

The C&MA Uniform Policy on Discipline, Restoration, and Appeal Evaluation by Dr. Dan Harvey

Introduction

The Uniform Policy on Discipline, Restoration, and Appeal (The C&MA's Policy on Discipline) attempts in one document to be a statement covering all aspects of this topic. In reviewing this document, I am not primarily concerned with minor issues, for which Christian organizations can reasonably claim to fall under Paul's teachings given in 1 Corinthians 6: 1-7. I am also not concerned with private disputes among believers that can be resolved using the steps itemized in Matthew 18. My primary concern is crimes against children, and those offenses that cause lifetime wounds and damage families. It is important to recognize that soul-wounds to children and families do not only affect the victims, but without a measure of healing, they begin a cycle that can continue through subsequent generations. For these serious issues, C&MA and all organizations, religious and non-religious, are subject to the law of the land (Romans 13). Civil legal authorities exist for the purpose of upholding justice, punishing wrongdoers, and protecting the innocent.

I am skeptical that all issues of discipline, restoration, and appeal can be covered in a single document. There should be, at a minimum, an entirely separate section where policies regarding serious wrongdoings of the nature just described are addressed. In any case, please understand that my comments primarily pertain to these serious issues.

The Church

Throughout The C&MA's Policy on Discipline, there are many references to the Church and to the ecclesiastical authorities. It is important for C&MA and every religious organization to understand that they are *not* the Church. These are organizations run by fallible men, and as such, are subject to grave violations. The abuses that occurred at Mamou Alliance Academy and other boarding schools demonstrate this vividly. Damage to the reputation of a Christian organization is not equivalent to hurting the name of Christ. It may be necessary for organizations that repeatedly overlook or foster crimes against children to shut down.

Statements like that found on page 1 are highly inappropriate and illegal: "Any appeal to or other action before a court or civil tribunal is not permitted." A policy statement cannot hide a crime from civil authorities, and Separation of Church and State will not shield an organization from legal action to remedy grave violations to a person's constitutional rights.

Scope of the Document

My impression of The C&MA's Policy on Discipline, is that it is defensive in nature. It should instead be integrative and proactive. There are three ingredients necessary to effectively deal with sexual crimes and with severe spiritual abuse.

The first is to put policies in place that minimize the chance these things can happen. For example, children in boarding schools should *never* have mail to their parents censored. Mail is confidential, and houseparents should not have access to it. Children have every right to communicate to their parents, who have the primary responsibility before God to raise them.

There should be frequent unscheduled visits to these institutions by professionals trained in child abuse issues, and they must have one-on-one access to the children. The purpose of these visits, is to determine if there is any abuse or bullying going on and to recommend changes. The children must be able to speak freely, without fear of retribution.

Mission employees and missionaries should receive periodic reminders of what constitutes spiritual abuse, and what is appropriate behavior concerning children. They should also be told that inappropriate behavior will not be tolerated.

The second part of an effective policy is to adequately deal with abuse, once it is discovered. The C&MA's Policy on Discipline attempts to address this aspect, but is inadequate, as I will demonstrate later in this review.

The third and final step is to clearly state C&MA's position regarding restitution. The Policy has a great deal to say about restoration of the abusers; it only mentions restitution in one or two places without any specifics. In Scripture, when Zacchaeus found that Jesus would dine with him, he promised to restore four-fold to those he cheated even though the Old Testament law only calls for twenty percent interest. Restitution means owning the hurt and taking practical steps to walk with the victim through the long and slow process of healing. It is not simply an apology with the implication that now the victim should immediately forgive and forget. Restitution is not re-victimization resulting from decades of denial, stonewalling, and inaction.

Finally, in several places, The C&MA's Policy states that its guidelines should not be considered contractual, and that it could change at any time at the sole discretion of the leadership. This greatly weakens its impact, and brings into doubt whether there is any genuine commitment to deal with serious abuse issues.

Basis for Discipline

The document's seven steps describing the basis for discipline are troubling, and demonstrates a

lack of understanding of serious spiritual abuse and crimes against children.

The victims of the abuses committed at Mamou Alliance were repeatedly told that they were divisive during the lead-up to the independent review. Yet, The C&MA's Policy on Discipline reads that C&MA will have nothing to do with a divisive person after two warnings. In the case of Mamou, this created a hostile atmosphere which increased the psychological damage, and delayed the healing process. The policy statement should clearly state what is meant by the word, *divisive*. It should *never* refer to a person who was raped as a child, beaten repeatedly by houseparents, or told to maintain the code of silence because otherwise their parents would not be able to fulfill their calling.

Two of the basis for discipline steps in The C&MA's Policy are contradictory, or at least confusing. The first is *Growth in Faith*, which encourages growth by “rebuking them sharply.” Step two instructs, “restore your brother gently” when he is caught in a sin. This is problematic because, while those committing sexual crimes may be restored to the fellowship of believers; they should never again be trusted with children. Those guilty of severe spiritual abuse should never again hold leadership positions. Our sins may be forgiven, but there are still consequences.

Step C and D pertain respectively to: *Bearing one another's burden* and *Forgiveness, Comfort, and Love*. The focus of these sections is to be compassionate to the one who commits an offense. These statements, together with my comments above, give the impression that C&MA will side with the perpetrator, and attempt to diminish the serious nature of the acts against the victim.

