

# *Formal Charges Against Elders*

*Approved by the Board of Advisors and Accountability on August 28, 2013.*

## OVERVIEW

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A pastor/elder is the highest office in the church. They are men who are to be “above reproach” and “blameless” (1 Tim. 3:2, 10). They are not sinless men—sinless men do not exist. But they are to be godly men who when they make mistakes or commit sins learn from them to grow in grace. When someone believes an elder is in sin, this is a serious matter and the following process should be undertaken. It is very important to note that only the offended party should pursue steps 3-5. The goal of a process is to arrive at the truth and pursue reconciliation. This cannot happen unless the parties directly involved in the conflict are involved in the process. Other than instances where an employee or other individual might have a legal or other duty to report on behalf of another, such as witnessing sexual harassment of another in the workplace, etc., most attempts to take up an offense for another person or group of people only contributes to gossip and division; therefore, such cases will be dismissed.

## PROCESS

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### 1) *Consider the crime.*

If an offense or sin is also a criminal act, the police must be contacted so that we can obey the governing authorities and their laws, as Scripture commands (Rom. 13:1-7). For example, state governments specifically require churches to report any abuse against minors or the elderly. Tragically some Christians and churches rebel against such mandates, believing they are exempt from government authority. These churches take the law into their own hands, trying to substitute church discipline for legal process, which can allow serious crimes to go unpunished. If there is good reason to believe that a church leader has committed a crime, both the church and the state should be notified. Incidents would include sexual assault, sexual contact with a minor, murder, treason, etc. In 1 Corinthians 6:1-11 Paul says that trivial cases should be handled within the church by appointed, impartial people who love God and His justice. A crime is a very serious matter that does not fall into the category of “trivial cases.”

### 2) *Weigh the offense.*

When someone has been sinned against, the first thing to consider is whether they should simply forgive the person(s) involved, overlook the sin, and simply let it go. This may be the best course of action if the issue was minor, if the sin was out of character, and/or if there were extenuating circumstances that warrant a measure of mercy. God himself models this type of response, as Scripture says his “kindness is meant to lead you to repentance” (Rom. 2:4). In addition, Proverbs 19:11 says, “Good sense makes one slow to anger and it is his glory to overlook an offense.” And 1 Peter 4:8 says, “love covers a multitude of sins.” Simply put, people are not perfect, and sinners need to be gracious, patient, and merciful with one another, just as God is gracious, patient, and merciful with us.



If we fail to respond with mercy often, the church would spend all of its time doing nothing but hold church discipline trials day and night.

### 3) *Meet to seek reconciliation.*

If a sin seems too serious or habitual to overlook, the Bible instructs us to go to our brother or sister in private, talk face to face in love, discover the truth, and, if sin is indeed present, appeal to that person with a spirit of reconciliation to repent (Matt. 18:15; Rom. 15:14; 2 Cor. 5:18–21; Col. 3:16; 1 Thes. 5:14; 2 Thes. 3:14–15; Titus 3:10). In this we are trusting God the Holy Spirit to faithfully convict their conscience of sin. In this step, those who have been offended must be careful not to ascribe guilt to others without faithfully seeking the truth about what was done or said. Hearsay or second-hand reports do not qualify as a credible charge (Deut. 19:15; 1 Tim. 5:19). To encourage a healthy process, the offended party must begin by repenting of any sin he or she committed that might have contributed to the conflict.

Philippians 4:2–3 gives a practical illustration of two Christian women embroiled in a personal dispute. There is no hint of immoral sin or doctrinal heresy, but for whatever reason they simply do not get along and their conflict is causing tension in the church. The Apostle Paul deals with the matter by arranging for a mediator to help them agree in the Lord, and Paul expects the women to submit to the mediator. Sometimes there is sin that needs formal discipline, but other times conflict arises from hurt feelings and strained relationships that need mediation.

Conducted in love, hopefully such mediation and cooperation can bring the matter to an end. If not, a more formal process may be necessary.

