the notice of appeal.
      b. Allow the appellant to explain why the appellant believes there are not probable grounds to support the judgment.
      c. Have one or more members of the Ministerial Leadership Committee review the judgment and the evidence supporting the judgment.
      d. Deliberate in private and determine judgment by consensus (but in the absence of consensus, by majority vote).
      e. Affirm the judgment, if the appellant was unable to demonstrate that there were not probable grounds to support the judgment. Generally, the appeal panel shall defer to findings made in the investigator’s report and the judgment of the Ministerial Leadership Committee and shall focus on whether the findings support the judgment.
      f. Change the judgment, if the appellant was able to demonstrate that there were not probable grounds to support the Ministerial Leadership Committee judgment.
g. Give written notice of the appeal panel’s judgment to the minister, the complainant, and the area conference leadership. Give appropriate notice to all others informed of the earlier judgment.

h. Give notice to the Ministerial Leadership Committee of the appeal panel’s judgment. The Ministerial Leadership Committee will then follow through with sanctions as outlined in Section 6.

i. Give minutes of the appeal hearing to the area conference leadership. The minutes will be added to the minister’s ministerial misconduct file. A copy of the minutes will also be sent to the National Office.

Section 8. Credential Status of a Sanctioned Minister

A. When the minister receives a judgment of ministerial sexual misconduct and the sanction is termination of the minister’s credential, this is a permanent action and the credential cannot be re-instated.

B. When the credential has been suspended due to a judgment of misconduct for a specified period of time, the Ministerial Leadership Committee will determine whether the credential will move to probation or terminated.

1. The Ministerial Leadership Committee will determine the status of the credential through external verification such as reports from an accountability group, counselor and other pertinent information. They shall determine whether contents of the reports are adequate to change the credential.

2. The Ministerial Leadership Committee will notify the minister that the credential status has been changed from suspended to either probation or terminated. If they determine that probation status is a possibility, sanctions and accountability will continue for a specified period of time. The Ministerial Leadership Committee will continue to use external verification to assess whether the minister has, as a result of the sanctions, altered beliefs, attitudes and behavior before a final determination of credential status is made.

C. Termination of credentials will occur if the Ministerial Leadership Committee determines that the minister is not fit for ministry or if the minister refuses to comply with the sanctions. Noncompliance will be determined through external verification. Noncompliance will also be determined by the minister’s vocal refusal or by behavioral refusal including moving away from the area conference without notification to the area conference.
Disclaimer: Any error or omissions to the implementation of the process outlined above does not invalidate the process. Corrective action will be taken where possible. In addition, if any aspect of this procedure is found to violate the law in the legal jurisdiction in which the investigation is being implemented, that illegal action will not invalidate the rest of the protocol or the determination/outcome of the investigation. This Policy and Procedure should not be considered the sole source of redress for anyone who believes they are the victim of sexual harassment or abuse. The focus of this Policy and Procedure is credentialing and licensing discipline for ministers only. This Policy and Procedure replaces and supersedes the earlier document copyrighted in 2000.

The following addendums include

Policy and Procedure Flow Chart includes the timeframe for process as well as page references to the Ministerial Sexual Misconduct Policy and Procedure

Announcement Forms for use with this Policy and Procedure. Area Conferences can download these forms from the National Office website to print off on their own letterhead and fill in the information.
Ministerial Sexual Misconduct
Policy and Procedure Flowchart

The complainant contacts his/her area church/conference. (Section 3.A, pg.7)

Area conference minister will ... (Section 3.B, pg.7)

- report any child abuse/other violation according to law (3.B.1)
- give the complainant copy of Policy and Procedure (3.B.2)
- assign a contact person to complainant (3.B.3)
- contact National Office (3.B.4)
- contact legal counsel (3.B.5)

Contact person will meet with complainant to (Section 3.C, pg.7)

- review the Ministerial Sexual Misconduct Policy and Procedure (3.C.1)
- help person put complaint into writing (3.C.2)
- serve as connector between complainant and process (3.C.3)
- deliver written complaint to area Conference Minister (3.C.4)
- encourage selection of a Personal Supporter (3.D) Role (3.E)

Area conference minister determines jurisdiction within 7 days of receiving written complaint. (Section 4, pg.8-9)

Within 7 days of receiving the written complaint, the area conference minister will (Section 5.A, pg.9-11)

