

NON-COMPLIANCE PROCESS CHECKLIST

This record is confidential and for use by the Association/Conference office only.

This resource accompanies the part of Section 2:6 of the Manual on Ministry “Accountability and Support” that addresses non-compliance with local standing requirements.

Abbreviated Terms:

MIQ = Minister in Question

PRQ = Person Raising Question of fitness

RT = Response Team (composed of Process Guides and Interview Team)

COM = Committee on Ministry

NA = Not Applicable

Basic Reminders:

Certify all mail sent to MIQ. Conference Minister or Associate Conference Minister is a consultant to the process, answering questions about procedure, but not offering pastoral support for any person within the process.

(Name of Minister in Question)

Date	Action	Persons Involved and Notes
	INFORMATION SURFACES	
	1. A question regarding a minister's fitness is raised – by a person, media or other sources.	
	2. Information forwarded to Conference Staff & COM Chair.	
	3. Secular authorities notified if necessary.	
	4. Conference staff notifies conference attorney or Office of General Counsel that a concern has come forward.	
	5. Consult with other judicatory if minister holds multiple ecclesiastical standings.	
	6. Conference Staff and COM chair consult to determine if additional information is required to prepare a redacted case.	
	7. If necessary, Conference Staff or COM chair reach out to Person Raising Question (PRQ) for additional information.	
	8. If Conference Staff and COM chair determine at this time that this is not a fitness concern, that decision is communicated to the PRQ. If appropriate, Conference Staff and COM chair address additional follow-up that may be necessary (conversation with congregational leadership, calling body, and/or minister; direct PRQ to the appropriate venue to address concern; referral to a Situational Support Consultation).	
	9. COM Chair and Conference Staff draft the concern as a document without identifiers (“redacted case”) to share with COM.	

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	COMMITTEE MAKES INITIAL DECISION(S)	
	1. Schedule and lead COM meeting or conference call to consider redacted case. Copies of the redacted case are distributed at the meeting, and are gathered at the end and shredded. One copy is retained for the file.	
	<p><i>Possible Initial Determinations of the COM:</i></p> <ul style="list-style-type: none"> a) Even if true, does not call fitness into question. No further COM action; COM Chair and Conference Staff report decision to PRQ. b) Even if true, this case does not call fitness into question, but Situational Support Consultation is in order. Call for it. c) Additional information needed to make determination. That information is then gathered by Conference Staff or COM Chair, and then the COM is reconvened to determine whether to initiate a review. d) If true, this case does call fitness into question. Committee votes to begin Fitness Review. 	
	2. At this point, the identity of the Minister in Question (MIQ) is disclosed to the COM.	
	3. Adjudication transfer to a designated Fitness Review Committee of the Conference/Association, if one exists.	
	4. COM votes to accept decision of the Conference/Association designated Fitness Review Committee (if one exists) without further investigation; keep record of vote in COM minutes.	
	5. Is there any conflict of interest among COM members? If so, recuse those members from all work pertaining to the	

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	Fitness Review.	
	6. Does adjudication need to be moved because of an entire COM's conflict of interest? If so, Conference Staff (in conjunction with MESA) arranges for another COM to adjudicate and provides procedural recommendations for the originating COM.	
	7. If another body will adjudicate the Fitness Review, the originating COM must: <ul style="list-style-type: none"> a) Negotiate with the adjudicating body any procedural differences between the two groups; b) Agree to accept the decision of the adjudicating body without further investigation; c) Keep a record of these minutes in the files relating to this Fitness Review; d) Negotiate in advance a cap for any expenses associated with the adjudication of this Fitness Review. 	
	8. If a minister resigns ministerial standing before a Fitness Review can be initiated, the COM receives the resignation of standing with bias. Report such a decision in the minister's file and to MESA using the Fitness Review Form. MESA will record this in the UCC Data Hub. Conference Staff notifies conference insurance provider and conference attorney or Office of General Counsel of this outcome.	
	FITNESS REVIEW BEGINS	
	1. COM confirms that it has formally adopted Association process for this Fitness Review and appeal process; keep record in minutes.	
	2. COM focuses on question raised by summarizing the nature of the question in	

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	<p>a statement that avoids high degree of detail. Use UCC Ministerial Code to frame the concern, and add identifying information to the concern for the benefit of the COM.</p>	
	<p>3. COM (or Conference Staff and COM Chair) identifies Process Guides for: MIQ: PRQ: Ministry Setting:</p> <p>Process Guides should be individuals with an understanding of confidentiality, who are trained on the polity and process of a Fitness Review. These persons are considered part of the Response Team. They do not interview individuals with information related to the Fitness Review.</p>	
	<p>4. Conference Staff & COM Chair identify team of 2 Response Team members, called the Interview Team, to interview parties – being sensitive to gender diversity, clergy/laity balance, as well as any specific skills relevant to the questions raised.</p>	
	<p>5. COM Chair or Conference Staff communicates the following information with MIQ, preferably in person but potentially by other means:</p> <ul style="list-style-type: none"> ○ Explains that Fitness Review is underway; ○ Describes the nature of the concern raised in a general way; ○ Describes process and where to find information about the process; ○ Explains that as part of the process, any active ministerial profile will be recalled and a hold will be placed on it to prevent further circulation; ○ Provides name of Process Guide, who will be in touch to answer any 	

