

MINISTRY & MISSION

MORAL FAILURE PROTOCOLS

Responding to Accusations of Moral Failure involving ministers of the Presbyterian Church (NSW)

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1. Introduction

The Scriptures say to all Christians, “Be imitators of God, therefore, as dearly loved children, live a life of love, just as Christ loved us and gave himself up for us as a fragrant offering and sacrifice to God. But among you there must not be even a hint of sexual immorality or of any kind of impurity, or of greed, because these are improper for God’s holy people” (Eph. 5:1-3).

If these things are unworthy of God’s people generally, how much more are they unworthy of those to whom God entrusts leadership responsibility – those whom he invests with greater authority?

Ministers have been appointed to the highest positions of authority in the Church. They are like ambassadors of God. They represent him. Observers form their impressions of God on the basis of what they see in them. It is therefore of the highest possible importance that the models they observe must be God-honouring.

The cause of the Lord Jesus Christ has been damaged by the moral failure of church leaders. In this, the Presbyterian Church in NSW has not been exempt. It has, historically, maintained a Code of Discipline to address occasions of aberrant behaviour. More recently it has developed a comprehensive procedure to protect children and young people and prevent the abuse of power in any form.¹ However the Church still needs a co-ordinated, coherent, consistent and accessible resource to guide presbyteries confronted with accusations (or actual occasions) of moral failure which might be brought against its ministers. Presbyteries should not have to “reinvent the wheel” each time a situation arises. The Church needs a defined process, particularly in view of the complexity of presbyterial church government,² the dispersal of responsibility and authority across several jurisdictions, and the range of functions required to be performed in each jurisdiction. Such a process would see Presbyteries provided with necessary support

This document has been prepared by the Moral Failure Working Party³ as an attempt to develop God-honouring and effective processes for responding to accusations (or actual occasions) of moral failure.

2. Executive Summary

Sexual union within the confines of marriage was intended by God to bring blessing to mankind. However, inappropriate sexual behaviour devastates relationships and brings enormous and widespread pain. When that inappropriate behaviour involves a minister, the harmful consequences extend not just to the people immediately involved but to their families, their congregations and the community at large. In addition, the glory of God, the claims of the gospel and the credibility of the church are seriously undermined. For these and other reasons, the Presbyterian Church must make

¹ Breaking the Silence Edition 3 is the Church’s official protocol for preventing sexual and other forms of abuse. Copies may be obtained from Presbyterian Social Services, PO Box 2196, Strawberry Hills NSW 2012.

² Sessions deal with matters affecting local congregations and their personnel, but cannot discipline ministers. Presbyteries hold power of discipline over ministers but cannot (ordinarily) discipline members of congregations.

³ The Moral Failure Working Party was established by the Ministry and Mission Committee in partnership with the Presbytery of the Northern Rivers.

every effort to prevent inappropriate sexual behaviour and respond with care to any occasions or accusations of such moral failures.

This document attempts to:

1. identify behaviour that constitutes “moral failure” and help the Church to recognise that such behaviours may be evidenced in varying degrees or levels;
2. elucidate the Biblical framework for understanding and responding to moral failure with particular regard to the nature of forgiveness and the need to restore penitent believers to fellowship while not necessarily restoring them to a position of ministry or leadership;
3. highlight the pivotal role of presbyteries within the unique operational structure of the Presbyterian Church, acknowledging that presbyteries will often benefit from resources and training in order to be adequately equipped to address accusations of moral failure;
4. offer guidelines for presbyteries in that situation by way of a step-by-step process for dealing with accusations of moral failure when they are made against ministers – which process could be adapted by Sessions if called upon to deal with elders or other persons in leadership in congregations;
5. provide examples of a series of flowcharts as part of an operational strategy detailing the various procedural issues that must be considered and the linkage between desirable presbyterial practice and the formal procedures established in The Code and The Code of Discipline, thus ensuring that all actions required by the Bible, The Code, The Code of Discipline and civil legislation are observed; and
6. identify resource persons both within and without the denomination who could be acknowledged by the Assembly and called upon by presbyteries to assist them when responding to any accusation of moral failure.

