

# RESPONDING TO CLERGY MISCONDUCT

A Handbook for:



May 2023

## **PREFACE**

### **PURPOSE OF THIS HANDBOOK:**

This handbook is for clergy members (aka ministers) who hold a Foursquare credential and outlines the process by which The Foursquare church receives, evaluates, and responds to allegations of misconduct committed by a credentialed minister. While Scripture teaches that all human beings fall short of the glory of God and need the grace and atonement afforded by Jesus our Savior, those who serve as ministers of the gospel are held to a high standard of conduct (James 3:1; 1 Timothy 3:1-8; Titus 1:7-8). When the boundaries of a pastoral relationship are violated, church leaders in a faith community are obligated to respond with fair, clear, and deliberate action to investigate and adjudicate the incident report. Whether the investigation reveals the need for discipline and/or restitution, or results in exoneration of the Respondent, the process should endeavor to address the confusion and hurt as well as seek appropriate reconciliation and growth for all involved.

This handbook outlines the process by which Foursquare elders, investigators, and advisory panels address reports of clergy misconduct. This resource offers working definitions for misconduct, harassment, and abuse, along with a framework to investigate and respond to incident reports within Foursquare's polity. Also, this handbook describes accountability structures and protocols that exist within The Foursquare Church to address claims of misconduct (i.e., incident reports), and is designed to mitigate potential bias that can result from the extensive network of personal relationships that exist within Foursquare.

Most importantly, this handbook outlines an ecclesiological response to various forms of misconduct and prescribes protocols informed by Scripture and supported by best practices from organizations specializing in awareness, education, and investigations of misconduct in the religious sector.

# TABLE OF CONTENTS

PREFACE .....	2
BACKGROUND CONCERNING CLERGY MISCONDUCT .....	5
THEOLOGICAL FOUNDATION TO CLERGY ACCOUNTABILITY .....	5
RECEIVING ACCUSATIONS AGAINST ELDERS .....	6
PUBLIC ACCOUNTABILITY.....	6
RECONCILIATION AND RESTITUTION.....	7
ADDRESSING FALSE ACCUSATIONS .....	8
POWER DYNAMICS IN MINISTRY RELATIONSHIPS .....	9
DEFINITIONS.....	10
FORMS OF MISCONDUCT.....	10
<i>Abuse</i> .....	11
<i>Harassment</i> .....	12
<i>Financial Misconduct</i> .....	13
<i>Spiritual Misconduct</i> .....	13
DEFINITIONS OF STAKEHOLDERS AND PARTICIPANTS .....	14
<i>Reporter</i> .....	14
<i>Claimant</i> .....	14
<i>Victim</i> .....	14
<i>Respondent</i> .....	14
<i>Ethics Process Team</i> .....	14
<i>Investigators</i> .....	16
<i>Review Panels</i> .....	16
<i>Response Team</i> .....	16
<i>Legal Counsel</i> .....	17
<i>Prevention Team</i> .....	17
<i>Care Team</i> .....	18
ACCOUNTABILITY STRUCTURES WITHIN FOURSQUARE POLITY .....	19
BOARD OF DIRECTORS .....	19
EXECUTIVE AND GENERAL OFFICERS .....	19
DENOMINATIONAL SUPPORT STAFF.....	19
SENIOR PASTORS AND SENIOR MINISTRY LEADERS .....	19
MINISTRY SUPPORT STAFF.....	20
CONGREGANTS AND LAY LEADERS.....	20
SUBMITTING, INVESTIGATING, AND ADJUDICATING CLAIMS .....	20
SUBMITTING CLAIMS OF MISCONDUCT: .....	21
<i>Incident Reports</i> .....	22
<i>Intake Process</i> .....	26
INVESTIGATION PROCEDURES .....	27
ADJUDICATION PROCEDURES .....	29

APPEALS PROCESS.....	30
DISCIPLINE OR EXONERATION .....	32
DISCIPLINE PATHWAYS.....	32
EXONERATION.....	33
DOCUMENTING AND COMMUNICATING THE RESULTS OF INVESTIGATIONS .....	33
RESPONSE TO THE RESPONDENT.....	34
RESPONSE TO CLAIMANT .....	34
RESPONSE TO THE CONGREGATION OR CONSTITUENCY.....	35
ANNUAL AUDIT OF PROCEDURES AND CASES.....	35
APPENDICES .....	37
LINKS TO SUPPLEMENTAL RESOURCES.....	37

## BACKGROUND CONCERNING CLERGY MISCONDUCT

Vocational ministry entails inherent ethical expectations of professional conduct. Members of the clergy are often required to engage in confidential conversations of a highly personal nature, and ministers are uniquely called and positioned to be in places and relationships where people place high levels of trust in the minister. The realities of ministry life require leaders to maintain healthy boundaries, adhere to confidentiality, and steward relationships, information, and resources with integrity.

Ministers must also contend with personal challenges and temptations with pride, greed, and lust that are common to every human being. While there is no illusion that credentialed ministers would be exempt from temptation or personal struggles, vocational ministry in The Foursquare Church requires a standard of ethical conduct outlined in the Minister's Code of Ethics ([Appendix A](#)). This handbook outlines expectations concerning the ethical and professional conduct of licensed ministers, and the responsibilities of congregations, judicatories, and denominational leadership to respond to allegations that these standards have been violated.

## THEOLOGICAL FOUNDATION TO CLERGY ACCOUNTABILITY

The contents of this section are derived from research by the Foursquare Doctrine Committee on scriptures related to healthy and unhealthy leadership ([Appendix D](#)). This section is designed to provide a biblical framework that informs an ecclesiological response to clergy misconduct within The Foursquare Church.

The Apostle Paul, who gives the most definitive understanding in the New Testament as he dealt with specific 1st century leadership and faith-community situations, demonstrates how ideas concerning communal discipline were adapted in Gentile contexts for all Christians, providing an understanding that echoes the Old Testament, Second Temple Judaism, and Jesus' teaching:

- 1) There must be impartial and transparent corroboration, investigation, and judgment by a third party.
- 2) If private and personal attempts fail, there must be increasing community involvement which always seeks repentance and restoration.
- 3) Appropriate action must be taken, perhaps even expulsion under certain circumstances.

The Bible expresses concern regarding how the Church's witness may be damaged by internal conflicts, but ultimately the primary concern is responsiveness to God, restoration of the erring leader and the health of those affected of Christ's overall Church (1 Cor. 5:1-13, 6:5-6; 1 Pet. 3:13-17; 2 Cor. 2:5-11).

Finally, the New Testament speaks positively of civil authority and indicates that believers ought to expect earthly authorities to have a divine role of punishing evil and honoring good (Rom. 13:1-7; 1 Tim. 2:1-2; Titus 3:1; 1 Pet. 2:11-17; cf. Mark 12:15-17; Matt. 22:20-22; Luke 20:24-26). Leaders who commit acts of criminality should not expect to be given special protection by the Church from civil authorities pursuing unlawful or criminal activity (cf. 1 Pet. 3:13-17).

## RECEIVING ACCUSATIONS AGAINST ELDERS

When it comes to accountability for faith leaders, the scriptures below offer us sketches and examples of how the process of discipline worked within the Bible. Further theological and practical application ought not be made outside of the framework described in Foursquare's theological position statement on healthy and unhealthy leadership ([Appendix D](#)). Additionally, the focus of this section is on dealing with unhealthy leadership (i.e., ministers/elders), not necessarily unhealthy church members. How churches and Christians respond to sin within the Church is a careful process of discernment that takes into consideration cultural, relational, and health dynamics. The Bible recognizes that the severity of an accusation and the severity and pattern of transgression, sin, and abuse, determine the level of response in terms of urgency, as well as the kind of correction and discipline. However, regardless of the severity or pattern, we ignore the wrongdoing of ministers at the peril of the Church and its ministry.

In the context of discussing sin against others in Matthew 18, Jesus encourages his disciples to become like children, assuming a lowly position in serving others. Therefore, the process of looking into such matters is not something heavy-handed or spiteful, nor done simply to oust problematic and uncomfortable situations or people. However, when sin is confirmed or found out and a brother or sister refuses to respond to the Church's mediation toward repentance, Jesus says actions may become progressively more serious (Matt. 18:17). Such action is "not out of contempt for our neighbor but precisely out of love for him/her and a concern for his/her eternal salvation."

**The statement, "do not entertain an accusation against an elder unless it is brought by two or three witnesses" (1 Tim. 5:19) indicates there must be due diligence to be sure of the facts and to make sure there's no collusion among accusers or the accused (see Deut. 17:6; 19:15).** We also want to listen carefully to the accused. Nothing is said here about dealing with those who bring dishonest or mistaken accusation, and each situation differs. We must look largely to intent, differentiating between accusations which are found to be deliberately manipulative and dishonest versus those found to have been made in ignorance (e.g., not knowing all the facts or failing to realize people see things differently concerning issues that are not a matter of right or wrong). However, the basic Deuteronomic principle of assuming personal responsibility for wrongdoing would indicate that some sort of correction leading to repentance by the dishonest accuser, and asking for forgiveness from those wrongly accused, are necessary (Deut. 23:15-25).

## PUBLIC ACCOUNTABILITY

**"But those elders who are sinning you are to reprove before everyone, so that the others may take warning" (1 Tim. 5:20) indicates that at times when leaders are found to be wrong through due process, corrective action must be taken.** The biblical evidence in terms of how to carry this out can be complex relationally and culturally, which necessitates prayerful, Spirit-led decisions.

Generally, you want to keep the circle of discipline private. This is undoubtedly an implication of James' words of "whoever turns a sinner from the error of their way...will cover over a multitude of sins"

(James 5:20 [emphasis noted]; see also

Prov. 10:12; 1 Pet. 4:8) and Jesus' words of "If your brother or sister sins, go and point out their fault, just between the two of you" (Matt. 18:15).