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	<p>process questions;</p> <ul style="list-style-type: none"> ○ Makes clear that this is an ecclesiastical process, not a legal one, and that attorneys have no role in this process; ○ Secures signature on Confidentiality Form ASAP. 	
	6. Conference Staff notifies the MESA Ministry Team that a Fitness Review is underway, using the Fitness Review Form.	
	7. If the MIQ holds Ecclesiastical Endorsement, the COM Chair or Conference Staff notifies the UCC Endorsement Office.	
	8. MESA notes that a Fitness Review has been initiated in the MIQ's Data Hub record. A hold is placed on any further distribution of a ministerial profile and a recall message is sent to any conference where the minister's profile is currently circulating.	
	9. Conference Staff & COM Chair contact ministry setting leadership (church moderator, supervisor if in a non-parish setting) and request immediate meeting with ministry setting leadership to answer any questions. This meeting should include a plan for how this information is shared with the ministry setting, as well as addressing whether a paid administrative leave is necessary. (See below for more details about this meeting.)	
	10. Conference Staff notifies UCC Insurance Board or Conference insurance provider that a Fitness Review has begun.	
	11. Conference Staff notifies conference attorney or Office of General Counsel that a Fitness Review has begun.	

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	Note: The following 3 steps should happen concurrently.	
	<p>12. Process Guide for Person Raising the Question (PRQ) communicates with PRQ:</p> <ul style="list-style-type: none"> ○ Explains that Fitness Review is underway; ○ Describes process and where to find information about the process; ○ Clarifies Process Guide role and relationship; ○ Offers to continue to be in touch as the process unfolds to answer any process questions; ○ Secures signature on Confidentiality Form. 	
	<p>13. Process Guide for Minister in Question (MIQ) communicates with MIQ:</p> <ul style="list-style-type: none"> ○ Reiterates that Fitness Review is underway; ○ Describes process again and clarifies Process Guide role and relationship; ○ Offer to continue to be in touch as the process unfolds to answer any process questions; ○ Invites MIQ to be in touch if they have additional questions. 	
	<p>14. Conference Staff, COM Chair, and/or Process Guide for ministry setting meet with ministry setting leadership to:</p> <ul style="list-style-type: none"> ▼ Address the general nature of question; ▼ Explain that a Fitness Review is underway; ▼ Describe the Fitness Review process and where to find information about the process; ▼ Ensure all leaders have the same information; ▼ Assist with any plan to inform the ministry setting; 	

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	<ul style="list-style-type: none"> ▼ Assist the ministry setting as they determine whether a paid administrative leave is appropriate until an outcome of the Fitness Review is reached; ▼ Process Guide for ministry setting offers to continue to be in touch as the process unfolds to answer any process questions; ▼ Invites ministry setting to be in touch with the Process Guide if they have additional questions. 	
	15. Ministry setting leadership notifies insurance provider that a Fitness Review has begun.	
	16. Conference Staff and COM chair may consult with MESA or others who have experience with Fitness Reviews.	
	17. If the MIQ resigns ministerial standing once a Fitness Review has begun but before the COM has deliberated, the process must come to an end. The COM receives the resignation of standing with bias, and submits documentation to the MIQ's file and MESA indicating that the Fitness Review outcome was "Resignation of Standing with Bias." Conference Staff notifies conference insurance provider and conference attorney or Office of General Counsel of this outcome. If the MIQ seeks reinstatement of standing at a later date, the COM will need to reopen the Fitness Review at the point it was stopped by the resignation of standing. The COM will need to adjudicate the Fitness Review, including a program of growth if necessary, and that will need to be completed before the COM can consider a request for reinstatement of standing.	

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	INFORMATION GATHERING	
	1. Response Team confirms that Confidentiality Notice has been signed by the MIQ before any interviews begin. Even if MIQ refuses, the Fitness Review proceeds.	
	2. Interview Team (part of the Response Team) sets up a meeting with the Person Raising the Question (PRQ) in a neutral location.	
	3. Interview Team requests that the PRQ signs the Confidentiality Notice.	
	4. Interview Team interviews PRQ, creates a summary of the interview, and asks the PRQ to review and sign the interview report after noting any changes. If PRQ has documentation relevant to the concerns being raised (receipts, emails, letters, minutes, check registers, pictures, etc.), Interview Team should request copies to be shared and appended to the interview summary.	
	5. Interview Team interviews others having relevant information. The Interview Team requests that these individuals sign a Confidentiality Notice. Interview Team creates a summary of these interviews and asks individuals to review and sign their interview reports after noting any changes. If these individuals have documentation relevant to the concerns being raised (receipts, emails, letters, minutes, check registers, pictures, etc.), Interview Team should request copies to be shared and appended to the interview summary.	
	6. Interview Team may gather information from Local Church if relevant.	
	7. The Interview Team may gather public records, if relevant.	