3. Moral Failure: its scope and nature

Defining the term “moral failure” is difficult. Persons who get drunk, lie or steal all demonstrate defects in their moral character. To that extent they demonstrate a moral failure. Within the Christian church, however, “moral failure” is normally applied to inappropriate sexualised behaviours ranging from voyeurism (including the use of pornography), improper sexualised conversations (whether face-to-face, by chat-line or by electronic messaging), fornication, adultery, sexual harassment, sexual assault or sexual abuse. That is the sense borne by the term within this paper.

Under the heading of moral failure, behaviours can be grouped at several levels as follows:

	Behaviour
1	Unplanned and non-repeated voyeurism with immediate remorse and repentance
2	Repeated voyeurism
3	Unplanned and non-repeated inappropriate physical contact with another person and not involving sexual intercourse with immediate voluntary confession and repentance
4	Repeated occasions of inappropriate physical contact with another person and not involving sexual intercourse
5	Unplanned and non-repeated occasion of sexual intercourse outside of marriage with immediate voluntary confession and repentance
6	Repeated acts of sexual intercourse outside of marriage
7	Sexual abuse or sexual assault

4. Moral Failure: a Biblical Analysis

The character of God

Both Testaments proclaim of God: 'Holy, holy, holy' (Isa.6:3; Rev.4:8). It is one of the fundamental affirmations of God's character. Not only is God holy (Psa.99:3), he is also righteous (Psa.145:17; Ezra 9:15; John 17:25), good (Psa.145:9; Mark 10:18), wise (Psa.104:24; Rom.11:33-36), true (Num.23:19; Psa.96:5; Rom.3:4), and full of love (1 John 4:8,16). It is because God is holy that we are called upon to reflect his character, and to be holy (Lev.11:44; 19:2; 1 Pet.1:15-16). It also follows that God's law will reflect his character, so that it is described as holy, righteous, good and perfect (Rom.7:12; Psa.19:7).

There is life in keeping the law (Lev.18:5; Ezek.20:11; Rom.2:13; 10:5), but only if we keep it perfectly (Matt.5:48). Since God is holy, he cannot bear the presence of evil-doers (Ex.34:7; Isa.59:2; Ezek.24:13; Nah.1:2; Hab.1:13; Rom.1:18; Heb.2:2-3). Ultimately God cannot co-exist with anything that is unholy. Nothing unclean will ever enter the New Jerusalem (Rev.21:27). He is light and in him there is no darkness at all (1 John 1:5).

Yet God is also slow to anger and willing to forgive - something that is true for his relationship with his covenant people of Israel (Ex.34:6-7) and with Gentiles (Jonah 4:2).

Sinners before God

We are all conceived and born in sin (Psa.51:5), and are children of wrath (Eph.2:3). Our hearts are corrupt (Jer.17:9; Prov.4:23; Mark 7:20-23). We cannot please God (Rom.8:8), and even our good intentions and our best actions cannot escape the effects of the Fall (Prov.14:12; Isa.64:6). Sin, sadly, is universal (Gen.8:21; 1 Kings 8:46; Psa.130:3; Prov.20:9; Mark 10:18; Rom.3:9-12,23; Gal.3:22).

Since we are all sinful, we are all under God's curse (Deut.27:26; Gal.3:10). That curse is death (Gen.2:16-17; Ezek.18:4, 20; Rom.6:23) - physical death (e.g. Gen.5:5), spiritual death (Eph.2:1) and eternal death (Rev.21:8). The law which should have brought life has in fact brought death (Rom.7:9-13; 2 Cor.3:7). So it is a terrifying thing to fall into the hands of the living God (Heb.10:31).

We cannot redeem ourselves (Psa.49:7-9; Job 9:2). We owe God a debt we cannot pay (Matt.18:23-35); we need a Mediator to bring us together (Job 9:32-33).

All sins bring condemnation but there is hope

The Psalmist muses: 'If you, O Lord, kept a record of sins, O Lord, who could stand?' (Psa.130:3) Of itself that is a recipe for despair, but the next verse reads: 'But with you there is forgiveness; therefore you are feared' (Psa.130:4). God is able to remove his people's sins as far as the east is from the west (Psa.103:12), and to hurl our iniquities into the depths of the sea, as it were (Micah 7:19). He promises to remember our sins no more (Jer.31:34; cited in Heb.8:12; 10:17).