Paul's statement that the reproof should be before everyone (1 Tim. 5:20) brings in the dimension of public discipline before the affected community, likely because "the first stages of the traditional procedure of church discipline (private rebuke:

Matt. 18:15-17; Titus 3:10; I Tim. 5:1) had been ineffective in stemming the elders' misbehavior" or because the stability of the church was at stake. Jesus also notes the occasional need to "tell it to the church" (Matt. 18:17). The purpose of the public discipline in 1 Tim. 5:20 is so that the others may take warning, namely, that the other elders (leaders) and the congregation at large "will hear of this and be afraid, and never again will such an evil thing be done among you" (Deut. 19:20).

On occasion, Jesus challenged the religious leaders and authorities in public places and held them accountable publicly (Mark 12:1-12, 35-40).

Paul's open opposition of Peter to his face...in front of them all (Gal. 2:11-14) indicates the broadest possible audience for public discipline of leaders; although often debated today as to when/if such action is appropriate, it seemingly holds the possibility of being implemented when it's determined that the damage is dire, patterned, and widespread, and corrective precedent must be set. In other words, when there are paradigmatic or systemic issues embedded in the individual's infraction, **it may be necessary to go beyond both "private correction" and the "local faith community" where the infraction occurred.**

#### **RECONCILIATION AND RESTITUTION**

Paul reiterates this general attitude of childlike service in the process of discipline by stating, "if someone is caught in a sin, you who live by the Spirit should restore that person gently" (Gal. 6:1). Three specifics are noteworthy:

1. The discipline should be Spirit-led; we want to do our best to hear His voice when dealing with, confronting, and disciplining sin.
2. Our aim should be restorative and not punitive.
3. We want to discipline gently. Gently connotes being sympathetic, forbearing, considerate, non-arrogant and uncensorious toward others.

**The Spirit led are not to approach the wayward in a posture that would beat down, alienate, or bring shame, but with the humility and sympathy that come from each one knowing his or her own equal vulnerability to temptations to sin.**

"Some from Chloe's household have informed me that there are quarrels among you" (1 Cor. 1:11) indicates that those responsible for dealing with unhealthy situations do not always observe them first-hand. We must remember that those coming forth with allegations, often do so at great implicit or explicit cost and they deserve great care. This care, however, does not sidestep due process. When such reports come, they must not be ignored or minimized. We must take them seriously and investigate if the allegations against the minister are true, the result of someone being misinformed, or the result of someone spreading malicious nonsense, such as Diotrephes did with John and his colleagues (3 John 9-10).

“Encourage one another daily, as long as it is called ‘Today,’ so that none of you may be hardened by sin’s deceitfulness” (Heb. 3:13) indicates that although we want self-aware and self-examining ministers, we all have personal blind spots and need the community to help us see them. When they’re pointed out, we should be thankful and realize that we were just spared the potential of not only hurting others but of being saved from death ourselves (James 5:19).

The process of looking into possible unhealthy leadership must be done without partiality...[doing] nothing out of favoritism (1 Tim. 5:21). Without partiality means without “preconceived judgment or prejudice...without predetermination of either guilt or innocence” and [doing] nothing out of favoritism “indicates that leaning toward or favoring someone in discipline is always wrong.” This text was written to Timothy and discourages him especially against partiality or deference toward accused leaders. However, this impartiality should also extend to those who bring reports or accusations.

Giving grace and seeking restoration of leaders who have sinned by way of unhealthy or abusive leadership to the Lord and His Church (2 Cor 2:5-11; Gal 6:1) does not mean we overlook nor minimize wrongdoing. Nor does it mean the minister will or ultimately should be restored to leadership. If an accusation is brought to our attention as fellow ministers, we must investigate it thoroughly (Deut. 17:4).

### **ADDRESSING FALSE ACCUSATIONS**

A biblical and historical perspective offers us a sketch of the kinds of issues that have consistently called for the more serious responses to sinning leaders. These include: exploitative practices by false teachers and false prophets; sexual immorality (which includes sexual abuse); manipulative, competitive, or violent uses of power; exploitation of individuals, households, or communities (e.g., the vulnerable) for their resources; extreme administrative maleficence; false teachings around the core doctrines of Christianity (e.g., Trinity, Christ, salvation) as opposed to issues of conscience, non-essential doctrines, or denominational distinctives; extreme asceticism (e.g., disallowing marriage); or libertine practices (e.g., sexual immorality).

Most accounts of discipline that are recorded in early Church history, after the New Testament, are of Church leaders (e.g., Arius – deacon then priest, Nestorius - Bishop) or leaders of sectarian groups (e.g., Marcion, Gnostics). Following the examples of the New Testament, the early Church sought to confront accusations of false teachings and any necessary discipline of leaders through a progressively involved process, at times involving meetings of leaders as representatives of the Church (e.g., regional, or ecumenical councils, cf. Acts 17) in which the parties involved presented their arguments to the larger group and a determination was made.

If necessary, repentance was called for and if there was none, excommunication. Excommunication often entailed deposition from leadership and being sent to a monastery in a region where the person could no longer influence the larger Church. Meetings that were deemed to be done without transparency, were violent, or did not allow the opportunity for full participation of the necessary parties were repudiated by later meetings (e.g., Robber Council 449 A.D.).



In summary, the Scriptures provide substantive guidance for various aspects of ministerial conduct including: “doctrine, correction, reproof and instruction in righteousness” (1 Tim 3:16), to equip the Christian Church with the necessary tools to respond to unhealthy or sinful behaviors. This handbook seeks to incorporate this scriptural guidance into the praxis of clergy accountability within Foursquare polity.

## Power Dynamics in Ministry Relationships

Power is the ability to act or produce an effect or to influence behavior or the outcome of something or someone. This can be toward a person, environment, culture, or system. Power is seen in the ability to influence or inhibit action or when a pastor gives a direction that cannot be refused or pushed back upon.

Power is also seen in the ability to influence what someone sees or pays attention to, to draw attention toward or away from, and in this way, to assert influence over what is engaged or avoided. For example, to avoid a pastor's behavior being exposed, the pastor may attempt to draw peoples' attention to the "spiritual attack" that is being waged against the pastor or to a cultural issue that is more "urgent." The pre-selecting of options is an example of power being used.

Power can also be recognized by the rules and patterns allowed or disallowed in families, communities, or cultures. Established patterns and culture are a form of power that influences (expanding or limiting) ways of engaging and choices available to be made. Many families have unspoken (and sometimes spoken) rules regarding what family stories are or are not discussed, what levels of honesty are permitted to the outside world, and how conflict is resolved (publicly or privately).

Many churches have spoken and unspoken rules about who is welcome, what kinds of behaviors get called out, and which people in a community are given freedom from accountability, sometimes even in the name of the "anointing that is upon them." Churches can have unspoken but very well understood "rules" regarding which beliefs and expressions of faith are open to being wrestled with or evaluated and which cultural, theological, social, or political conversations are tolerated.

It is important to recognize that once power is present, it never ceases to be present. It has an effect whether acted upon or not. A parent holds the power to protect or harm their child, regardless of whether that parent does anything with it. Doctors, therapists, and teachers hold power due to their professions, whether that power is acted upon or not. Likewise, pastors hold power - spiritual power, emotional and psychological power, financial power, and other forms of power over their congregants whether it is used actively or passively.

In essence, power is the ability of an individual or group to choose between various, maybe even limitless, possible actions and to choose whether to engage them or not.

For example, a parent's options of action toward their child are many, whether engaged or not, while a child's options of action toward the parent are limited. Likewise, a pastor or church leader has many

options of action or inaction to maintain their position, while congregants can often have few options to engage their own choice beyond leaving the congregation.

Once power is present it begins to produce effects. Therefore, we cannot separate power from responsibility. Whether engaged or not, power must be held responsibly.

Scripture speaks of God as the originator of power and authority. Power is derived from God through the giving of freewill, intended to be used to accomplish God's vision, and delegated to all humanity in some manner. God honors humanity with His delegation of power to humanity.

## DEFINITIONS

### FORMS OF MISCONDUCT

There are various definitions of abuse, harassment, and misconduct throughout the academic and professional literature on clergy accountability. In many cases, these terms overlap or are used interchangeably. This handbook outlines the process by which Foursquare elders, investigators, and advisory panels address reports of clergy misconduct in a variety of categories. For purposes of this handbook, the term "misconduct" is used as the broadest term encompassing all violations of the ministerial relationship or the Minister's Code of Ethics ([Appendix A](#)). In other words, abuse and harassment (which are acts against another person) are forms of misconduct, as are financial improprieties and substance abuse (which are acts not directly against another person). Further, certain forms of misconduct may necessitate legal action as part of an investigation or disciplinary action. Accordingly, specific definitions have been curated for this handbook to distinguish categories of misconduct that may require specific protocols due to legal requirements.

**Misconduct is defined as an activity that violates the ministerial relationship and/or any tenets of the Minister's Code of Ethics.**

The ministerial relationship presupposes certain role expectations wherein the minister is appointed to bring spiritual gifts, talents, knowledge, and expertise to serve the best interests of the community, congregation, individual congregants, staff members, students, or similar constituents. Sexualized behavior, violence, substance abuse, and embezzlement are examples of misconduct that are absolutely prohibited within the ministerial role.

Many ministry roles entail a fiduciary responsibility. Fiduciaries are stewards or those entrusted with resources that belong to another (1 Corinthians 4:2). In the ministry context, credentialed ministers are also entrusted with the spiritual well-being of congregants. Fiduciaries have a duty to act in the best interest of the one that has given the trust even if such actions are not necessarily in the personal interest of the minister. In the ministry context, this duty is an ethical obligation.

Misuse of authority and power are also forms of misconduct. The role of a ministry leader carries with it authority and power (e.g., resources) and the responsibility to use these resources to the benefit of those who call upon the minister for assistance. Scenarios where this power is used to initiate or

reciprocate emotional boundary crossings with a congregant, staff member, or other constituent are forms of misconduct. Even if the boundary violation is initiated by a congregant or subordinate, the minister retains the responsibility to maintain clear boundaries for the sake of everyone involved.