- contact National Office (5.A.1)
- determine if area conference minister has a conflict of interest with complainant (5.A.2)
- take steps to prevent any interaction between accused and complainant (5.A.3)
- ensure confidentiality of the identity of complainant (5.A.4)
- determine if immediate suspension of the minister’s credential is needed (5.A.5)
- notify accused, assign contact person and give Policy and Procedure (5.A.6-8)
- notify congregational leaders (5.A.9)
- consider non-disciplinary leave (5.A.10)
- appoint three investigators (5.A.11)
- announce appointment of investigators to complainant and minister (5.A.12)
- notify complainant and accused via contact persons that investigation will begin (5.A.13)
- locate all personnel files including any ministerial misconduct files (5.A.14)
- notify insurance carrier of area conference (5.A.15)

21 days after Area Conference receives written complaint investigators will (Section 5.B, pg.11-12)

- review written complaint (5.B.1)
- interview complainant (5.B.2)
- interview minister (5.B.3)
- advise minister and give 5 days for minister’s response (5.B.4)
- review relevant evidence (5.B.5)
- interview other persons (5.B.6)
- keep accurate records of interviews (5.B.7)
- if necessary ask for extension to conclude (5.B.8)
- prepare written report (5.B.9)
### Decline to charge (5.C.1, pg.12):
- inform minister (5.C.1.a)
- inform complainant and contact person (5.C.1.b)
- deliver file to the area conference minister (5.C.1.c)
- send file to National Office (5.C.1.d)
- report to those involved (5.C.1.e)
- work with congregation (6.A.1.c)

### Bring a charge (5.C.2, pg. 13):
- change credential status (5.C.2.a)
- file charge with area conference leadership (5.C.2.b)
- deliver charge to minister and contact person with request to respond within 5 days (5.C.2.c)
- inform complainant (5.C.2.d)

### Upon receipt of minister's response, Ministerial Leadership Committee will either (Section 5.C.2.e-h, pg. 13)

#### If accused agrees with allegation (Section 6.A.2, pg. 14-15)
- determine judgment and send letter naming judgement (6.A.2)
- report appropriate people (6.B.1-7)
- update credential status (6.C)
- monitor the sanctions (6.D)
- provide Follow-up care (6.E)

#### If accused disputes allegation will set up a hearing within 7 days of receipt of Minister's written dispute (Section 5.C.2.f-h pg. 13)

### Ministerial Leadership Committee conducts a hearing (5.D, pg. 14)
- notify the minister, investigative team of the hearing (5.D.1)
- notify the complainant (5.D.2)
- hear testimony of investigative team, minister and all witnesses (5.D.3)
- deliberate to make a decision concerning judgement (5.D.4)
- file written record of hearing (5.D.5)

### Following hearing, Ministerial Leadership Committee will (6, pg. 14-15)
- determine a judgment (6.A)
- if judgment is the minister, more likely than not, did not engage (6.A.1)
- if judgment is the minister, more likely than not, did engage then (6.A.2)
- report to all appropriate people (6.B.1-7)
- update credential status (6.C)
- monitor sanctions (6.D)
- provide follow-up care (6.E)

### Appeal (Section 7, pg. 16-17)
- Minister or complainant may appeal in writing within 5 days of judgement (Section 7 A-B, pg.16)
- No later than 14 days after appeal is registered, area conference leadership appoints panel (Section 7.C, pg.16)
- The Appeal Panel shall (Section 7.D, pg. 16-17)

### Credential Status of a Sanctioned Minister (Section 8, pg. 17)
MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE

FORMS
for Ministerial Sexual Misconduct Policy and Procedure

F1 Area Conference Resolution Adopting Ministerial Sexual Misconduct Policy and Procedure 2016

F2 Announcement of Ministerial Sexual Misconduct Policy

F3 Complaint Form Concerning Ministerial Misconduct

F4 Notice to Minister that Complaint was Received

F5 Notice to Congregational Leaders that Complaint was Received

F6 Announcement of Appointment of Investigation Team

F7 Announcement of Investigation

F8 Investigators’ Report to Ministerial Leadership Committee Regarding Complaint

F9 Notice that Conference Declines to Charge

F10 Charge of Misconduct (to complainant and Minister)

F11 Minister’s Response to Charge

F12 Notice of Hearing

F13 Notice to Accused Minister of Ministerial Leadership Committee’s Judgment

F14 Notice to the Complainant of Ministerial Leadership Committee’s Judgment and time of appeal