The restoration of a right relationship with God

The offer of life goes out to all the world on the same terms: repent and believe in the Lord Jesus Christ, particularly in his death to pay the penalty for sin, and his resurrection to defeat the last enemy itself. Repentance is necessary (Luke 13:3, 5; Acts 17:30), as is faith in Jesus (John 3:36; Rom.3:26). Through justification, sinners who have sunk into the most degraded of lifestyles are

brought into God's kingdom by means of Christ and the Spirit and are sanctified in evidence of their new status (1 Cor.6:9-11).

What God demands of leaders

In both Testaments God has set apart a people for himself. His people are led by an assortment of leaders over time - such as kings, prophets, priests, judges. Some of God's severest strictures are reserved for leaders who mislead (see Jer.22 for evil kings; and Jer.23 for false prophets). When the sons of Eli the prophet descend into corruption and immorality (1 Sam.2:12-17, 22-25), God judged them with death and the end of their priestly line (1 Sam.4:17). Later, David was to declare as a leader: 'I will be careful to lead a blameless life' (Psa. 101:2).

The restoration of a right relationship with God's people

The Christian life is not confined to our relationship with God. It also addresses our relationships with others. If we go to worship God and remember that a brother has something against us, we need to be first reconciled with our brother (Matt.5:23-24). A rift between husband and wife will hinder their prayers (1 Pet.3:7). We are to be those who are prepared to confess our sins to each other (James 5:16). This is not the open confession of all sins but the confession of those sins that have affected a particular brother or sister.

Where there is sin in the Christian camp, a brother is to show the offender his fault, in the hope that should there be repentance that would be the end of the matter (Matt.18:15). However, should the offender seek to justify himself rather than accept God's justification, the testimony of two or three witnesses is to be gained, and if that fails, the church may declare the unrepentant offender to be outside the covenant community (Matt.18:16-17). Indeed, 'whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven' (Matt.18:18).

Professing Christians who fall into such sin that the covenant community is harmed and the name of Christ blasphemed need to be confronted with the seriousness of the situation, but this must be done in a spirit of humility, gentleness and self-knowledge. In the words of Galatians 6:1, 'Brothers, if someone is caught in a sin, you who are spiritual should restore him gently. But watch yourself, or you also may be tempted.' Referring to this verse, Martin Luther declared: 'Therefore if you see any brother cast down and afflicted by occasion of sin which he has committed, run unto him, and reaching out your hand, raise him up again, comfort him with sweet words, and embrace him with motherly arms.'

We see this illustrated most wonderfully in the Corinthian correspondence where Paul exhorts the congregation to receive back a penitent brother (2 Cor.2:5-11). John Calvin, Charles Hodge, Philip Edgcumbe Hughes, and Colin Kruse all say that this refers to the incestuous man mentioned in 1 Corinthians 5 (vv. 1-2, 4-5, 8, 13). Most modern commentators, however, say that it refers to a troublemaker who was leading the opposition to Paul. Tertullian suggested this in the ancient world, because he could not believe that the incestuous man could be forgiven. R.V.G. Tasker, F.F. Bruce and Paul Barnett do not believe that, but they think that it refers to a man guilty of rebelliousness rather than immorality. It is not unlikely that the man guilty of incest was also a focus for opposition to Paul. Whatever his actual identification, Paul urges the congregation to receive him back into fellowship (although without any reference to any position of leadership).

In responding to another's sin, Paul is consumed by grief more than anger (2 Cor.2:5). Paul says that the church discipline administered to the man was sufficient (2 Cor.2:6). He fears that the man may be overcome with excessive sorrow (2 Cor.2:7). Paul has wounded in order to heal (Prov.27:6). Sadly, the church has not always been good at this.