The following are examples of misconduct through misuses of authority and power:

- Improperly influencing a congregant's will by using guilt or manipulation
- Using spiritual language to shame a congregant into compliance
- Exploiting a congregant's desire for the minister's attention or approval
- Making claims of special knowledge of God's mind and desires
- Shunning or withholding spiritual blessing in response to a lack of compliance
- Misinterpreting doctrine or sacred texts to distort the meaning

Finally, meaningful consent between a credentialed minister and a congregant, staff member, or constituent may, but does not necessarily, absolve a minister of potential misconduct. Moreover, any form of sexual or emotional relationship between a minister and anyone other than their spouse is sinful and unethical, regardless of consent. Furthermore, even with consent, it may also constitute a misuse of power. Meaningful consent requires equality in a relationship and assumes the absence of constraints, subtle coercion, or manipulation. The inherent imbalance of power/resources in the ministerial relationship precludes this equality, even when the two persons see themselves as "consenting adults." Consider the relationship between David and Bathsheba in 2 Samuel 11 as an illustration of this power dynamic and David's position of power.

## **ABUSE**

Abuse is an action that intentionally causes harm or injures another person. The Foursquare Church stands against abuse of any kind and seeks to be known as not only a safe community for God's people but as an unwelcome community for those that seek to abuse. There are many forms of abuse, such as the following (this is merely an illustrative list, not exhaustive):

### **Physical abuse**

- Pushing, shoving, shaking
- Slapping, hitting, beating
- Biting, spitting, scratching
- Kicking, choking, pulling hair
- Reckless endangerment (driving, operating machinery, using explosives, etc.)
- Direct and real-time threats of immediate and direct physical harm
- Abandoning someone in a dangerous place
- Confining or restraining someone
- Throwing harmful objects

### **Verbal abuse**

- Threatening to harm or using threats to force compliance
- Slander or invasions of privacy (sharing personal details to create shame)
- Repeated shaming, insulting, or belittling a person for public embarrassment

**Sexual abuse**

- Rape/sexual assault or any form of forced intimacy
- Unwelcomed touching, groping, or petting
- Voyeurism (spying on nudity) or exhibitionism (exposing nudity)
- Any interaction of a sexual nature involving a minor

**Emotional abuse**

- Blackmail or extortion with financial resources or information
- Using threats to force compliance (e.g., threatening to commit suicide or end a relationship)
- Manipulating or lying
- Breaking, taking, or giving away someone's personal property
- Maliciously shunning, isolating, or ostracizing someone from a community

Some claims, such as physical or sexual assault of a minor, are subject to mandatory reporting laws. Therefore, the term abuse, as used in this handbook, includes (but is not limited to) ethical violations of a serious nature that may require immediate action or intervention by legal authorities.

In many contexts, the term "abuse" is also defined as the misuse of something - e.g., abuse of process. For example, "substance abuse" is excessively using or misusing substances. For the purposes of this handbook and the procedures contained herein, misuses of power will be classified as misconduct, unless the misuse of the power is a form of abuse outlined above. The term "abuse" is reserved for actions that intentionally cause harm or injury to another person. In other words, misuses of power that are not done to intentionally cause harm or injury to another person are not considered "abuse" in this handbook.

**HARASSMENT**

Harassment is unwelcome conduct that is based on race, color, religion, sex, national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment or membership, or 2) the conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

While there is a broad spectrum of definitions for harassment in the public square, for purposes of this handbook, harassment is defined as unwelcome conduct that violates an individual's reasonable boundaries or violates an individual's legal rights, either in the workplace or within a church community. This definition includes, but is not limited to, sexual harassment.

Church communities need to distinguish between harassment as a violation of law in the workplace and a description of conduct that has no place in the context of congregational life and the practice of ministry. There are many forms of misconduct that constitute a violation of the Minister's Code of Ethics ([Appendix A](#)) or a crossing of appropriate boundaries that would not violate the law in terms of the legal definition of harassment. Such forms of misconduct are covered later in this policy and are also subject to investigation and disciplinary action.

While state laws may vary on what is or is not sexual harassment in the workplace, the definition of sexual harassment for purposes of this handbook includes the higher threshold of (1) what constitutes sexual harassment in the workplace under applicable state law, or (2) unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment or status in the church community, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work or church environment.

### **FINANCIAL MISCONDUCT**

Financial misconduct refers to misuses of power or authority over financial resources including money, property, and other resources that can be leveraged or restrained for the purpose of producing harm or unethical financial gain (1 Timothy 6:9-10). Examples of financial misconduct may include:

- Intentionally bypassing or ignoring accountability measures (such as those described in the bylaws section 13) in order to facilitate private inurement (i.e. personal financial gain for insiders)
- Controlling a person by making him/her economically dependent or exploiting his/her resources
- Concealing financial information or inappropriately limiting access to assets.
- Impeding an individual's ability to acquire money, or unlawfully influencing how their personal funds are spent
- Any form of financial fraud including, but not limited to, embezzlement

### **Fraud and Embezzlement**

Fraud is a very broad term. Embezzlement is just one type of fraud. In broad categories, fraud is committed through asset misappropriation, fraudulent reporting, or corruption. Embezzlement sits within asset misappropriation, so it's kind of a subclass of fraud. Although illegally gained, embezzled funds constitute taxable income and must be reported on the appropriate tax form (1099 or W2) regardless of whether criminal charges are filed.

If funds were embezzled in prior tax years, then the employee will need to file amended tax returns for each of those years to report the illegal income since embezzlement occurs in the year the funds are misappropriated. Failure to report taxable income will subject the church to a potential penalty (up to \$10,000) for aiding and abetting in the substantial understatement of taxable income under section 6701 of the tax code.

### **SPIRITUAL MISCONDUCT**

Spiritual power is authority, often demonstrated through faith over both the spiritual and natural realm, for the purposes of realizing God's vision of uniting all creation to be governed by love under Christ's headship. As Pentecostals, the power of the Holy Spirit is not only necessary and good, but central to our daily relationship with God, spreading of the Gospel, and disciple-making. However, the power of position or anointing, as a minister, can be misused. Spiritual power is most often misused through the verbal misappropriation of sacred words that often denote God's will or vision for a person or community. Sometimes spiritual power is misused through passivity and the neglecting of spiritual

dynamics. It could be argued that Timothy was corrected by Paul for this kind of neglectful misuse of spiritual authority (1 Timothy 4:14).

An example of spiritual misconduct could be illustrated by a minister using Scripture, doctrine, or their "leadership role" as a means to control others. This form of misconduct can be subtle because it can mask itself as religious practice. When a minister twists Scripture and uses it to manipulate or control a congregant, their authority can be construed as coming from God Himself. Even though they are taking Scripture out of context, distorting it, and even weaponizing it, the minister is using God's words to seem as if God is the one dictating the minister's desired response. Since this behavior uses God's word to exert authority, it can affect a congregant's understanding of who God is or of how God sees them when spirituality is used to make others live up to a "spiritual standard." This promotes external "spiritual performance," also without regard to an individual's actual well-being, or is used as a means of "proving" a person's spirituality."

Any attempt to exert power and control over someone using religion, faith, or beliefs could be a slippery slope to spiritual misconduct.

#### **DEFINITIONS OF STAKEHOLDERS AND PARTICIPANTS**

**REPORTER** – An individual who submits a report of misconduct to denominational leadership. The reporter may be the Claimant (defined below), a direct witness of the reported event, a person who is a mandatory reporter under the law because of their position (such as a minister, social worker, physician, teacher, or counselor), or any other person that submits a claim (whether they have direct knowledge of the issue or not).

**CLAIMANT** – The party claiming injury or who was adversely impacted by the alleged misconduct. For valid claims, a Claimant would be considered the party directly injured or affected by the associated misconduct.

**VICTIM** – This handbook intentionally does not use the term "victim." The Foursquare Church recognizes there are many victims and many forms of victimization, and all forms of victimization is contrary to God, creator of each human. The Foursquare Church also recognizes that there are differing views on what makes someone a "victim" of conduct; sometimes individuals are offended by conduct but are not "victims." The Scriptures provide, and Jesus Himself said, many statements that are "offensive." Offense does not necessarily create an abuser or a victim. The process outlined in this handbook is not to judge whether someone rightfully or wrongfully calls themselves a "victim"; the process outlined in this handbook is to receive, investigate, review, and respond to claims of misconduct against credentialed Foursquare ministers.

**RESPONDENT** – The credentialed minister accused of misconduct (of any variety).

**ETHICS PROCESS TEAM (EPT)** – This team is a small group of designated, trained, appointed members of the denominational staff who are responsible to 1) ensure the procedures outlined in this handbook are followed for each incident report, 2) provide an initial assessment of incident reports, 3) engage an investigation person/team if warranted

to review a report, 4) approve the allocation of financial resources as necessary, 5) help the Claimant navigate the processes in this handbook, and 6) direct the Claimant to available resources for care. In most cases, the EPT will coordinate the intake, investigation, and adjudication process with a denominational leader such as the General Supervisor, District Supervisor, Missions Director, or Chaplain Director. In cases with legal implications, Foursquare Legal Counsel may assist the EPT. In cases involving a Foursquare employee, the HR Director will participate with and assist the EPT.