F15 Minister’s Appeal of Judgment of Guilt

F16 Complainant’s Appeal of Judgement

F17 Notice of Appointment of Appeal Panel

F18 Notice the Appeal Hearing

F19 Notice of Appeal Panel’s Judgement

F20 Investigation Team’s Written Report
AREA CONFERENCE RESOLUTION ADOPTING Ministerial Sexual Misconduct POLICY AND PROCEDURE 2016

Whereas,

- We thank God for the faithful service of ministers who serve in the __________________________ Area Conference;
- We regret, however, that some ministers engage in misconduct; and
- We desire to adopt a policy and procedure regarding ministerial sexual misconduct;

Therefore, it is resolved that

1. This area conference adopts the Ministerial Sexual Misconduct Policy and Procedure 2016 presented at this meeting, and it is the policy of the area conference that

   A minister shall not enter into sexualized behavior with a person with whom the minister has a professional relationship. A minister is always responsible to prevent and stop such behavior. The area conference sanctions ministers who engage in such misconduct.

   Besides sexual misconduct, this Policy and Procedure can also be used for other ethical issues as outlined in A Shared Understanding of Church Leadership (section 4).

2. The area conference shall periodically publish announcements of this policy and of the complaint procedure.

3. Copies of the current Ministerial Sexual Misconduct Policy and Procedure and of an Announcement of Ministerial Sexual Misconduct Policy shall be given to all who now or in the future are serving in a formal ministry position of congregational leadership whether they are credentialed or not in this area conference.
ANNOUNCEMENT OF MINISTERIAL SEXUAL MISCONDUCT POLICY AND PROCEDURE

We thank God for the faithful service of ministers who serve in ________________________ Area Conference. We regret, however, that some ministers engage in misconduct. The area conference has adopted this 2016 policy regarding ministerial sexual misconduct:

Policy

A minister shall not enter into sexualized behavior with a person with whom the minister has a professional relationship. A minister is always responsible to prevent and to stop such behavior. The area conference sanctions ministers who engage in such misconduct.

Besides sexual misconduct, this Policy and Procedure can also be used for other ethical issues as outlined in A Shared Understanding of Church Leadership (section 4).

Complaint Procedure

A person who believes that a minister has engaged in ministerial sexual misconduct shall inform

- The area conference minister.
- The National Office when the complaint is against the area conference minister.

The area conference minister (or National Office) will provide a copy of the Ministerial Sexual Misconduct Policy and Procedure and a complaint form.

Ministerial Leadership Committee of ________________________ Area Conference
COMPLAINT FORM CONCERNING MINISTERIAL MISCONDUCT

A person who believes that a minister has engaged in ministerial sexual misconduct or other unethical behavior may inform an area conference minister or the National Office when the complaint is against the area conference minister.

If you report misconduct, the area conference will offer a contact person, acceptable to you, to assist you in preparing this complaint and, if you so desire, in selecting an individual to provide personal support to you.

This form is to be used to submit a complaint. Attach additional sheets, as needed.

1. Your name (complainant):
2. Your address:
3. Your phone numbers:
4. Name of the accused minister:
5. Describe each incident of misconduct (please include information about date, time, place and circumstances on attached additional pages as needed)
6. Where possible identify any witnesses or persons who may be able to corroborate any of the incidents.
7. Identify any written material or other physical evidence of misconduct.
8. Provide any additional information that you believe is relevant.

Signature of complainant:

Date: ________________________ ____________________________

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F3
NOTICE TO MINISTER THAT COMPLAINT WAS RECEIVED

Minister: _______________________________________________________
Address: _______________________________________________________

By this notice we inform you that a complaint alleging ministerial _______________________
(Sexual/or other)

misconduct by you has been filed with the ________________________ area conference by
___________________, the complainant. This complaint will be addressed according to the
area conference’s Ministerial Sexual Misconduct Policy and Procedure, a copy of which is
enclosed.

Do not communicate with the complainant through any form of communication, either
directly or indirectly.

The area conference will appoint an investigation team to investigate the complaint and
recommend whether a charge of misconduct should be brought by the area conference.

We recognize that this will be a difficult time for you. We urge you to call _________________,
a contact person (Phone :_________________________) who will assist you through this
process and help you select a personal supporter during this time. We have informed the contact
person that we have received a complaint of ministerial misconduct, but we have not otherwise
informed the contact person about the complaint.