About the year 306 there was a church synod in Elvira in southern Spain. It passed 81 canons, dealing with matters such as idolatry, relations with pagans and Jews, usury, church attendance, divorce, sodomy, prostitution, fornication, adultery, abortion, and incest. We can get an idea of its approach by canons 47, 69 and 78, which deal with adultery. They declare that adulterers were excluded from communion for five years, and a relapsed adulterer was permanently excluded. That, however, is contrary to the biblical gospel. We are to reaffirm our love for, and forgiveness of, the penitent brother (2 Cor.2:6-8). H. L. Goudge commented: 'The cure of souls is the art of arts.' Fanny Crosby got it right:

O perfect redemption, the purchase of blood!
To every believer the promise of God.
The vilest offender who truly believes,
That moment from Jesus a pardon receives.

It is wrong to be too soft. It is wrong to be too hard. Those who think that God is lax with sinners, must remember that he is so holy that he cannot look upon sin with favour. To those who think that gross sins place someone beyond the reach of salvation must remember that God's offer of grace is extended to the foulest of sinners. We have a shrewd foe in the devil, and he is always looking for opportunities to undo the church (2 Cor.2:11).

Restoration to service

Any sinner who repents, even of the worst sins, is restored to his relationship with God and should be restored to fellowship with God's people. However, restoration to fellowship is not the same as restoration to service. It is true that David remained king even after the darkest blot on his biography. Jonah, too, after fleeing from the Lord, running into a storm, being swallowed by a great fish, and spat out onto a beach, received his old job back: the word of the Lord came to him a second time (Jonah 3:1). Peter, likewise, was restored to the task of feeding Christ's sheep. As Peter had denied Jesus three times, so he would painfully rediscover Christ's love in this threefold affirmation (John 21:15-17).

Nevertheless, the restoration to fellowship with God and his people is not identical with the restoration to service. Lust is as evil in God's sight as adultery (Matt.5:27-28), but adultery has the more severe consequences here on earth. Sin begins in the heart (Matt.15:19), which is why Job made a covenant with his eyes not to look lustfully at a girl (Job 31:1). Though sins in the heart are as offensive to God as sins in deed, this does not mean that they have the same impact. Not all sins are equal in their culpability (e.g. Luke 12:47-48; John 19:11), and not all sins are equal in their consequences. For example, if divorce is permitted on the grounds of sexual unchastity, that cannot be extended to mean divorce on the grounds of 'lust' or 'wolf-whistling'.

David was declared forgiven of the capital sin and crimes of adultery and murder by proxy (2 Sam.12:13), but he still had to endure two dreadful consequences. He would live for the rest of his life with calamity in his household (2 Sam.12:10-11) and the child born of the adulterous union with Bathsheba would die (2 Sam.12:14-23).

It is not the case that all sins equally exclude a person from leadership. Were that to be true, the Church would have no leaders. Repentance and faith in Christ alone will restore all sinners to God and His people, but the fact remains that an overseer must be 'above reproach' (1 Tim.3:1). All Christians should be above approach but an overseer must be. This cannot mean that he is sinless, for Paul called himself the chief of sinners (1 Tim.1:15). Before God no one is above reproach. But the candidate for the eldership cannot be vulnerable in areas such as money, alcohol, and sexual

relations. Indeed, the overseer must also have a good reputation with outsiders, meaning those outside the church (1 Tim.3:7). Ministry does not take place in a vacuum. Those who teach the Word of God will be judged more strictly than those who fail but do not lead others astray (James 3:1). It is a little like Luther's saying: 'Sin in front of a child, and you sin twice.' Partly because of this, the church should not be hasty in ordaining men into the eldership (1 Tim.5:22) or restoring them to service should they fail.

In summary ...

Restoration to the body of Christ must follow immediately upon repentance. But restoration to leadership will depend on a number of other factors (not all of them of equal importance). These will include:

- a. the nature of the sin. The more serious the sin, the greater should be the caution before restoring a person to leadership. Some sins may exclude a leader from ministry for the rest of his life.
- b. the likelihood of future failure. While no one can infallibly predict the future, a reasonable estimation needs to be made as to whether the penitent brother or sister is likely to re-offend.
- c. the fallen leader's standing in the covenant community.
- d. the fallen leader's standing with the outside world. This could determine whether ministry is likely to be effective.
- e. the length of time since the offence. While time does not heal all wounds, it can provide opportunity for evidence that repentance is genuine and repeated failure is unlikely. Time also enables a better evaluation of a possible future course.