### 1. Role and Structure

- a. An EPT member will oversee and participate in the intake, investigation, and adjudication processes to ensure that such matters are handled promptly, thoroughly, and fairly
- b. Ethics Process Leader directs members of the EP Team
- c. EPT is made up of a small group of designated, trained ministers
- d. EPT may assign a trauma-informed care professional, who will be responsible for handling sensitive reports (e.g., those involving severe allegations of sexual misconduct by clergy against another individual, or those where it is obvious that significant trauma has been suffered)

### 2. Responsibilities

- a. Oversee and/or participate in the incident report intake process as described in this handbook, including escalation of serious reports and reports that trigger mandatory reporting obligations
- b. Write summary reports of intake interviews
- c. Provide interim measures including supportive and protective measures to the reporter and respondent, if needed
- d. Participate in consultation with the General Supervisor, Legal Counsel, and direct supervisor to determine if the Respondent should be placed on administrative leave
- e. Determine if the incident report will be handled through the Informal Review Process or Formal Investigation and Adjudication Process, as outlined in this handbook
- f. Assemble a demographically appropriate Response Team for each case from among a trained pool of participants
- g. Assign an investigator to the matter (as needed)
- h. Send all required formal notifications to the reporter/claimant, respondent, and denominational overseers concerning the matter
- i. Establish with the assigned investigator the scope, plan, and timeline for the investigation
- j. Oversee the investigation and adjudication process to ensure compliance with procedures outlined in this handbook
- k. Prepare the written notice of the decision/written decision notification with input from the Response Team members
- l. Coordinate the Appeals/Reconsideration process, if needed
- m. Maintain records related to all matters including case log, case files, and decisions

### 3. Qualification Requirements

- a. Must hold a Foursquare Ministry Credential
- 4. Training Requirements
  - a. Investigations Training
  - b. Trauma-informed response training
  - c. Child/Youth protection training (e.g., definitions, victim behavioral characteristics, abuser characteristics, grooming, reporting obligations)
  - d. Sexual abuse awareness training (e.g., definitions, victim behavioral characteristics, abuser characteristics, grooming, reporting obligations)
  - e. Abuse of power training (e.g., clergy/authority figure abuse)

**INVESTIGATORS** - Trained personnel, which may include denominational staff or external individuals. Investigators are responsible to gather information regarding the allegations of the report and organize and prepare a detailed summary of the claim for the Review Panel and Response Team.

- 1. Training Requirements
  - a. Investigations training or employed as a professional investigator
  - b. Trauma-informed response training
  - c. Child/Youth protection training (e.g., definitions, victim behavioral characteristics, abuser characteristics, grooming, reporting obligations)
  - d. Sexual abuse awareness training (e.g., definitions, victim behavioral characteristics, abuser characteristics, grooming, reporting obligations)
  - e. Abuse of power training (e.g., clergy/authority figure abuse)

**REVIEW PANELS** – A Review Panel will be assembled in cases where investigations reveal facts, conduct, motives, or other aspects that make assessment atypically difficult and warrant further discussion and further discernment. The Review Panel for each case will make recommendations to the assigned Response Team about whether misconduct occurred and advise on pathways for conciliation, restoration, discipline, and/or restitution. Review Panels will offer spiritual counsel and discernment in the review process. Foursquare will utilize a pool of Foursquare ministers that are seasoned elders across a spectrum of ministry contexts and demographics. For each case that requires a Review Panel, a Review Panel of 2-5 individuals from the pool of ministers will be chosen, taking into consideration the ministry context where the allegation of misconduct occurred. For example, for allegations of misconduct made toward a missionary worker, panels will include current or retired missionaries who are familiar with such ministry assignments and environments. Similarly, allegations of misconduct toward a church minister may include ministers from within the district or geographic context of the church, or other demographic or culture. Review panels are assembled with attention to gender and ethnic/cultural considerations that could result in a bias toward either the Respondent or the Claimant.

**RESPONSE TEAM** – This team is comprised of leadership roles charged in Foursquare’s bylaws to hear evidence, adjudicate (i.e., decide the validity or non-validity of the incident report), and make decisions or recommendations to the Board of Directors concerning discipline, exoneration, or other action in



accordance with the bylaws. In most cases, the Response Team will be comprised of the Ethics Process Leader, a member of the Review Panel, the General Supervisor, and District Supervisor/FMI Director/Chaplain Director (as applicable). Depending on the nature of the incident report, the Response Team may also include one or more members of a Review Panel, Associate Supervisor, Regional Pastor, or similar roles who are engaged with the incident report and/or ministry context.

The Response Team's primary role is to decide whether they believe the allegations are true and are covered by Foursquare's policy, the Minister's Code of Ethics ([Appendix A](#)), and/or bylaws, and to make recommendations to the ICFG Board of Directors, if appropriate. This adjudication task is not up to investigators, insurance companies, therapists, or legal counsel.

**LEGAL COUNSEL** - Legal counsel is a vital resource in responding to an incident report that may involve criminal misconduct, violations of the law, or potential civil liability to The Foursquare Church. Legal counsel comes primarily from Foursquare's General Counsel but may also include outside attorneys hired by The Foursquare Church. The role of Legal Counsel is not simply to protect the assets of the institution from the Claimant but rather to ensure that the Response Team is fully informed and aware of its responsibilities to both the Claimant and the Respondent in the organization's response to a claim. Accordingly, Foursquare General Counsel may be involved early and throughout investigations, as may be appropriate.

**PREVENTION TEAM** – This team is comprised of individuals with formal training in abuse prevention and response. The Prevention Team members are appointed to serve for 4-year terms with 50% of the team members' terms staggered every two years. To foster prevention, this team monitors and curates best practices, and prepares updates to mandatory annual training for denominational leaders and Foursquare ministers. In support of Foursquare response measures, this team conducts periodic reviews of investigated claims to identify, report, and propose solutions to the types of misconduct that are either repetitive, trending, or severe in nature. These periodic reviews of cases will be done without any names to protect the identity of all parties involved. The Prevention Team will coordinate with the Chief Operating Officer to structure proposals to the ICFG Board of Directors for new solutions or modifications to the procedures outlined in this Handbook.

1. Role and Structure

- a. Prevention Team will assist Foursquare in administering best practices, training, and implementation of the church's clergy misconduct prevention program in coordination with the Chief Operating Officer
- b. Members are appointed by the Board of Directors

2. Responsibilities

- a. Work to foster a climate of sensitivity concerning clergy misconduct within Foursquare ministries
- b. Keep abreast of best practices and tools to prevent clergy misconduct
- c. As deemed appropriate, provide recommendations to the ICFG Board of Directors for revisions to this handbook and other related policies and procedures to reflect best practices

- d. Participate in developing a yearly communication plan relating to the prevention, reporting, and response to clergy misconduct
  - e. Perform yearly audits/reviews of policies and procedures described in this handbook to determine if they are being followed and functioning as they should
  - f. Track corrective action plans responsive to audit findings to ensure completion
  - g. Submit audit reports to the President, General Supervisor, Corporate Secretary, and the ICFG Board of Directors
  - h. Assist in preparing and implementing training and education materials or programs
  - i. Participate in the identification and selection of misconduct prevention training to be provided to clergy and Foursquare One Team staff
  - j. Track and verify that clergy and Foursquare One Team staff have completed misconduct prevention training
  - k. Create a resource toolkit to assist local church leadership with prevention and responses to allegations of misconduct
3. Qualification Requirements
- a. Balanced representation of male and female members who have completed trauma-informed training
  - b. Team should include individuals who have training and experience in fields such as compliance, audit, psychology, theology, and social work to represent the perspective of survivors from a trauma-informed paradigm
  - c. Comprised primarily (more than 50%) of individuals who are not directly employed by ICFG as part of the Foursquare One Team (i.e., district, central administration, mission personnel, and similar denominational roles)
4. Training Requirements
- a. Trauma-informed response training
  - b. Child/Youth protection training (e.g., definitions, victim behavioral characteristics, abuser characteristics, grooming, reporting obligations)
  - c. Sexual abuse awareness training (e.g., definitions, victim behavioral characteristics, abuser characteristics, grooming, reporting obligations)
  - d. Abuse of power training (e.g., clergy/authority figure abuse)
  - e. Completed the polity section of the Foursquare licensing course to ensure awareness of Foursquare polity and governance

As a means of mitigating different forms of potential bias, Prevention Team members will be selected by the ICFG Board of Directors to ensure representation of differing age, gender, and cultural demographics.

**CARE TEAM** – In the area of clergy health and misconduct, the primary responsibility of the Foursquare One Team, as denominational staff, is the care, training, discipleship, accountability, and discipline of credentialed ministers. As an expression of care, all credentialed ministers have access to free pastoral counseling through the Centers for Spiritual Renewal located in Los Angeles, California., and

Christiansburg, Virginia. The Centers for Spiritual Renewal offer places for rest and holistic, guided soul care for credentialed Foursquare ministers and their immediate families. The pastoral counseling services offered through Centers for Spiritual Renewal, which make up the Care Team, are not provided by licensed mental health therapists and should not be viewed as clinical therapy.

As it pertains to care for Claimants, The Foursquare Church recognizes that each person is on a journey of discipleship to be more like Christ, and we all have varying levels of trouble or trauma in our past. We encourage each person on their journey to increased health. When a Foursquare credentialed minister causes harm to an individual, we make efforts to assist (in the limited ways we can) to walk with the person through their story and help find care for them, if needed.

## ACCOUNTABILITY STRUCTURES WITHIN FOURSQUARE POLITY

### **BOARD OF DIRECTORS**

The Board of Directors serve as the governing body of International Church of the Foursquare Gospel. The Board of Directors is ultimately responsible for discipline of Foursquare ministers and the ongoing management of the denomination/corporation. The Board delegates administration of various activities to management roles and/or officers of the corporation, provided that the activities and affairs of the corporation shall be managed, and corporate powers shall be exercised, under the direction of the Board. All structures, policies, and procedures for handling allegations of misconduct fall, ultimately, under the purview of the Board of Directors. If necessary, members of the Board will be appointed by the Board chairperson (in consultation with Legal Counsel) to serve on the Response Team and Adjudication Team for any claim of misconduct reported against a sitting Board member.

### **EXECUTIVE AND GENERAL OFFICERS**

The Foursquare Church has Executive and General Officers whose roles are outlined in the Foursquare bylaws. In accordance with Foursquare bylaws, Executive and General Officers may be asked to serve as part of a Response Team and/or Adjudication Team for allegations of misconduct against ministers under their supervision.

### **DENOMINATIONAL SUPPORT STAFF**

If an allegation is raised against a minister that is on the Foursquare One Team staff, the Ethics Process Team, the General Supervisor, and the Foursquare HR Director will coordinate on how to balance following this handbook and Foursquare HR protocols.