Sincerely,

____________________________________________
Area Conference Minister

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F4
NOTICE TO CONGREGATIONAL LEADERS THAT COMPLAINT WAS RECEIVED

TO: ____________________________, Chair of the Governing Board of

___________________________________ (name of congregation)

___________________________, Minister(s) [other than the accused]

By this letter I inform you that the area conference has received a complaint alleging ministerial misconduct by ______________________________ (Sexual/other)

(If there is a concern for safety, the complainant will not be named.)

I enclose the Ministerial Sexual Misconduct Policy and Procedure for you to read through carefully about the investigation and making an announcement to your congregation. Following this document, the area conference has appointed an investigation team of ___________________________ _________________________.

I will contact you in the near future to discuss whether you have relevant information about the complaint. If I do not reach you within the next two days, please call me.

Sincerely,

____________________________________________
Area Conference Minister

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F5
ANNOUNCEMENT OF APPOINTMENT OF INVESTIGATORS TO COMPLAINANT AND ACCUSED MINISTER

area conference has named the following individuals to investigate the complaint of ministerial misconduct: (Sexual/other)

If you have any objection about partiality or other unfairness regarding these names you must submit your concerns in writing within two days of receiving this announcement to the area conference minister.

______________________________
Area Conference Minister

Date _________________________
ANNOUNCEMENT THAT THE INVESTIGATION WILL BEGIN

The investigators have been appointed and this is to notify you that the investigation will begin. We will contact you to arrange for an interview. You may choose to have your personal supporter present.

Chair of the Investigators

Date
INVESTIGATORS’ REPORT TO MINISTERIAL LEADERSHIP COMMITTEE REGARDING COMPLAINT

We have been appointed to investigate allegations of ministerial misconduct by ______________________________.

misconduct by ______________________________.

After investigation, we believe that the area conference

_____ Cannot present evidence that the accused minister, more likely than not, engaged in ministerial sexual misconduct.

_____ Can present evidence that the accused minister, more likely than not, engaged in ministerial sexual misconduct.

We recommend

_____ That the area conference decline to bring a charge.

_____ That the area conference bring a charge.

We have summarized and attached the allegations of misconduct (each identified by a separate number). For each allegation we have identified the probable grounds of misconduct that we believe the area conference can present, or we have stated why we believe the area conference cannot present probable grounds.

Signed by the Investigators:

____________________________________

____________________________________

Dated: ____________________

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F8
NOTICE THAT AREA CONFERENCE DECLINES TO CHARGE

A complaint alleging ministerial __________________________
(Sexual/other)

misconduct was filed against ____________________ by ________________________. The area conference appointed an investigative team to investigate the allegations.

Based on that investigation, the Ministerial Leadership Committee has not found that the area conference can present probable grounds to support the allegations of misconduct. Accordingly, the area conference declines to bring a charge.

Dated: ____________________

____________________________________
Chair of Ministerial Leadership Committee
NOTICE THAT AREA CONFERENCE BRINGS CHARGE OF MISCONDUCT

________________________ Area Conference brings this charge of ministerial misconduct.

(Sexual/other)

1. The accused minister is _________________________________.

2. The complainant is (If there is a concern for safety, the complainant will not be named) ________________________________.

3. The nature of the alleged misconduct is ________________________________.

4. In the attached addendum, each allegation is identified by numbered paragraph and described with date, time, place and circumstances.

5. Within five days of receipt of this charge, the accused minister is directed to complete, sign and deliver to the Chair of the Ministerial Leadership Committee the enclosed “Minister’s Response to Charge” form, responding to each numbered allegation, stating (a) that the minister agrees with the allegation, or (b) that the minister disputes the allegation and setting forth (1) all the reasons the minister disagrees, (2) the minister’s full account of each disputed incident, (3) the names of any persons whom the minister believes have relevant information and should attend a hearing regarding the charge and (4) why the testimony of each such person is needed.

Dated________________________

Chair of Ministerial Leadership Committee
MINISTER'S RESPONSE TO CHARGE

I have reviewed the charge of misconduct dated ________________, which has been filed with ______________________ area conference, against me.

_________ I agree with all matters as set forth in the charge.

_________ I dispute the following allegations and have set forth the full account of each alleged incident that I dispute. (Specifically refer to each numbered allegation that you dispute. Attach additional sheets as needed.)

