**Guidelines**

**For Dealing with**

**Offenses**

**in**

**Mennonite**

**Voluntary**

**Service**

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**INTRODUCTION:**

As members of MVS we commit ourselves to the highest standards of personal and professional conduct. As such, we are accountable to God, to the church and to those in MVS with whom we live and work. We are called upon to show sensitive regard for the moral, social, and religious values of others as well as our own. At stake is not only our own life, but also the calling and lifestyle we represent, the church we serve, and the witness of the Christian gospel.

We are not perfect and cannot anticipate perfection in all matters; all persons sin, fail and fall short of the glory of God. We all need and claim the forgiveness of Christ and the church. As members of MVS, we are committed to unique standards of accountability, the violation of which calls our MVS membership into question.

This is an historical document to be used in whatever way is helpful for your service unit. Feel free to use what works for you and/or make changes for your local context. Mennonite Mission Network staff (MVS director and HR care coordinator) are also available for consulting and resourcing.

1. **HOW DO WE DISCIPLINE ONE ANOTHER?**

As brothers and sisters in Christ and as members of MVS, we have certain privileges and responsibilities. Many of these are joyful and celebrative. The warmth of belonging, however, can also involve pain. This is never more true that when one of our members is experiencing hurt personally, inflicting hurt and suffering on others, or engaging in behaviors that are perceived as unhelpful and immoral. (2 Corinthians 1:23 – 2:11)

How do we respond in such situations? Many levels of response may be required, and we as individuals may not be able or may not have the expertise to be involved in all of these. But all of us do have a first order responsibility to be true brothers and sisters to one another. In Matthew 18:15-20, we are directed to engage in binding and loosing one another. When someone sins against us we are to engage that person in dialogue and confront that person with his or her perceived wrongdoing. This is done in the hope and faith that the person’s behavior can be corrected and full relationships restored.

It is our hope that many wrongs can be corrected through this means of binding and loosing. We are fellow sojourners. We all fail. We are also members in Christ’s body together and as such have responsibility for each other. Our first level of responsibility is to discipline and examine ourselves according to the faith we profess. But within the church, we also have the responsibility to discipline one another according to the patterns of Matthew 18:15-20.

***What if confronting someone directly doesn’t work or isn’t possible or safe?***

What follows in this document is intended to guide us in the spirit of our Lord’s counsel to “tell it to the church” when direct confrontation – “one on one” or “in the company of one or two other” – hasn’t’ worked or isn’t possible or safe.

***The guidelines contained in this document outline a course of “last resort” in our caring for one another in issues of ethics and discipline with those serving in positions with MVS.***

1. **WHO IS RESPONSIBLE FOR DISCIPLINARY ACTION IN REGARD TO MVS MEMBERSHIP?**

A. Primary responsibility rests with the local MVS Support Committee and the MVS office to process all issues regarding MVS membership and disciplinary actions. The MVS Support Committee and/or the MVSO may *initiate* discipline or they may *respond to charges initiated* by a unit or two individuals within a unit.

B. Units **may not** act on their own to deal with issues of MVS membership or discipline. They may, however, initiate concerns or charges. They are expected to honor the disciplinary action of the MVS Support Committee and the MVSO. The unit of which the accused is a member shall be consulted in all cases and may be represented in a designated group responsible for processing specific cases.

C. When a disciplinary action has been taken by the MVS Support Committee and the MVSO, that action shall be carefully documented so that all parties involved are fully informed. Nothing perpetuates misunderstanding as does lack of information.

**III. FOR WHAT CHARGES MAY DISCIPLINARY ACTION BE IMPOSED?**

Experience has indicated that when violations occur, they are most likely to occur in the ethical areas listed below. Violations that require address include, but are not limited to:

* Violations of confidentiality.
* Intentional deceptions and dishonesty.
* Gross neglect of personal and professional responsibilities.
* Financial irresponsibility and irregularities in either personal or professional relationships.
* Major theological deviance from Christian and Anabaptist-Mennonite understandings.
* Acts of physical or emotional abuse.
* Acts of sexual abuse, sexual violence, and sexual harassment. Particularly onerous are those actions of inappropriate sexuality carried out with a client, colleague, or anyone in relationships involving professional roles and responsibilities, or other places where a differential of power or office exists, i.e. age, position (supervisor/supervisee), role, etc.
* Failure to participate in a relationship of accountability with bodies responsible for MVS.
* Acts within or against a unit or behavior which undermines the service of another, all of which betray the trust granted to those who join MVS.
* Conviction of crimes involving moral turpitude.

**IV. BASIC UNDERSTANDINGS**

1. GENERAL GUIDELINES
2. As much as possible, complaints or grievances should be resolved in close proximity to the time and place in which a difficulty arises.
3. A complaint or grievance shall be in writing and submitted to the local MVS Support Committee and the MVSO. All those involved shall receive a copy of the complaint.
4. Fairness and due process must be afforded to all parties involved. Appropriate gender and/or racial consultation or representation shall be sought. If the issue involves sexual abuse, there shall be appropriate consultation with or representation of those who have professional expertise in this area.
5. Those who mediate, review, or hear a complaint shall obtain all relevant information concerning the situation, allowing for alternative interpretations and understandings.
6. When a complaint is reviewed, all those involved shall be notified and be given an opportunity to present information.