### **SENIOR PASTORS AND SENIOR MINISTRY LEADERS**

The General Supervisor will approve personnel recommended by the Ethics Process Team to serve on a Response Team and Adjudication Team for any allegation of misconduct levied against Senior Pastors, Regional Pastors, Area Pastors, and persons holding similar leadership roles within Foursquare Missions, Chaplains, or ministries under International Church of the Foursquare Gospel's legal structure.

## **MINISTRY SUPPORT STAFF**

The District Supervisor, Chaplain Supervisor or Missions Director will approve personnel recommended by the Ethics Process Team to serve on a Response Team for any allegations of misconduct levied against a minister serving under a position noted in the prior paragraph.

## **CONGREGANTS AND LAY LEADERS**

Non-credentialed staff and lay leaders serving in Foursquare churches are subject to the provisions and requirements of church membership outlined in section 13.5 of the Foursquare bylaws. Allegations of misconduct levied against non-credentialed staff and lay leaders may result in suspension or termination of membership from the local church. Such allegations are to be handled by the Senior Pastor of the local church and are not under the purview of the roles and systems described in this handbook.

## **SUBMITTING, INVESTIGATING, AND ADJUDICATING CLAIMS**

The procedures outlined in this handbook illustrate The Foursquare Church's response to a report of misconduct on the part of someone who is credentialed and authorized to function as a Foursquare minister. These procedures assume good faith on the part of the Reporter/Claimant and innocence on the part of the Respondent until the matter is investigated and adjudicated.

The procedures outlined in this handbook are limited to Foursquare's responsibility for the conduct of ministers in the ministerial relationship and execution of their professional duties. This handbook describes the procedures for making reports against credentialed ministers, along with descriptions of the roles and groups who participate in the intake and adjudication process when reports are submitted regarding a Foursquare minister. Please note that any report submitted regarding misconduct against a minor will be reported to local government authorities and no confidentiality will be maintained that would preclude disclosing the matter to government authorities. Privacy and discretion will be maintained as much as possible, but "confidentiality" related to misconduct against a minor will not be provided.

This handbook is designed to create "due process" in handling reports. Steps will be taken, as best as reasonably can be done in the discretion of those outlined in this handbook for making decisions, to mitigate bias and protect the rights and interests of both the Reporter/Claimant and the Respondent. The Foursquare Church is committed to pursuing the following outcomes with every report:

- To seek full resolution of every report to an appropriate and righteous outcome
- To apply the procedures outlined in this manual to all claims regardless of the role or position of either the Reporter/Claimant or the Respondent
- To call to repentance any credentialed minister who has caused harm
- To provide a safe reporting environment to all parties involved in a report
- To follow all federal and state laws, civil protocols, and mandatory reporting requirements
- To document the resolution of every claim in secure records accessible by Foursquare leaders with appropriate security clearance to access them before new ministerial appointments are made

- To reasonably protect, within the scope of Foursquare’s influence, Reporters/Claimants from retaliation or reprisal for bringing a report in good faith (See Whistleblower Policy – [Appendix C](#))
- To reasonably protect, within the scope of Foursquare’s influence, Respondent ministers from the perpetuation of false or unfounded claims

#### **SUBMITTING CLAIMS OF MISCONDUCT:**

Reports of clergy misconduct may come through the following channels:

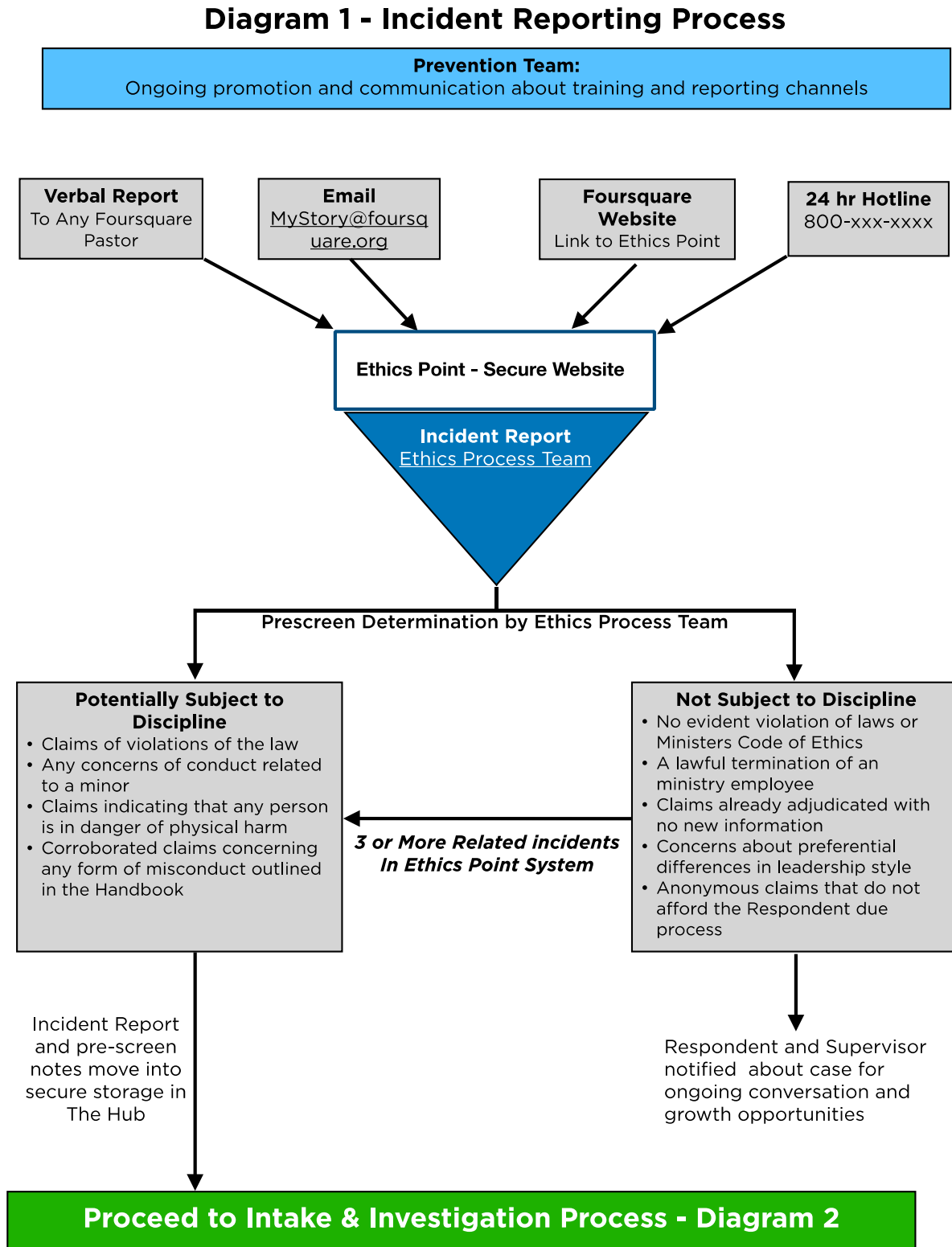
- **24-hour hotline** - (800) XXX-XXXX [to be published when system is live] - This hotline is outsourced to an independent third-party service. The hotline is staffed by employees who have completed trauma-informed intake training and will assist the caller in filing an incident report (in English or Spanish). Incident reports are processed and stored in a secure case management software operated by the outsourced call-center called Ethics Point. Reporters have the option of filing reports as anonymous or named. The Ethics Point software serves as an intermediary system to allow the Ethics Process Team to ask for supplemental info from the reporter, without access to their identity.
- **Online incident report webform** (Ethics Point) – A link to this site is available directly from Foursquare’s main website, [www.foursquare.org](http://www.foursquare.org). The link redirects to the Ethics Point software managed by the third-party call center allowing reporters to file anonymous incident reports without the assistance of the call center.
- **Email to [MyStory@foursquare.org](mailto:MyStory@foursquare.org)** – This is a secure email channel specifically designated for claims of misconduct. This email account is monitored solely by the Ethics Process Team. This channel is recommended for reporters who are not seeking anonymity and prefer to interact directly with Foursquare’s Ethics Process Team. EPT members may use information provided by email to log a named incident report in the Ethics Point case management system.
- **Verbal or written reports** – Reports may also be submitted to any of the following individuals who can initiate an incident report with the assistance of the Ethics Process Team:
  - District Supervisor
  - Regional Pastor/Area Pastor
  - Local Church Pastor
  - Missions Director
  - Chaplain Director
  - Foursquare Church HR
  - Foursquare General Counsel

The Foursquare Church encourages all individuals with knowledge of criminal actions to report to local law enforcement. It should be noted, however, that law enforcement has no obligation to report anything to The Foursquare Church, so if a Reporter makes a report to law enforcement, it is likely that The Foursquare Church will not know about it unless the Reporter reports the matter to The Foursquare Church as well, through one of the reporting channels above.

Any Foursquare minister that becomes aware of misconduct by another Foursquare minister must report the matter to the Ethics Process Team using one of the reporting channels above. All incident reports should be taken seriously and responded to as quickly and decisively as reasonably possible under the circumstances, without making a premature judgment regarding the validity of the accusations or the guilt of the Respondent in question.

**INCIDENT REPORTS** - When reports are received through any of the reporting channels above, the person receiving the report must do his/her utmost to encourage and support aggrieved persons and to assist in filing an incident report. Incident reports are filed using the incident report webform in the Ethics Point system accessible from [www.foursquare.org](http://www.foursquare.org). Ethics Point is a secure case management database only accessible to members of the Ethics Process Team (EPT). This database maintains anonymity for the Reporter/Claimant unless this option is specifically waived by the Reporter online. Foursquare staff, including the EPT, do not have access to identifying information, such as contact information; nor do they have administrative permissions to the software platform. However, it is important to note that the nature of the information provided in an incident report may reveal circumstantial information that could cause the identity of the Claimant to be inferred by someone with contextual knowledge of the ministry. The identity of Reporters and Claimants who initiate contact using the 24-hour confidential hotline will automatically be treated as anonymous in the Ethics Point system. Once the incident report has been submitted with the information outlined above, it will be reviewed by one or more members of the Ethics Process Team.