Names and contact information for individuals who have relevant information and why the testimony of each is needed:

Dated ____________________________ Minister ____________________________

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F11
NOTICE TO THE INVESTIGATION TEAM, THE ACCUSED
AND THE COMPLAINANT OF A HEARING

The Ministerial Leadership Committee of the ____________________________ Area
Conference will hold a hearing of the charge brought against ________________, the
accused minister, on __________ at _______ at _________________________________.
(date) (time) (location)

This hearing will be within seven days of the formal charge, which was issued on
______________.

The investigation team and ______________________________ (accused minister) are to be
present for this hearing.

Date___________________

Chair of Ministerial Leadership Committee
NOTICE TO ACCUSED MINISTER OF JUDGEMENT FOLLOWING THE HEARING

The Ministerial Leadership Committee finds you ____________________________
(accused minister)

__________________________ Acquitted of the charge made

__________________________ Guilty of the charge made

As a result of the finding of guilt, we impose the following sanctions:

If you choose to appeal the judgment, you must file your written appeal with ____________________________, the area conference leadership, within five days of your receipt of this notice.

Signed by the Ministerial Leadership Committee                  Date ___________________

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F13
NOTICE TO THE COMPLAINANT OF THE JUDGMENT

The Ministerial Leadership Committee finds __________________________
(accused minister)

_________________________ Acquitted of the charge made

_________________________ Guilty of the charge made

As a result of the finding of guilt, we impose the following sanctions:

If you choose to appeal the judgment you must file your written appeal with

_________________________, the area conference leadership, within five days of your
receipt of this notice.

Signed by the Ministerial Leadership Committee                Date ___________________

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016
F14
MINISTER'S APPEAL OF JUDGMENT OF GUILT

I appeal the Ministerial Leadership Committee's judgment of guilt concerning the charge of misconduct that was filed against me. I set forth below all the facts and reasons for each allegation that I believe demonstrate why there are not probable grounds to support the judgment.

Signed_____________________________________________Date____________________

(This document must be submitted to the Ministerial Leadership Committee within 5 days of receiving the notice of judgment following the hearing.)

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F15
COMPLAINANT’S APPEAL OF JUDGMENT OF ACQUITTAL

I appeal the Ministerial Leadership Committee's judgment of acquittal concerning the charge of misconduct that was filed against ______________. I set forth below all the facts and reasons for each allegation that I believe demonstrate why there are/were probable grounds to support a judgment of guilt.

Signed_____________________________________________Date____________________

(This document must be submitted to the Area Conference Leadership within 5 days of receiving the Notice to the Complainant of the Judgement)
ANNOUNCEMENT OF APPOINTMENT OF APPEAL PANEL TO COMPLAINANT AND ACCUSED MINISTER

_________________________________________ area conference leadership, has named the following individuals to conduct an appeal hearing:

____________________________________
____________________________________
____________________________________

If you have any objection about partiality or other unfairness regarding these names you must submit your concerns in writing within two days of receiving this announcement to the area conference leadership.

______________________________________________
Area Conference Leadership

________________________
Date

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F17
NOTICE THAT THE APPEAL HEARING WILL BEGIN

The Appeal Panel will convene a hearing on ______________________ at
_________________________. Those present at this hearing will be you and the Ministerial
Leadership Committee.

Chair of the Appeal Panel

Date

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F18
NOTICE OF APPEAL PANEL’S JUDGMENT

The appeal panel has made a judgment to:

_____ Affirm the judgment of the Ministerial Leadership Committee.

Judgment of the MLC:
_____________________________________________________________________________

_____ Change the judgment

Judgment of the appeal panel:
_____________________________________________________________________________

Signatures of the Appeal Panel:

____________________________________  

____________________________________  

____________________________________  

____________________________________  

____________________________________  

Date

Mennonite Church Canada/ Mennonite Church USA Ministerial Misconduct Policy and Procedure 2016

F19
INVESTIGATION TEAM’S WRITTEN REPORT

This report will be brief, one to two pages and written with the awareness of it becoming a public document. Following the completion of the misconduct process, this report will be made available by the conference office to anyone who asks for it.

The Document will include the following:

1. Name of accused minister
2. Date and summary of the allegations
3. Investigation process
4. Findings of the investigation (include each alleged misconduct below)
5. Recommendation by the investigative team to the Ministerial Leadership Committee
6. Names of Investigators appointed