*NOTE: If the matter is raised by a former employee and the issue occurred during their employment the following (“Pursue through mediation”) is not to be undertaken unless the issue was recorded by Human Resources (HR) during the employee exit process, a process which is designed to allow those transitioning off of staff to report whatever they deem necessary so that the church can be aware and follow up. The remaining steps in this document are intended to assist and not undermine the established HR process. Therefore, if the HR process was not utilized, any charge leveled after the fact will not be investigated or entertained as the opportunity to do so already passed.*

### 4) *Pursue peace through mediation*

At this stage, the offended party must determine whether it is necessary to proceed beyond the informal process (summaries in Steps 2 and 3) and take formal action. If a crime has not been committed, the offended party needs to consider if they have what merits a formal charge against an elder for sin. Pastors/elders deal with a great number of people and difficult circumstances, and it's important to remember that there is a difference between a criticism, a conflict, a complaint, and a charge:

- A *criticism* is when someone has not sinned against you, but you disagree with a decision they have made or a belief they hold. A criticism is not a charge.
- A *conflict* is when someone has not sinned against you, but you simply don't get along well and these interpersonal troubles are causing difficulty. A conflict is not a charge.



- A *complaint* is when someone has not sinned against you, but rather you are unhappy with how something was handled. A complaint is not a charge.

A charge against an elder should only be made with great seriousness and care, and only in the event that the accusation, if true, would warrant public rebuke (1 Tim. 5:20) or removal from the office of elder due to disqualification. To be clear, a decision to file a formal charge against an elder is essentially a request that the pastor be removed from eldership and fired, if he is employed by the church. In other words, this is a grave process that should not be taken lightly. The kind of offense that would fit into this category would be sin that is not criminal but serious enough to disqualify an elder, such as committing adultery or teaching false doctrine as a heretic.

Because of the seriousness of leveling a charge against an elder and because of Mars Hill Church's desire to protect its elders from groundless charges even while providing a transparent process for evaluating charges, if the charge is ultimately found to be groundless or baseless (not just that the elder is ultimately not removed), then the Board of Elders will take up the matter and make a decision concerning whether the accuser will remain in fellowship with Mars Hill church as a member. Making groundless charges against an elder is taken very seriously by the Board of Elders of Mars Hill Church and will not be tolerated.

First Timothy 5:19 says, "Do not admit a charge against an elder except on the evidence of two or three witnesses." In his commentary on the passage, John Stott writes:

That is, it must be substantiated by several people. In the Old Testament two or three witnesses were required to sustain a charge and secure a conviction, especially in regard to a capital charge. The same principle applies in New Testament times (e.g. 2 Cor. 13:1; cf. Mat. 18:16) in particular when Christian leaders are being accused...This practical regulation is necessary for the protection of pastoral leaders, who are vulnerable to slander.

If the accused does not respond to repeated personal appeals, as outlined above in Step 3, and if the offended party wishes to press their case, the Bible instructs them to do so with the support of one or two other believers (Matt. 18:15; Ephesians 5:11, 1 Tim. 5:20; 2 Tim. 4:2; Titus 1:9, 13, 2:15). The role of these "witnesses" is to help mediate the entire discussion, take notes to help a record of how things transpired, and ideally help the two parties arrive at reconciliation (2 Cor. 5:18; Eph. 2:16), or at least peace (Rom. 12:18; Heb. 12:14). In the case of charges against an elder, the role of witness(es) should be filled by another elder or two from Mars Hill Church who is approved by all parties involved and their respective supervisor(s).

The decision to hear formal charges will be made by the accused elder's supervisor(s). Those in authority over the accused elder must be aware of any disputes that have risen to this level, and decide if formal mediation is required or if the issue needs to be dismissed due to lack of merit. Some charges will not require formal mediation (in matters of hurt feelings or ministry philosophy, for example), and the two parties will simply agree to disagree and then move one.

In extreme and rare cases, formal outside mediation and arbitration may be brought in to help reconcile two opposing parties, but only if the Board of Advisors & Accountability or Executive Elders



believes that such measures are necessary. The purpose of mediation is to invite another person into the conversation in order to help resolve conflict and explore solutions if the conflict cannot be resolved (Matt. 18:16). Arbitrators can also be appointed to listen to both sides and render a binding decision about substantive issues (1 Cor. 6:1-9).