Investigation

The C&MA's Policy on Discipline details the step-by-step nature of bringing a charge, and following up with an investigation. Much of the procedure is acceptable; but there are glaring difficulties. I will list these below.

1. I am happy to see that a charge of severe misconduct can be brought by “any one person, whether or not that person is part of C&MA.” However, in the case of abuse against a child, it is doubtful whether that child would have any knowledge of how to bring such a charge. Unless proactive steps to uncover abuse are established, it is unlikely that this policy will be effective.
2. It is necessary to state clearly in the policy that there are no statute-of-limitations regarding child abuse. It is common, even likely, that victims of abuse are unable to talk about what happened for many decades. The question, *Why now after so many years*, is never a defense.
3. The way the term, *ecclesiastical authority*, is used in the draft document is problematic. It

implies that sexual crimes committed at C&MA locations are not their responsibility. Instead, the responsibility falls to the ecclesiastical authorities, whether they be other mission agencies, or pastors of local churches. C&MA is indeed liable for crimes and severe spiritual abuse that happens on its grounds if it is negligent in taking reasonable steps to prevent them. Employees are also liable if they take part, or turn a blind eye to abuses taking place.

4. Investigators and the investigative committee should never solely consist of members from the ecclesiastical authority. This would be an obvious conflict of interest. There must always be at least one independent qualified professional. Investigative bodies for serious issues should be independent, not associated with any person or persons that have an interest to cover-up or dismiss the charges.
5. I am pleased that C&MA and its ecclesiastical authorities reserve the right to disclose information to outside parties. This is an important step to establish transparency and trust.
6. It is disturbing that the accused can be represented by an advocate, but the victim has no such right. In cases of serious charges, the victim must be allowed to choose an professional, independent advocate trained in the matters in question. This is necessary to insure that the initial interview will be fair and balanced. It is also necessary to guarantee that the victim will not be intimidated by interrogation.
7. The C&MA's Policy on Discipline contains a section to determine if a charge is properly submitted, or if a person has proper standing. I assume that this section will not apply to serious charges like those of which I am concerned. If this assumption is incorrect, the circumstances by which a charge of this nature is dismissed must be clearly stated.
8. The C&MA's Policy on Discipline is particularly deficient in cases where there is reason to believe that a sexual crime has taken place. In these cases, all information must be turned over to the civil authorities, and the person who is suspect immediately suspended. If the activity was not a sexual crime, but involves serious spiritual or physical abuse, the investigation should continue, and the suspect immediately suspended until the issue is properly resolved.

The Hearing

The moderator should not be the president of the C&MA entity, because of the conflict of interest. Instead, the moderator should be an independent person of good reputation who has high ethical standards. This person should be experienced in dealing with the charges brought and familiar with the workings of missionary-sending denominations and organizations.

I am pleased that a suspect's unwillingness to appear at an agreed-upon hearing is considered an

admission of guilt. It is distressing that suspects have a right to an advocate, yet victims cannot be represented by council of any kind. This is obviously inappropriate.

Appeal

The process for appeal appears to be reasonable. My main objection here is that the ones reviewing the decision should be independent to avoid any appearance of a conflict of interest. A second objection is that it is illegal to say that it is a matter of ecclesiastical law, and not to be settled through a court of law. A possible compromise is for all sides to agree to turn the appeal over to a recognized arbitration body who will decide, and therefore avoid legal costs.

Disciplinary Actions and Restoration

The troubling part of The C&MA's Policy on Discipline's section on disciplinary actions is it allows for restoration after evidence of genuine repentance, even after the most serious offenses. Yet there is no description as to how such evidence is obtained or evaluated. There are some offenses that are so serious that the consequences must be permanent. In the secular world, a teacher who commits child abuse is forever barred from again teaching. One guilty of a sexual crime becomes part of the national registry. Christian organizations should maintain a standard that is at least as high.

This does not mean that such a person cannot fellowship with a local congregation. It does mean that they will never again be allowed in a situation where they might be tempted to repeat their crimes. It is not C&MA's responsibility to restore a perpetrator to C&MA because they are not the Church, but an organization that attempts to serve God.

Summary

Although The C&MA Policy makes an attempt, it falls short in many areas, especially concerning sexual crimes and severe cases of spiritual and physical abuse. It still seems to favor the abuser, and is hostile to the victim. It also takes steps to distance C&MA from taking the responsibility for what happens under its jurisdiction.

My recommendation is for C&MA to create a separate document that specifically deals with these serious issues. A second recommendation is to be proactive in preventing sexual abuse; this should go far beyond applicant screening. A proactive policy must be ongoing and demonstrate that C&MA has zero tolerance for sexual crimes or for any form of abuse. A third recommendation is to guarantee that all stakeholders have their voices heard before any changes are implemented.

I would also recommend that C&MA carefully reconsider their policies pertaining to boarding

schools. Research shows that the abuses at Mamou were not isolated, but similar abuses were present at boarding schools throughout the world. Children of indigenous parents suffered similar, even worse, conditions at numerous boarding schools on several continents. The indignities continue to this day in places such as Thailand.

According to Ephesians 6, parents have the primary responsibility to raise their children. Jesus declared that loving God and loving your neighbor is the foundation for all of the law and all of the prophets. There is no closer neighbor than one's direct offspring. Unfortunately, mission boarding school policy puts the Great Commission above the two greatest commandments.