Diagram 1. Incident Reporting Process



**Not subject to discipline** – In some cases, the details provided via an incident report and/or intake interview do not reveal a clear violation of the law, Minister’s Code of Ethics, or misconduct as outlined in this handbook. Even if true, an unactionable claim is one that would not ultimately lead to disciplinary action and therefore would not proceed to an investigation. Examples may include:

- A lawful termination of a ministry employee for cause, or under an at-will employment arrangement
- A Claimant (complainant, injured party, accuser)’s feelings were hurt because of a minister’s vocal tone, use of pronoun, or dubious nonverbal demeanor
- Sound biblical teaching that stimulates offense, conviction, or doctrinal disagreement for a congregant or between family members
- Ambiguous concerns or preferential differences concerning leadership style or church culture
- The Claimant is unable (or unwilling) to provide any corroborating evidence and/or is unwilling to afford the Respondent an opportunity to respond to the allegations with the due process outlined in this handbook

For unactionable claims, the Ethics Process Team member will take these actions:

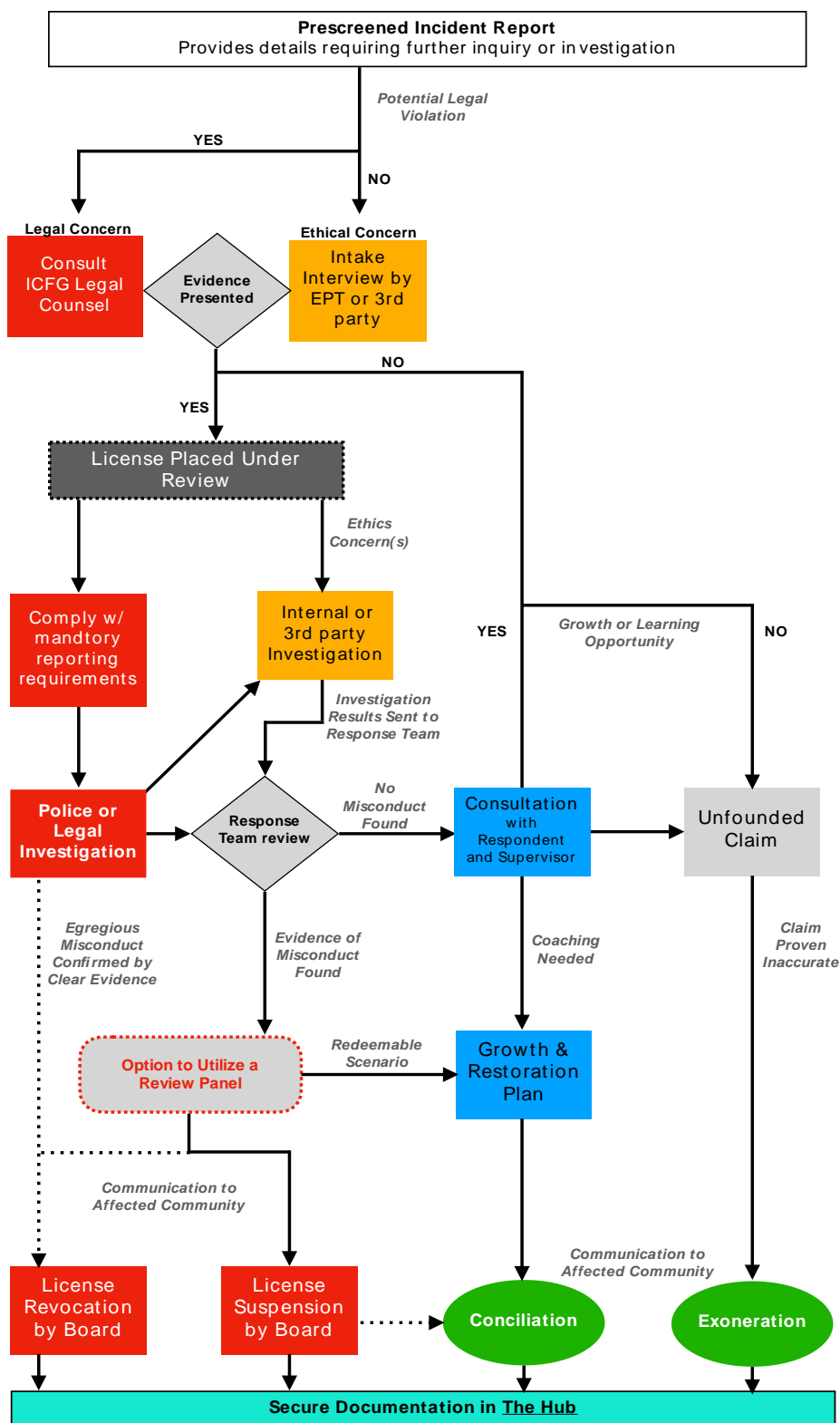
1. Clearly document the results of the intake process and reasons why the incident report was unactionable
2. Notify the Reporter/Claimant of this determination and the supporting facts
3. Notify the Respondent and their immediate supervisor about the nature of the report, the determination that it was unactionable, and encourage Respondent and supervisor to discuss as part of a learning and growth opportunity
4. Respondent will also be informed that this unactionable claim is NOT part of their Foursquare contact record and that it will only be revisited if there are two or more incident reports of the same nature, in accordance with biblical guidance outlined in 1 Timothy 5:19

**Potentially subject to discipline** – If the results of the intake interview suggest a violation of the law, the Minister’s Code of Ethics, or misconduct as outlined in this handbook may have occurred and warrants further investigation, the Ethics Process Team member will proceed with the intake and investigation process described in the next section and illustrated in [Diagram 2](#).



Diagram 2. Intake and Investigation Process

**Diagram 2 - Intake and Investigation Process**



## INTAKE PROCESS

1. The incident reporting process described earlier, and illustrated in [Diagram 1](#) of this handbook, will result in the following information being documented in the Ethics Point Case Management System:
  - a. Date of report
  - b. Name, role, and ministry appointment of the Respondent
  - c. Date, time, location of the incident
  - d. Witnesses (if any)
  - e. Incident narrative including circumstances and nature of the allegation (e.g., physical abuse, sexual misconduct, financial misconduct, misuse of spiritual authority, etc.)
  - f. Any corroborating or contextual information available
2. Reporter/Claimant will receive a high-level summary of the process outlined in this handbook and Foursquare's Whistleblower Policy ([Appendix C](#)) describing the policies and protective measures afforded to Reporters/Claimants against retaliation.
3. If the allegations involve any physical abuse, sexual misconduct, or threats to the safety of the Reporter or the community, the EPT member will immediately escalate the report and notify Legal Counsel and the General Supervisor. Legal Counsel and the General Supervisor may decide based on the nature of the information that it is appropriate to contact law enforcement.
4. If the Reporter seeks to pursue criminal charges, the EPT member or third-party call center will, if requested, attempt to assist the Reporter with information about how to report the allegations to local law enforcement. The ultimate decision/responsibility to report to law enforcement rests with the Reporter unless there is a mandatory reporting obligation under State law.
5. If the report involves a minor or triggers a mandatory reporting obligation, the EPT member will promptly notify Legal Counsel and General Supervisor and Legal Counsel will provide instructions on if and how to make a report to State authorities. If a report to authorities is appropriate, the EPT member will advise the Reporter of this obligation.
6. If the Reporter desires anonymity they will receive a disclaimer that incidents reports made anonymously may hinder Foursquare's ability to conduct a thorough investigation, which may impact its outcome. Regardless of whether anonymity is requested or not, the EPT member shall explain that confidentiality is not afforded when making a report of clergy misconduct. Privacy and discretion are provided, but confidentiality cannot be offered or guaranteed.
7. Once complete, the incident report will be forwarded to the Reporter for review and signed affirmation that the information is complete and accurate (or edit the report until it is complete and accurate).
8. The EPT member will notify the Respondent and the Respondent's immediate supervisor that an incident report has been received. The EPT member will attempt to set up a meeting (usually via video conference) to discuss the matter with the Respondent and their immediate supervisor.
9. For named reports, the Respondent will be given the opportunity to meet (virtually) with a member of the EPT. The EPT member should use discretion and care for the Reporter/Claimant when discussing their story with the Respondent, but also ensure the Respondent has a

complete understanding of the allegations brought forth. The EPT member will explain the process of this handbook with the Respondent. At all meetings, the Respondent may be accompanied by a support person which may include the Respondent's spouse and/or another credentialed Foursquare minister.

10. The Respondent will be asked to provide a written response to the allegations. He/she will be informed of the investigation and adjudication processes if it is anticipated that the matter will go through the formal process and provide support and care resources. The Respondent will be reminded that there should be no contact between the Reporter and the Respondent.
11. The Respondent will be offered an opportunity to discuss Respondent's response with the EPT member and share their story and/or explain their written response. Whether Respondent uses this opportunity for a verbal discussion, the Respondent's written response is the primary response that will be utilized.

Based on the findings from the intake process, the Ethics Process Team will make a preliminary determination about whether the incident report suggests that a violation of the Minister's Code of Ethics has been alleged. In such cases where the alleged incident, if true, could result in disciplinary action, the incident report will be filed in a highly secure case file in the Respondent's contact record in the Foursquare Hub. This action will trigger the additional investigation procedures outlined in [\(Diagram 2\)](#).

## **INVESTIGATION PROCEDURES**

If an investigation is needed, a Response Team will be assembled as described earlier in this handbook. An Investigator will be engaged and appointed by the assigned the EPT member assigned to the case. The Response Team has the duty of reviewing the accusations and determining the facts that will verify either the guilt or innocence of the Respondent. In gathering information, the Investigator should interview all relevant persons, review all relevant documents, and conduct whatever investigation the Investigator deems appropriate. The Investigator will gather information in an expedient manner, discussing the case only with those who are involved or who have pertinent information on a need-to-know basis. However, it is of the utmost importance that this body maintains confidentiality until such time as the Response Team gives permission to release such information. No Foursquare personnel are to discuss the matter with either the Reporter/Claimant or Respondent (or the support system for either of them) unless specifically designated to do so by the Response Team. Investigators shall decide all procedures by which to gather information and data.