If the accused elder's supervisor determines a mediator is necessary, it is imperative that both sides of the dispute agree to give serious and prayerful consideration of this objective third party, if the process is to be a worthwhile use of time and energy. As such, the mediator's findings are to be given strong weight in voting for or against dismissal of an elder in accordance with Mars Hill Church bylaws. The mediator is required to take notes at the meeting and develop recommended next steps, which will be added to the employee file of any leaders (paid or unpaid) involved in the dispute. The role of the mediator is to remain impartial, seek the whole truth, and avoid the mistake described in Proverbs 18:17: "The one who states his case first seems right, until the other comes and examines him."

The entire formal charge process is to be overseen by the accused elder's supervisor. A formal charge must be submitted in writing to the supervisor who will determine what steps, if any, will occur next. Any formal charge submitted by a member of Mars Hill staff and/or leadership must include a letter of resignation, in the event that the charge proves groundless, sinful, or otherwise divisive. Should the accused party be exonerated, the supervisor overseeing the process will determine whether to accept the offended party's resignation.

See Appendix A for chart of process.

*NOTE: In order to receive acknowledgment, a formal charge must be submitted using the enclosed documents (see Appendix).*

#### 5) *Separate*

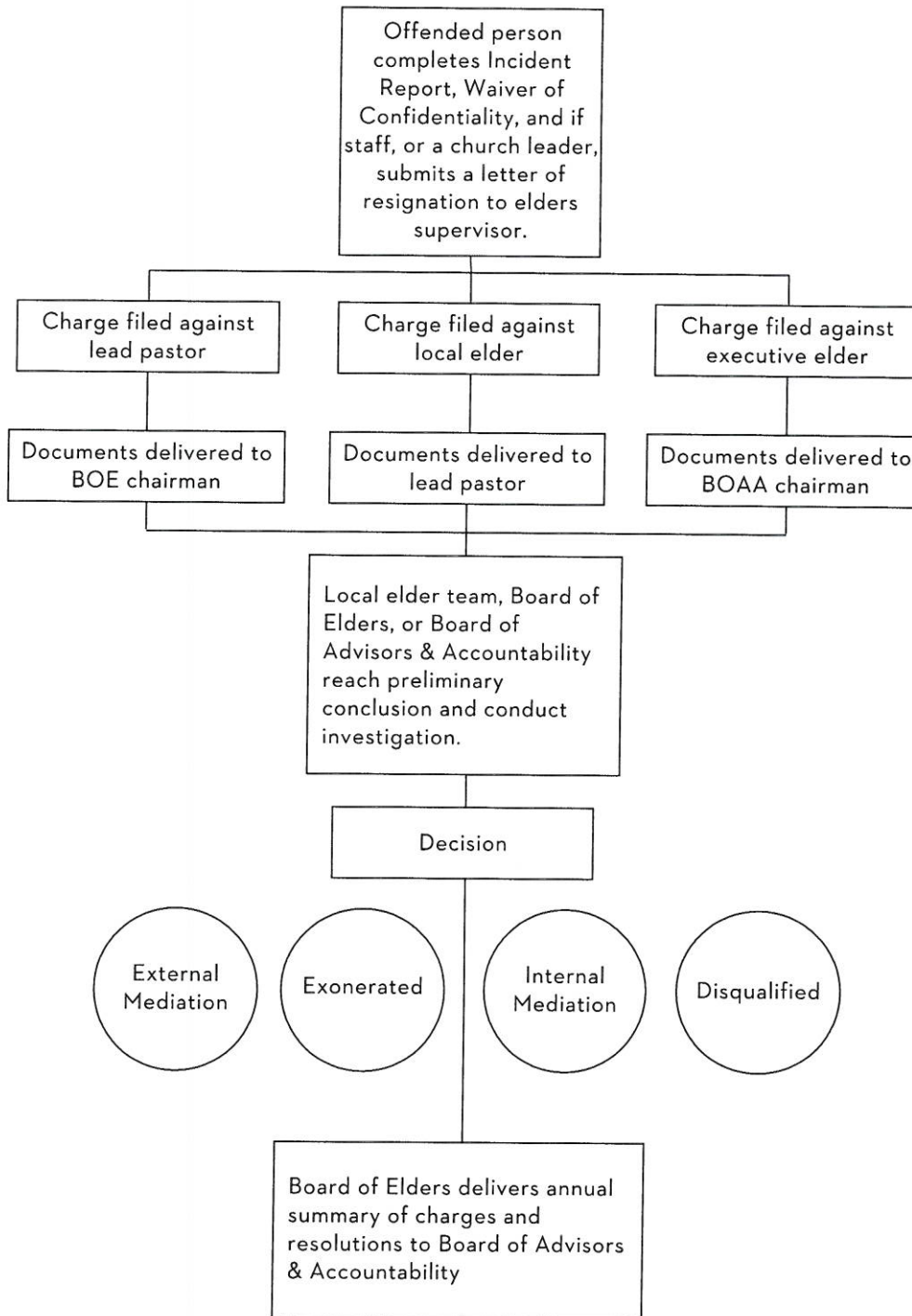
If the end result of a formal charge does not end in disqualification (of the accused), resignation (of the accuser), or reconciliation (of the two parties), there must be separation. This happens on occasion, even among godly leaders. Acts 15:39-40 records a dispute between Paul and Barnabas: "They had such a sharp disagreement that they parted company. Barnabas took Mark and sailed for Cyprus, but Paul chose Silas and left, commended by the believers to the grace of the Lord."