6. A temporary leave of absence (from unit and/or work, as is deemed necessary) shall usually precede termination of MVS membership to allow time for reconciliation and due process. (See IV.C. for definitions and descriptions of reprimand and probation.)

* 1. All parties to the conflict will be encouraged to seek out appropriate pastoral care. Pastoral care should be provided by people other than those who are on the MVS SC or are already involved in other aspects of the mediation process.
  2. Reconciliation shall be the goal, and mediation (a safe and guided face to face meeting of the offender and the victim) shall be preferred process, using the pattern taught by our Lord in Matthew 18:15-20. Appropriate restitution and restoration to wholeness are part of the Christian commitment in reconciliation.
  3. In cases involving mental illness, emotional instability, or sexual abuse, mediation is usually not advisable due to the high level of denial, resistance, guilt, and feelings of both power and powerlessness; instead the MVS SC & MVSO may call for some independent professional assessment to assist them in responding.
  4. In cases involving sexual abuse and other complex cases, the MVS SC & MVSO should seek and heed legal advice.

1. PROCEDURES OF RESPONSE TO SPECIFIC COMPLAINTS INVOLVING SEXUAL BEHAVIOR OR CONTACT.

When there is reason for the MVS SC & MVSO to believe that there has been a violation of ethics, especially those involving inappropriate sexual contact, the MVS SC & MVSO has an obligation to respond quickly and decisively. The following steps should be taken:

1. Solicit a clear statement in writing of the experience and the complaint from the person/s making the charge. Determine whether the anonymity of the accuser is more important than the values of openness in public confrontation.

2. Determine whether the MVS SC & MVSO or another specially appointed group is responsible for the process which follows. If a special intervention team is appointed, it is ultimately responsible to report its findings and recommendations to the MVS SC & MVSO which is responsible for final decisions.

3. At no time shall individual members of the MVS SC or MVSO meet privately with either the accuser or the accused unless specifically designated to do so by the committee. They shall investigate as a team and interview as a team.

4. The MVS SC & MVSO shall determine additional procedures to gather information and data. After careful consideration of the initial evidence, the MVS SC & MVSO need to determine alternative courses of action in the following areas: to victims, to the unit, and to the accused.

5. Within 10 days after written accusations have been received, a meeting date shall be set with the accuser/s to review the allegations, to do any further recording of them in writing, and to review procedures. The accuser may be accompanied by a support person in this and all subsequent meetings.

The accused must be made aware of charges against him or her. Within 10 days after written accusations have been received, a meeting date should be set with the accused to present the allegations in writing and to review procedures. The accused should be encouraged to bring a support person to this and all subsequent meetings.

6. Respond to victims. The MVS SC & MVSO should consider taking the following actions:

a. Offer support to the victim and the victim’s family. Treat this as you would other crises.

b. If the abuse involves a child, notify the local Family and Children Services.

c. Support the victim in doing whatever is necessary to stop the abuse.

d. Support the victim in “breaking the silence.”

e. Counseling resources should be made available to the victim of an offense.

f. Form special support groups around the victim.

g. The victim should be informed of options available including formal charges regarding ministry credentials in the church (if the accused is an ordained minister) and civil or criminal charges with the state. (Note: Increasingly states and provinces are passing very stringent laws regarding sexual contact by professional persons; committees should be informed for their area.)

* 1. Remove the offender’s access to the victim.

7. Response to units. When MVSers violate standards of professional and personal ethics, the unit is also a victim of the offense. Thus the unit as a whole may need pastoral care. The persons managing the process should meet with the unit to listen to their concerns and to share how the situation will be processed. In addition, a trained resource person who can assist the unit in the healing process may be needed so that the unit can work through the pain of trauma and begin again to carry on its ministry.

*Sometimes a unit functions in ways that enable ethical violations of a member. The SC, the MVSO and other persons officially responsible for the process should assist the unit in dealing with its own forms of co-dependent behavior.*

Specific action relative to the accused may need to be taken. (See IV.B.6.g. below for range of possible actions.)

8. Response to the accused:

a. A reasonable period of time must be given to respond.

b. A support person should be provided for meetings with the MVS SC & MVSO and other representatives throughout the process and beyond as necessary.

c. The accused needs a full opportunity to be heard.

d. When a decision is made, reasons must be given.

e. When a final decision/recommendation is made, the accused must again be given opportunity to speak.

f. One or more of the following actions may be taken by MVS (MVS SC and the MVSO in consultation with the unit) regarding the person’s MVS membership:

i) Clearance of charges. The complaint or accusation is unfounded and/or unjustified. The person either continues in or is restored to full MVS membership and privileges.

ii) Reproof and admonishment regarding the perceived inappropriate activity or attitude. Depending upon the nature of the offense, other options such as probation or possible required professional treatment should be considered. Additional forms of supervision and accountability or specific limitations may also be required.