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	<p>8. In consultation with Conference Staff, Interview Team may speak with experts/others with specialized knowledge (forensic accountant, sexual abuse counselor, etc.), either to be interviewed related to this concern or to offer any other relevant information in a more general context. Request that each such person interviewed sign a Confidentiality Notice prior to the interview. If such individuals have direct knowledge of the concern raised, secure release of information forms permitting them to speak to the Interview Team. Interview Team creates a summary of these interviews and asks individuals to review and sign their interview reports after noting any changes.</p>	
	<p>9. Interview Team should summarize every concern raised in prior interviews in preparation for their interview with the Minister in Question (MIQ).</p>	
	<p>10. Interview Team interviews MIQ, ensuring that the MIQ responds to each concern raised in all prior interviews. The MIQ may view the documents from the other interview reports, but may not retain a copy of them in any form (photocopy, PDF, picture). Interview Team creates a summary of this interview, returns it to the MIQ for review and requires the MIQ to sign it after making any corrections. The MIQ may not retain a copy of this or any other interview report. If MIQ has documentation relevant to the concerns being raised (receipts, emails, letters, minutes, check registers, pictures, etc.), Interview Team should request copies to be shared and appended to the interview summary. Interview Team reminds the MIQ that the Confidentiality Notice is</p>	

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	still in effect.	
	COMMITTEE ON MINISTRY DELIBERATION	
	1. Interview Team provides COM with summaries of interviews of Person Raising the Question, Minister in Question, others.	
	2. COM meets with Interview Team to review documents and ask questions.	
	3. After all information is reviewed, COM develops plan to meet with persons involved.	
	4. Conference Staff & COM Chair prepare concise summary of questions being raised in Fitness Review. Consult Manual on Ministry Section 2:6 “Accountability and Support,” Section 3 Resource “Sample Agenda: Fitness Review Adjudication Meeting,” and any other Conference/Association policies in creation of agenda for the meeting.	
	5. Create an agenda for this meeting, taking into consideration the following: <ul style="list-style-type: none"> ▼ Who should speak directly with COM: MIQ? PRQ? Others? ▼ What questions does the COM have for these individuals? ▼ How much time should the COM devote to each person meeting with the COM? 	
	6. COM chair shares written agenda with COM, PRQ & MIQ at least 1 week prior to the meeting. Recommend sending via certified letter to MIQ.	
	7. Reiterate no involvement of attorneys at ecclesiastical proceedings. The MIQ may have the assigned Process Guide present or another person who is there for support, without voice. That other person must be approved by the COM in advance and must agree to the confidentiality of the process.	

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	8. Conduct meeting in accordance with policies and procedures, as outlined in the prepared agenda.	
	9. COM considers all information and determines: <ul style="list-style-type: none"> ▼ Were specific concerns found to have merit, and what is the rationale for this decision? ▼ Did other concerns arise in the course of the Fitness Review and were they found to have merit? ▼ Is the Minister in Question currently fit for ministry in and on behalf of the UCC? 	
	OUTCOMES AND ALTERNATE OUTCOMES	
	1. What outcome is discerned to be appropriate? <ul style="list-style-type: none"> • Affirmation of Standing • Admonishment • Conditional Affirmation of Standing with Program of Growth • Censure of Standing with Program of Growth • Suspension of Standing with Program of Growth • Termination of Standing <p><i>Please note: Fitness Reviews may conclude in two other ways: Referral to a Situational Support Consultation or Resignation of Standing. See Section 2:6 “Accountability and Support for more information on the Situational Support Consultation, and see below for information about Resignation of Standing following the COM’s deliberation. Please also note: Censure, Suspension and Termination will always be disclosed on a ministerial profile, while a Conditional Affirmation will need to be disclosed only</i></p>	

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	<i>while there is a <u>current</u> program of growth.</i>	
	2. If necessary, COM develops a program of growth related to the concern(s) and the outcome. This should include timelines and benchmarks for the MIQ and the COM.	
	DECISION COMMUNICATED	
	1. COM creates letters for Minister in Question and ministry setting that outlines the decision, the program of growth (if any), and other relevant information.	
	2. COM representatives meet with MIQ to communicate and interpret decision, including any program of growth. COM rep should also share any information about the appeal process. Written document outlining program of growth and other conditions is signed by MIQ and COM Chair. MIQ retains a copy of this information, as does the COM.	
	3. COM representative meets with PRQ to communicate and interpret the decision and answer any questions. This may also be conveyed in written form.	
	4. COM representative, in partnership with Conference Staff and the Process Guide for the ministry setting, meets with the leadership of the ministry setting to communicate and interpret decision, describe any program of growth, and to answer any questions. This meeting should also help the ministry setting leadership determine the best way to share the information about the Fitness Review outcome with the ministry setting. The COM representative should also convey this information in written form, either prior to or at this meeting.	