Separation may look like someone leaving the church. It may mean that the two parties in conflict can no longer work together, and one or both need to leave peaceably. Such a scenario is not the ideal conclusion to this process, but as long as both parties continue to love God, "we know that for those who love God *all things* work together for good, for those who are called according to his purpose" (Rom. 8:28, emphasis added).

# MARS HILL CHURCH

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## Appendix A -



Appendix B -

### The Role of Conciliation

Conflict is a result of desires that battle in the human heart (James 4:1). The goal of Christian conciliation is to help others be transformed into the likeness of Christ by promoting peace with God, others, and internally. We are committed to help resolve conflict and encourage peace in a way that glorifies God and focuses on the truth of the Gospel of Jesus Christ. The conciliation process is based on biblical principles that promote understanding, repentance, love, personal responsibility, justice, and reconciliation.

We believe that the Bible provides thorough guidance and instruction for faith and life and therefore base the message, methods and manner of our services on scriptural principles. For a description of the principles we embrace, see the Frequently Asked Questions about Christian Conciliation available at the Peacemaker Ministries website ([www.peacemaker.net](http://www.peacemaker.net)).

The elders and others who provide conciliation services desire to help people work through conflict by applying Biblical principles to areas of need. In providing these services, they are exempt from applicable state laws regulating professional counselors and similar professions such as marriage and family therapists. In most cases, the individual or individuals who provide biblical counseling through Mars Hill Church are not professionally trained, nor registered, licensed, or certified by the State of Washington or any other state or national certifying body.

Christian conciliation may be used to resolve legal disputes and to deal with personal issues. Even so, conciliators do not provide people with the kind of legal advice, advocacy or counseling services they would obtain if they hired an attorney or professional counselor. Instead of representing one person against another or providing counseling to one party or another, we work with and for all the people in a dispute to help them reach a mutually satisfactory agreement regarding their dispute(s). This limitation applies to all conciliators, including those who happen to be attorneys and/or professional counselors. Therefore, if parties are concerned about their legal rights or wish to receive professional counseling, it is each party's sole, exclusive responsibility to seek such professional help and you agree it shall not be a responsibility of Mars Hill Church to make such a referral.

### Agreement

In seeking conciliation services, you agree you will make a good-faith effort at personal growth and engage in the conciliation process as an important priority at this time in your life. Unless otherwise determined by Mars Hill Church, you agree to continue doing your work, and that Mars Hill Church may terminate conciliation services at any time.

You understand and recognize that Christian conciliation consists of helping people resolve conflicts by applying Biblical principles as interpreted and ministered by Mars Hill Church.

You understand that your conciliator(s) will not utilize clinical or psychological techniques or interventions in providing conciliation services. You understand and recognize that each conciliator either (i) is NOT a state licensed mental health professional, or (ii), if he or she is a state licensed mental health professional, he or she is not providing you conciliation services at Mars Hill Church in his or her capacity as a licensed professional. For purposes of the conciliation being provided to you at Mars Hill Church, your conciliator is not holding himself or herself out as a "psychiatrist," "psychologist," "mental health counselor," "marriage and family therapist," or "counselor," nor is the biblical counseling you receive considered "psychiatry,"



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“psychology,” “mental health counseling,” “marriage and family therapy,” or “counseling” as defined by state law.