Modifications of responsibilities or a paid leave of absence during the investigation may be decided by the Respondent's Supervisor and oversight body (i.e., HR Department, Church Council, Board of Directors, etc.) during the investigation, depending on the nature and severity of the charges. It is to be made clear that the Response Team is responsible to ensure that Foursquare's policies and procedures are followed, and that the Respondent cannot prescribe or amend the process. While the Respondent may presume the right to request the sequence of events to be followed during the investigation, the Response Team has full authority to make decisions and the Respondent is expected to submit to the process, or else risk suspension or revocation of the Respondent's ministerial credential.

There is to be no contact between the Respondent and the Reporter/Claimant unless explicit permission and parameters are provided by the Response Team.

**Note:** *In cases of clergy sexual misconduct/abuse, such contact is highly inappropriate and may be another opportunity for victimization to reoccur.*

While the Respondent has the right to resign and give up credentials before the investigation or adjudication is complete, such actions will not necessarily cease the investigation. If the Respondent chooses to resign, the permanent record will indicate that the Respondent resigned while under investigation. This information will also be communicated to anyone in the future who seeks a reference on this individual. Further, the Respondent's ministerial license will be revoked and not noted as being seceded or surrendered.

The Respondent needs full opportunity to be heard. While the responses of Respondents related to allegations of misconduct vary, two types of responses merit elaboration:

1. **Full Confession:** There may be an immediate acknowledgment of the misconduct and to make a public confession, even before the Investigator has had an opportunity to interview other parties. Full confession to the church and legal authorities is encouraged, but if criminal activity is involved, the Respondent may desire to obtain legal counsel before confessing. Also, a confession too early could be a form of control by the Respondent and may contribute to an inappropriate interpretation of the facts. Confession should be restricted to the Response Team and Investigator until the Adjudication Team has concluded their assessment. The Response Team will then assist the Respondent in determining how and when to incorporate a confession and repentance into a response and restitution process that does not cause further trauma.
2. **Acknowledgment:** Experience has demonstrated that persons may acknowledge their misconduct when confronted with a particular accusation. It is common that they will not volunteer additional information on other related or unrelated forms of misconduct. At times this is intentional and at other times it is because of internal denial or repression. It is, however, the investigator's responsibility to seek to learn whether other persons may also be involved. When accused, it is not uncommon for the leader in question to be angry or resistant. This response is usually because the individual's future is threatened, or it is used as a means of keeping those who are investigating away from the truth. The Investigator is responsible to continue the investigation through to its conclusion.

**Note:** *If during an investigation, or at any point in the process, it is discovered that abuse involving a minor has been alleged or suspected (or any other mandatory reporting matter), local authorities will be contacted.*

#### **Investigation Sequence:**

1. The assigned EPT member will assemble the Response Team based on the Respondent's role and supervisory structure.

- a. The Response Team will be comprised of an EPT member, the Respondent's denominational supervisor, and at least one other person selected by the EPT.
  - b. One Response Team member will be designated as the Response Team leader.
2. The EPT member will assign an Investigator to the case.
  - a. An in-house Foursquare Investigator who is a trained professional will be used in most cases.
  - b. Though not required, consideration should be given to using an independent third-party Investigator for significant reports against a member of the Board of Directors, or if EPT determines the nature of the investigation requires expertise from independent resources to protect the Reporter, the Respondent, and/or Foursquare (e.g., complexity, Foursquare reputation).
3. The Response Team leader will meet with the EPT member and assigned Investigator to establish the scope, plan, and timeline for the investigation, which the Response Team leader will share with the Response Team. The Investigator will keep the Response Team leader and EPT member updated on the progress of the investigation.
4. The EPT member will administratively oversee the data collection process to ensure that the investigation is prompt, fair, and thorough and will target to have investigations completed within 60 days, though circumstances may sometimes prevent a timely completion (e.g., law enforcement has requested a stay, complexity of the case, or other extenuating circumstances).
5. The Investigator will be responsible to collect all relevant information, evidence and maintain records related to the investigation in a case file. Such information and evidence may include the following:
  - a. Interview notes and summaries of the Reporter, Respondent, witnesses, and others as appropriate
  - b. Communications including texts, emails, voicemails, videos, social media posts, if applicable
  - c. Documents including letters, notes, photographs, if applicable
  - d. Documents reflecting the investigative progress including notes related to case developments such as reasons for delays
6. Investigator's Report - At the conclusion of the investigation, the Investigator, with the assistance of the Response Team leader and/or EPT member, will prepare a formal written investigation report setting out the allegations and summarizing the steps of the investigation, findings of fact, and the Investigator's assessment as to the credibility of individuals. The Investigator will submit the completed report to the Response Team.

#### **ADJUDICATION PROCEDURES**

1. The Response Team will promptly review the investigation report and evidence gathered by the Investigator and meet to discuss the case. The Response Team will meet with the Investigator to discuss the matter, if needed, and determine, if necessary, based on its review whether to re-interview witnesses, interview additional witnesses, or to collect additional information. The

Response Team may also decide to conduct its own interviews of witnesses not previously identified.

2. When reviewing the information and evidence gathered during the investigation, the Response Team will evaluate the Reporter's allegations using the evidentiary standard of "a preponderance of the evidence" to determine if the Respondent engaged in misconduct and may impose discipline. "Preponderance of the evidence" means that it is more likely than not (i.e., more than 50% likely). Discipline for a finding of misconduct may include a warning, training, counseling, suspension, termination of employment, or suspension or revocation of ministerial credentials.
3. The Response Team will meet and determine by a majority vote whether they believe the Respondent has engaged in the alleged misconduct.
  - a. For allegations of sexual misconduct, The Response Team will refer to the levels of misconduct outlined in the Inappropriate Sexual Behavior Manual and included in the Handbook of Operations for Foursquare Churches for guidance in determining disciplinary/resolution.
4. The Response Team will complete a written notice of the decision to be shared with the Reporter, Respondent, EPT, and the supervising body of the Respondent.

#### **APPEALS PROCESS**

1. The Reporter or Respondent may appeal the recommendation of the Response Team. The evidentiary standard for reviewing an appeal will also be a "preponderance of the evidence."
2. Should a party (Appellant) seek to appeal a decision, the appeal request must be sent to the EPT Leader (who will add it to the Case Log), and include the following:
  - a. Statement as to why the Appellant believes the Response Team wrongly assessed the evidence.
  - b. Any new evidence that supports Appellant's claim as to why the decision was in error.
3. EPT Leader will gather the Appellant's submission, along with the Response Team's prior decision, and submit it to the General Supervisor and Corporate Secretary for review. The General Supervisor and Corporate Secretary shall have access to the entire case file. The General Supervisor and Corporate Secretary may but are not required to: (1) meet with the Investigator to discuss the matter; (2) re-interview any witnesses; (3) interview additional witnesses; or (4) collect additional information.
4. The General Supervisor and Corporate Secretary shall render a decision, which decision may be any of the following: (1) affirm the Response Team's decision and proceed accordingly; (2) modify the Response Team's decision and proceed accordingly; (3) form another Review Panel to review the matter, comprised of any individuals the General Supervisor and Corporate Secretary deem appropriate; or (4) present the matter to the Board of Directors for a decision.
5. After the appellate review by the General Supervisor and Corporate Secretary, should the decision involve a recommendation of suspension or revocation to the Board of Directors, a decision by the Board is final.

### **Interim Measures**

In certain cases, interim measures may be appropriate for the EPT, in consultation with the Response Team, to implement to help provide care or create as safe of process as reasonably possible. These measures may include things like supportive and protective measures while a report is pending during an investigation. These measures are not intended to be disciplinary or punitive and are offered to support the parties and to protect their health and safety and the Foursquare community. The EPT, in consultation with the Response Team, may implement interim measures such as:

1. No Contact Order prohibiting the Respondent having direct or indirect contact with the Reporter(s). This order may be a mutual (two-way) order between the parties.
2. Referrals to counseling or medical services
3. Paid or unpaid leave of absence
4. Any other interim measure or accommodation necessary that the EPT, in consultation with the Response Team, deems appropriate.

In certain cases, even if the EPT finds that the Foursquare policy has not been violated, some interim measures, such as a No Contact Order may be allowed to stay in effect.

### **Matters that involve Law Enforcement**

If law enforcement is involved with a particular matter/Respondent/Reporter, Foursquare will suspend its internal investigation pending resolution of the law enforcement matter, and/or pending instructions from law enforcement. Foursquare will promptly recommence its investigation after Foursquare reliably learns that law enforcement has concluded its process. If law enforcement informs Foursquare that an internal investigation would not interfere with law enforcement, Foursquare may (but may not) proceed in the Foursquare investigation while law enforcement continues its investigation. Despite there being an ongoing criminal investigation, Foursquare will not suspend an investigation for an indefinite period. If Foursquare determines, in its sole determination, that law enforcement's delay or lack of action in investigation infers that the matter is not a high priority for law enforcement, Foursquare will resume its investigation, unless specifically requested by law enforcement to continue to suspend the investigation.

If the outcome of the law enforcement investigation/prosecution is to not take action against the Respondent, that is not dispositive of whether the Respondent engaged in the alleged misconduct or whether Respondent's actions warrant some form of discipline. If law enforcement has determined not to pursue an action, Foursquare reserves the right to come to a different conclusion regarding Respondent's conduct and any appropriate discipline. If the outcome of criminal charges results in a conviction or plea deal (or some other form of confession or admission) related to misconduct, such result will be deemed by Foursquare as factual. In other words, while a Respondent may maintain their innocence after a conviction, Foursquare will not be open to any fact finding that is a "lesser" offense or result than what was determined during a criminal case.

## DISCIPLINE OR EXONERATION

The Response Team may take any one of the following actions:

### DISCIPLINE PATHWAYS

**Modification of duties, temporary leave of absence, and/or probation:** As it relates to the Respondent's place of ministry, if the Respondent's place of ministry is under the authority of Foursquare, and if it has been determined that the Respondent has engaged in actionable misconduct, yet the actions do not necessarily warrant termination of employment and/or suspension/revocation of credentials, then a modification of duties, temporary leave of absence and/or probation may be recommended.