5. Moral Failure: the duties of presbyteries

When a minister fails morally, the Code places a huge weight of responsibility on the local Presbytery. Rule 5.02 makes the Presbytery responsible to:

- ✓ provide leadership and support for the local congregation enabling it to move through a potentially damaging situation (*"the Presbytery shall supervise all matters relating to doctrine, discipline and order in the congregations ... within its boundaries – clause (a)"*)
- ✓ investigate the circumstances of the alleged moral failure and make a preliminary assessment of the seriousness of the situation (*"the Presbytery shall deal with all matters affecting the teaching and character of the ministers, licentiates and deaconesses residing within its bounds" – clause (b)"*)
- ✓ if necessary, conduct hearings under the Code of Discipline to see if the minister has acted wrongly
- ✓ if warranted, discipline the minister for the moral failure (*"the Presbytery shall deal with all matters relative to the ordination, induction, translation, demission or removal of ministers in connection with its various congregations" – clause (n)"*)

Additionally, the Presbytery has a moral obligation to:

- ✓ provide ongoing support to the minister who has failed morally or who has been found to have been accused falsely
- ✓ provide ongoing support to the minister's family who will be greatly affected by the events that have overtaken them.

The fulfilment of these responsibilities is complicated by:

1. the number of involved parties, each with distinct (and sometimes competing) interests,
2. the need to act towards all parties without bias or the perception of bias,
3. the difficulty of separating responsibilities adequately,
4. the very limited resources available within any one presbytery, and
5. the inexperience of presbytery members in addressing issues of moral failure.

Separation of duties

Presbyteries need to act, and be perceived to have acted, without bias. This demand is complicated by the fact that there will normally be six parties to an accusation of moral failure: the minister, their spouse, their family, the person with whom (or against whom) the moral failure took place (referred to as 'the third party'), the third party's family,, and the minister's congregation.

It is difficult to answer a charge of bias if the same group of people is responsible for the ongoing support of all the parties as well as the discipline of any accused person. Unless there is some separation of responsibilities, parties in need of support may lack confidence that their fears and concerns are not being communicated to other involved parties. They may also struggle to find confidence in a process that requires a minister's peers to prosecute a case against him, adjudicate the case and, simultaneously, support that minister as he faces an accusation of moral failure. Again, confidence may suffer if a person who has investigated an accusation of moral failure is then permitted to sit in judgement on that case.

For these reasons, responsibilities should be carefully defined and adequately separated.⁴ This is difficult for any presbytery and almost impossible for smaller presbyteries. In order to effect this separation and overcome any perception of bias a presbytery ought therefore, to evaluate the practicality of the following considerations, when any appointment is being made in response to an accusation of a moral failure that:

- ✘ no person who investigated an alleged moral failure may then sit in judgement on that case;
- ✘ no person assigned to support an accused party may be also assigned to support that person's spouse or the third party in the alleged moral failure. (Depending upon the age of the family, another group of persons should be considered to support the family although it should be noted that normally with school aged children or younger, this would not be needed); and
- ✘ no person assigned to support an accused minister may be also assigned to an active role in shepherding that minister's congregation in the period that follows.

If a presbytery is too small to be able to separate its responsibilities adequately, it should call on other people to fulfil necessary functions on behalf of the presbytery and, in any case, it should receive timely confirmation that the particular responsibility is receiving proper attention.

Presbyteries need outside help

Presbyteries will rarely have the range of skills necessary to fulfil their responsibilities. To some degree, skill is developed through experience and few presbyteries (thanks be to God) have had occasions to develop such expertise. Likewise, the small size of some presbyteries limits their skill base and thus their capacity to fulfil their responsibilities without recourse to external means.

For these reasons, presbyteries should be encouraged to seek help from outside parties which may include:

- ✓ The Clerk of Assembly (guidance on procedure);
- ✓ The Law Agent (assistance with legal issues);
- ✓ The Child Protection Unit (guidance on procedure, and protocols to be followed in

⁴ While the principle of separation of responsibilities is maintained, appropriate coordination between support personnel will at times be required.

instances involving child abuse, sexual abuse of children and young people, and/or abuse of authority.