You acknowledge and understand that this authorization and consent has the same force and effect regardless of whether the conciliation services are free or fee-based. You acknowledge and understand that you take full responsibility for decisions you make after or as a result of conciliation. You acknowledge that you have the right to refuse to participate in conciliation at any time. However, if your conciliation pertains to church discipline, then your refusal to participate may be regarded as a ‘refusal to listen’ (Matt. 18:15-17).

### Conciliator Non-Confidentiality and Non-Privileged Communication

Conciliators at Mars Hill Church will attempt to limit the disclosure of anything you say in furtherance of conciliation services. From time to time, and without limitation, conciliators may need to consult with other pastors and/or their supervisors among others. We do attempt to limit these disclosures as much as reasonably possible. Further, conciliation processes do not involve privileged communication. Privileged communication is codified in the law and generally means that a minister acting in his professional capacity as a spiritual advisor cannot be forced to reveal the content of confidential communications to any outside party, including a court of law. Further, confidentiality will not apply and you consent to disclosure, under the following circumstances:

When there is evidence of actual or threatened abuse, neglect or other harm of a child or vulnerable adult, or when applicable law requires disclosure.

When your conciliator feels a need to discuss your case for consultation purposes with his/her supervisor, peers, professionals, or elders who may be a resource involved in your situation.

When there is contemplation or commission of a crime or harmful act.

When there is a subpoena or other legal process.

When you or your legal representative authorize disclosure of any information not otherwise subject to appropriate disclosure under this Agreement.

In other circumstances where the pastor or conciliator deems it necessary to disclose the information.

### Participant Confidentiality

You must agree NOT to discuss our conciliation communications with people who do not have a necessary interest in the conciliation process. In addition, you must agree to treat all communications in this process, written and verbal, including the Memorandum of Understanding (the written document outlining the parties’ agreement reached through mediation, unless all parties agree to make their agreement legally binding), and all dealings with Mars Hill Church in regard to this dispute, as settlement negotiations which means they will be inadmissible in court and cannot be used as or for the purpose of obtaining legal discovery. Furthermore, you must agree that you will not try to force any conciliator to divulge information acquired during the conciliation process or to testify in any legal proceeding.



## Follow-up

A conciliation process often leaves the participants in a vulnerable and exhausted state. Upon completion of conciliation services, we encourage you to take several days to rest and recover, and then contact your conciliator or case manager to initiate or discuss how we might further serve you.

## Dispute Resolution

You acknowledge and understand that any and all disputes that may arise out of or result from the conciliation services you receive through Mars Hill Church will be resolved through conciliation or mediation, and if necessary, in the sole judgment of Mars Hill Church, binding arbitration in accordance with the Rules of Procedure for Christian Conciliation, Institute for Christian Conciliation. The decision of the arbitrators shall be binding on both parties, and both parties submit themselves to the personal jurisdiction of the courts of Washington, both state and federal, for the entry of a judgment confirming the arbitrators' award. Each party shall bear its own costs, including attorney's fees, related to any mediation, conciliation, or arbitration proceeding. You acknowledge and understand, if a dispute may result in an award of monetary damages, then use of the conciliation, mediation, and arbitration procedure is conditioned on acceptance of the procedure by the liability insurer of Mars Hill Church and the insurer's agreement to honor any mediation, conciliation, or arbitration award up to any applicable policy limits.

I have thoroughly read this Conciliation Services Agreement and agree to the foregoing policies regarding conciliation services provided at Mars Hill Church. I hereby release and hold harmless Mars Hill Church, its elders, directors, officers, employees, and volunteers, and each conciliator who provides services to me, from any and all liability, claims, and/or expenses related to or arising from any conciliation services received or not received.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_





Appendix C -

# *Formal Charge Against an Elder Formal Charge Report*

Name of accused:

Name of accuser:

Contact info of accuser:

Description of charge (update as necessary; include dates):

Resolution:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