**Note:** This can never be the recommendation when it has been determined that there has been direct sexual involvement with another person, when direct intrusive sexual acts have been repeated, or that a sexually addictive pattern has involved other persons or a minor.

**License under review:** This status is given when there is accusation or concern that warrants investigation. Reasonable attempts should be made to conduct investigation and bring about resolution within six months, resulting in the ministerial license being either (1) cleared of the LUR status (with either an exoneration or with appropriate coaching), Or (2) given a suspension or revocation status. Placing a license under review does not require Board approval.

**Suspension of credentials (includes termination of appointment):** The Response Team may recommend suspension of credentials to the Foursquare Board of Directors. This recommendation can and should be made when the Respondent has perpetrated a severe misconduct, but the Respondent indicates a willingness to completely accept responsibility, fully repent, and work with Foursquare on an appropriate restoration plan (and Foursquare also desires to work toward a future restoration).

**Revocation of credentials (includes termination of appointment):** The Response Team may recommend revocation of credentials to the Foursquare Board of Directors. This recommendation can and should be made when the Respondent has perpetrated a severe misconduct, and either of the following three things exist:

(1) the Respondent does not accept responsibility, or does not fully repent, or does not indicate a willingness to work with Foursquare on an appropriate restoration plan; (2) Foursquare does not desire to work toward a future restoration; or (3) the Respondent has perpetrated a sexual offense against a minor. Whether to revoke a license is a difficult and subjective decision. It is a complete removal of the Respondent's license, with no intention of a restoration plan for a future with Foursquare.

**Reinstatement of credentials after suspension:** If a Respondent seeks to have their credentials reinstated, that request can only be made after full compliance with the restoration plan outlined during the suspension process. When a minister requests consideration for reinstatement, the supervisory leader (district/FCI/FMI) submits a request to the Ethics Process Leader (EPL) and copies the General



Supervisor. The Ethics Process Team will gather past documentation of the misconduct matter, Foursquare ministry history (including application) as well as restoration process documentation. The EPT Leader (or a designee) will establish a Review Panel of elders (with no dual relationship/conflict of interest) and will lead a reinstatement review process in consultation with district/FCI/FMI. A report should be prepared by the Review Panel and sent to the Supervisory leader (district/FCI/FMI/LPU) for comments. The report is then forwarded to the General Supervisor, and then the Board of Directors for decision. The EPT Leader will support the Supervisory leader in the implementation and communication plan.

## **EXONERATION**

Exoneration equates to a clearance of charges. If the Response Team, after carefully considering the findings and the recommendations of the Investigator, concludes that the Respondent is innocent of all charges or that there is not enough evidence (by a preponderance of the evidence) to determine guilt, then the Response Team will clear the Respondent of the charges. If others in the local church or organization know of the accusations, then the Supervisor, Regional Pastor, and/or similar role(s) in the church or organization will take responsibility to restore the good name of the Respondent and give extra support in restoring the confidence of the church/organization and the person's integrity to serve in ministry. At all times extreme care should be taken not to disparage a Reporter/Claimant that has come forward in good faith and been submitted to the process and decision. We understand and recognize that differing viewpoints and interpretations can exist at times, and the restoring of the Respondent's good name should be done with every reasonable effort to not cause any harm or damage to a Reporter/Claimant that had come forward in good faith and submission to the process. Should a Reporter/Claimant act in a way that is intentionally damaging to the Respondent, their place of ministry, or Foursquare as a whole, consultation with Legal Counsel is necessary before publicly addressing the Reporter/Claimant's actions of discord.

## **DOCUMENTING AND COMMUNICATING THE RESULTS OF INVESTIGATIONS**

### **Notification of Decision to Reporter and Respondent**

Once a decision has been made by the Response Team regarding the investigation, adjudication, and discipline, if any, the Response Team will provide the Reporter(s) and Respondent with written notice of its decision, the applicable discipline (if any), and their right to an appeal within 60 days of the receipt of the decision. Within the notice, instructions on the requirements to file an appeal will be provided. Consideration should be given as to whether support and care resources should be provided.

The results of investigations and any corresponding changes to a minister's credential status will be securely documented in "The Hub," Foursquare's central database for ministers and ministries. This database is managed by robust security protocols allowing layers of information to be restricted to authorized personnel. This database serves as an open personnel record where Foursquare ministers may view any information in their file.

Results of investigations including discipline, exoneration, and any changes to credential status will be viewable by the Respondent and any supervisory leader (executive leaders, District/Missions/Chaplain Supervisor, Regional or Area Pastor) with responsibility for any new ministry context to which the Respondent is assigned. The Hub also stores notes from the various teams in the process.

Upon change of a ministry assignment, the Hub database requires the supervisory leader to confirm disclosure of previous incident reports, including the Response Team's findings and any disciplinary or remedial action taken in response to a report. This confirmation is required by the system before a new appointment may be posted. For cases that involved criminal allegations, a new background check may be required prior to finalizing a new appointment, which background check should be done with full consent of the minister. (Failure to provide such consent is grounds for license revocation.) The information stored in The Hub includes:

- The nature of the report filed against the minister
- The resolution of the matter
- The action taken by the Response Team
- Any changes in credential status (license under review, suspension, revocation, exoneration, and/or reinstatement)

#### **RESPONSE TO THE RESPONDENT**

Upon receipt of the Response Team's decision, the Response Team Leader or their designee will meet with the Respondent (in person or by phone or video conference) to communicate the results of the investigation and any additional actions to be taken. This same information will be provided in writing during or immediately after the call. In cases where adjudication results in a termination of employment, the Response Team will coordinate with the staff where the Respondent was employed within Foursquare. In many cases, both disciplined and exonerated leaders will be offered care and counseling through one of the Centers for Spiritual Renewal or a similar ministry as part of a growth or restoration plan.

#### **RESPONSE TO CLAIMANT**

When allegations of misconduct are being vetted, the Claimant will primarily interact with the Ethics Process Leader, Response Team Leader, and Investigator(s). When Reporters/Claimants are employed within places of ministry that Foursquare has authority over, their employment status, compensation, position, credential status, and appointment cannot be affected during the intake, investigation, review, and decision-making process (see Whistleblower Policy – [Appendix C](#)). However, if an investigation reveals clear evidence that a Reporter/Claimant provided false or fabricated information, and/or acted with malicious intent or intent to divide the Body of Christ, then such action may be considered misconduct and subject to the procedures and response guidelines outlined in this Handbook.

For allegations that are substantiated through an investigation and the Response Team's report, the Claimant(s) will be contacted by the Ethics Process Leader and/or Response Team Leader to explain the results. In many cases, but not in all, this may include an invitation to meet by phone or video to review results of the investigation and any additional actions to be taken. Whether there is a meeting by phone

or video, the general information will be provided in writing. Within the confines of limited resources, Foursquare may offer any or all of the following to a Claimant:

- Outside counseling referrals
- Sabbatical rest and/or pastoral counseling services through the Centers for Spiritual Renewal
- Reimbursement for a set amount of counseling expenses from an independent provider

#### **RESPONSE TO THE CONGREGATION OR CONSTITUENCY**

In conjunction with local leadership, the Response Team Leader will coordinate communication of the investigation results, adjudication, and resulting actions so that this information may be shared with the appropriate levels of individuals within the Respondent's place of ministry. Not every report and investigation need full disclosure to the entire community. Many matters are capable of being handled privately by Foursquare by mediating/moderating communication with the Claimant(s) and Respondent. Often, public communication to the Respondent's ministry congregation/community is appropriate. Those decisions are made on a case-by-case basis, considering the nature of the misconduct alleged, the results of the investigation, whether the matter resulted in exoneration or discipline, the size of the congregation/community, the position of the minister within the congregation/community, the sensitivity of the Claimant(s)'s identity and story, etc. Careful consideration needs to be given to ensure the right individuals have the right amount of information. No two situations are identical.

#### **ANNUAL AUDIT OF PROCEDURES AND CASES**

The Audit Team will conduct a yearly audit/review of the incident reports, investigation, and adjudication processes, and review cases to assess whether the procedures set out in the Handbook for Responding to Clergy Misconduct are being adequately followed. The audit will include:

1. A review of records maintained to assess if recordkeeping requirements are being met
2. A review of cases to assess if they were handled timely in accordance with the procedures
3. A review of cases to assess whether the informal/formal processes were properly followed
4. A review of the case log to assess whether all submitted reports were addressed
5. A review to assess whether the written communication processes informing Reporters and Respondents about reports, investigation, and adjudication are being followed
6. A review to identify whether there are any patterns of misconduct by individual ministers that seem to indicate a broader concern across Foursquare

Upon completion of the audit/review, the Audit Team will prepare and share, within 60 days prior to the annual Cabinet meeting, a draft report with its preliminary observations and findings with the Ethics Process Team and General Supervisor and will meet to discuss and resolve any differences and objections. This plan will include a suggested corrective action plan (if any is needed) to address any deficiencies found in the audit.

The Audit Team will provide a final report to the Foursquare President, Vice Presidents, General Supervisor, and Corporate Secretary no less than 30 days prior to the annual Cabinet meeting and said Foursquare officers will promptly provide the report to Foursquare Board of Directors who will present the report, along with corrective actions taken or planned, to the Foursquare Cabinet.

## APPENDICES

[Appendix A – Minister’s Code of Ethics](#)

Appendix B – Incident Report Form for Allegations of Misconduct (To be available in January 2024)

[Appendix C – Whistleblower Policy](#)

[Appendix D – Foursquare Position Statement: Biblical Framework for Healthy and Unhealthy Church Leadership](#)

[Appendix E – Conflict of Interest/Recusal Policy](#)

## LINKS TO SUPPLEMENTAL RESOURCES

[Handbook of Operations for Foursquare Churches](#)

[Foursquare Child and Youth Protection Manual](#)

[Administrative Guide to Services - Licensing](#)