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	5. Conference Staff or COM chair report outcome to conference office.	
	6. Conference Staff reports outcome to MESA using the Fitness Review Form.	
	7. Conference Staff notifies UCCIB and conference attorney or Office of General Counsel of the outcome of this review.	
	8. Outcome is shared in the COM Annual Report, unless a program of growth is required (if so, the final outcome is communicated following the completion of the program of growth, or if the minister resigns their standing prior to completion). A copy of all COM minutes related to this Fitness Review is kept in the minister's file. All Fitness Review records are sealed and stored in the minister's file. COM destroys all other copies of extraneous notes/documents.	
PROGRAMS OF GROWTH		
	1. At designated points during the program of growth, the COM and the MIQ check in to touch base on progress towards completion of that program of growth.	
	2. After the COM determines that the MIQ has completed program of growth, the MIQ comes before the COM for reaffirmation of fitness. A program of growth may be extended if necessary.	
	3. Once the MIQ's fitness for ministry is reaffirmed or terminated, this information is reported to MESA using the Fitness Review Form and included in the MIQ's file. MESA records this information in the Data Hub. Following the completion of the growth plan, the final outcome of the Fitness Review is reported in the COM Annual Report.	

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	<p>4. If the MIQ resigns standing following the deliberation and decision of the COM but before the successful completion of a program of growth, that is noted as a “final outcome” to MESA, who records that information in the Data Hub. If the MIQ later seeks reinstatement of standing, the MIQ must complete the program of growth to the COM’s satisfaction prior to consideration of reinstatement of standing.</p>	
	FITNESS REVIEW APPEALS	
	<p>1. Only MIQ may appeal the decision, in accordance with Association policies governing Fitness Review appeals.</p>	
	<p>2. The Association governing body (or other appeal body as outlined in Association by-laws or policies) reviews the process of the Fitness Review. Appeals may only consider the process, not the facts of the situation.</p>	
	<p>3. Association governing body votes to either:</p> <ul style="list-style-type: none"> a) Affirm the Fitness Review process and endorse the outcome reached by the COM, thereby denying the appeal; or b) If a significant procedural irregularity is found to have occurred, the body determining the appeal will direct COM to re-conduct such portion(s) of the Fitness Review necessary to be in procedural compliance, and to issue a determination in consideration of that revisited procedure. 	

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	4. The decision of the Association governing body is final.	
	REINSTATEMENT OF STANDING	
	1. Any requests for reinstatement of standing, including of ministers who have resigned their standing or had it terminated due to a Fitness Review, must come before the COM where standing was last held.	
	2. If the Committee on Ministry chooses to consider the request, it convenes for a time of discernment and considers the following: <ul style="list-style-type: none"> a) the circumstances of the resignation or termination of standing; b) whether and how the person exhibits the Marks of Faithful and Effective Authorized Ministers as well as a capacity to adhere to the UCC Ministerial Code; c) the perspective of those who may have been harmed by the person's behavior; d) the degree to which responsibility for previous actions is acknowledged; e) any other relevant information. 	
	3. If the individual has an unfinished Fitness Review or an incomplete program of growth, those processes must be completed before the reinstatement of standing can be considered.	
	4. If the individual's standing is reinstated, the person must fully disclose the previous termination or resignation of standing on the UCC Ministerial Profile in perpetuity.	

Additional tasks for the Committee on Ministry to consider:

1. Thank the members of the Response Team for their service as Process Guides or as part of the Interview Team.
2. Many Committees on Ministry find it helpful and healing to debrief the process, sometimes together with the Response Team, following the conclusion of a Fitness Review. The experience may also be processed using prayer or ritual

ADDENDUM OF PERSONS INVOLVED IN FITNESS REVIEW

MIQ = Minister in Question: _____

Telephone: _____ Email: _____

PRQ = Person Raising Questions: _____

Telephone: _____ Email: _____

Response Team Members:

Interview Team:

_____ (clergy/lay/gender _____)

Telephone: _____ Email: _____

_____ (clergy/lay/gender _____)

Telephone: _____ Email: _____

Process Guides:

For MIQ: _____

Telephone: _____ Email: _____

For PRQ: _____

Telephone: _____ Email: _____

For Ministry Setting: _____

Telephone: _____ Email: _____