1. A leave of absence from a service position and MVS unit. Depending upon the nature of the offense, there may be either a strong recommendation or a requirement for professional treatment. Return to a service assignment and unit will be conditional upon having successfully completed treatment and/or having met expectations of the MVS SC and MVSO to which he/she is accountable.

iv) Termination of MVS Membership.

* 1. Requirement that the offending person provide appropriate restitution to the victim/s.

C. ACTIONS WHICH MAY BE TAKEN IN RESPONSE TO MORE GENERAL COMPLAINTS OF BEHAVIOR:

1. Clearance of charges: The complaint or accusation is unfounded and/or unjustified. When, in the judgment of either the MVS SC, the MVSO, or the Appeals Committee (p.12; V,B) a person has been falsely accused and is innocent of the charges or when the charges themselves are inappropriate and unacceptable, then the church and all its representative agencies carry a special measure of responsibility to restore the good name of the accused and to give extra support in restoring the confidence of the church at large in the person’s integrity and ability to serve in ministry.

2. Reprimand and probation: This action is a serious reproof of the MVSer. It is based upon an assessment that the person has accepted responsibility for the violation and that the reprimand is the adequate response. The reprimand may be private or public, depending upon the nature and seriousness of the offense. The goal of the reprimand shall be to give warning that certain behaviors or actions are not acceptable, giving time to change even while continuing in service. When a probationary period is imposed, specific expectations and time limits shall be provided to the offending person as well as specific understandings for supervision during this period.

3. Termination of MVS membership. If after an investigation and mediation attempt there is no evidence that reconciliation is desired on the part of the offender, or if, due to the severity of the offense, reconciliation is something beyond what is possible during the offender’s scheduled term of service, MVS membership will be terminated. All effort should be made to deal caringly and redemptively with the offender even beyond his/her service assignment with MVS.

**V. WHAT PROCEDURES FOR REVIEW SHALL BE AVAILABLE?**

A. If the decision of the committee is unacceptable, either to the accused or to the accuser/s, they may submit a written appeal to the MVS Support Committee within 30 days for an additional hearing. If one appeal has already occurred during suspension, the Appeals Committee (established to hear the original appeal) may determine whether there is sufficient reason for a second appeal.

B. An Appeal’s Committee of six persons shall be formed within 30 days of the written appeal in the following manner; one person chosen by the accused; one person chosen by the accuser/s; one person chosen by the MVS Support Committee to which the accuser is accountable; one person chosen by the MVSO; and two additional persons chosen by the above named persons. If these cannot agree on naming two additional persons, then the MVSO shall name them. At least one of the six shall be a person currently ordained within the Mennonite church. At least one of the six shall be a person currently serving in MVS. This same committee shall receive and hear appeals for the accused.

C. The person/s making the appeal shall meet their own expenses incurred; the Appeals Committee’s expenses shall be met by MVS. This committee shall meet at the convenience of the members, but no later than 90 days after the initial dated written appeal. Every effort should be made to minimize expenses for all parties involved.

D. This committee shall hear testimony from all sides, seeking to discern whether the person can appropriately continue serving with MVS. It is important that this issue retain priority in the process rather than exclusively looking for the guilt or innocence of the accused.

E. Decisions of this committee shall be by majority opinion. The decisions and recommendations of this committee regarding MVS membership are final and binding upon the accused, the unit, the MVS Support Committee, and the MVSO.

**VI. WHAT ABOUT REINSTATEMENT OF MVS MEMBERSHIP?**

When membership has been suspended, the SC & MVSO may restore the membership, provided that there has been a clearance of charges; or provided that the offender has appropriately acknowledged the sin or error, has repented and altered patterns of behavior of beliefs, gives evidence of concern for the person/s wronged by appropriate forms of restitution, and is perceived as a person capable of effectively representing the church and a gracious God who in Christ forgives and restores us to life.

**CONCLUSION**

These procedures should serve as a warning to anyone contemplating an act of offense or of unjustly accusing someone of an offense. Charges brought against someone within MVS will be taken seriously and dealt with as expeditiously as possible.

By no means should the serious process outlined above cause anyone to hesitate bringing a charge against someone who has committed an act of abuse or violence. As a Christian community, we commit ourselves to dealing carefully, caringly but resolutely with such charges.

When accusations of sexual misconduct are made against an ordained minister, the guidelines established by the GCMC Ministerial Leadership Services shall be followed.

Adapted from statements prepared by the:

General Conference Mennonite Church

Ministerial Leadership Services

Conference of Mennonite in Canada

Ministerial Leadership Office

*For more information or assistance, please contact:*

Your local leadership

*For consultation or resourcing:*

**Mennonite Voluntary Service**

**Toll free number: 1-866-866-2872**

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