- ✓ An experienced Christian Counsellor, possibly upon advice from the Presbyterian Counselling Service (help for parties to understand and respond to their situation);
- ✓ An experienced Christian mediator (help for parties to reach an understanding or resolve a procedural difficulty)
- ✓ Other presbyteries – or even other denominations – that may have people of a legal, medical and pastoral background who may be able to act as advisers or consultants;
- ✓ the Pastoral Relations Commission (members experienced in difficult pastoral issues); or
- ✓ the Superintendent or Associate Superintendent of Ministry and Mission (guidance on procedure and suggestions of further resources including Ministry and Mission consultants).

Presbyteries are encouraged to include resource persons in their decision-making processes. This is done at present when advice is taken from persons listed above and that advice is reported to the presbytery for its guidance.

Sometimes the presbytery may request help from an outside body such as the Pastoral Relations Commission to investigate and report with recommendations. In such situations the presbytery remains responsible for decisions affecting its affairs. At other times the presbytery may delegate its powers to the Pastoral Relations Commission and let it determine the outcome so that the presbytery might better concentrate on responsibilities where it can be more effective.

In other situations the presbytery may refer certain functions (e.g. pastoral support or counsel) to appropriate people who would not be involved in decision-making or, with respect to a congregation, the presbytery might recommend that a congregation engage consultants from the Ministry and Mission Committee.

Other issues

Sometimes, it may be the minister's spouse who fails morally or abandons the minister. In such situations, the minister should be given at least three months paid leave (using, firstly, recreational and long service leave entitlements) in order to receive professional counselling with a view to marital reconciliation. If the minister's spouse has failed morally, the Session should endeavour, with sensitivity, to discipline that person and the presbytery should endeavour to support the minister and congregation. In cases of abandonment, the Session probably does not need to be involved, but the presbytery should take all possible actions to maximise the possibility of marital restoration.

Denominationally, steps should be taken to establish and empower a special committee of the Assembly to deal with all accusations of moral failure that involve judicial processes under the Code of Discipline. Where requested by a presbytery, such a committee could be entrusted with presbyterial authority to facilitate an appropriate separation of duties and adjudicate such matters. Training could be provided to present and potential members of this committee so that it might always be able to call upon people appropriately resourced.

Similarly, Presbyteries could be trained in the process of responding to moral failure. As a minimum, each Presbytery should have at least two ministers and an elder trained in this process.

If the Assembly approves of the procedures proposed in this paper, it is recommended that the introduction of these procedures be marked by a service of repentance for past failures where the Church has not responded adequately and has not effectively disciplined errant ministers.

6. Guidance for presbyteries when dealing with moral failure.

After a state-wide consideration of relevant issues, the following model is put forward as a guide to presbyteries if called upon to deal with accusations of moral failure by ministers under their jurisdiction.⁵ It is proposed that:

1. A mechanism should be established by which persons concerned about moral failure involving ministers could be informed of:
 - (a) the person or persons to whom an accusation of moral failure may be made,
 - (b) the form that any accusation should take,
 - (c) the process by which an accusation will be considered, and
 - (d) what happens if a person is unable or unwilling to put their concern in writing.
2. The person bringing an accusation against a minister should be informed of the process that will be followed and, upon request, be informed also of its progress.
3. As a matter of urgency (ordinarily within 48 hours), upon receiving an accusation, the Moderator of presbytery (or a member of the presbytery assigned in advance to this role by the presbytery from time to time) should:
 - (a) consider, upon advice from the Director of the Child Protection Unit, whether the matter alleged is subject to mandatory reporting as provided in *Breaking the Silence* and take the necessary action.
 - (b) phone the Ministry and Mission Department to consider an initial response to the accusation and access the necessary protocols and resources to enable the presbytery to deal with the accusation properly.
 - (c) decide whether the accused minister should be encouraged to stand aside without any loss of entitlements pending an investigation of the accusation.
 - (d) inform the accused minister in writing that a charge has been brought against him/her.
 - (e) advise the accused person and the accuser about an appropriate pattern of contact, particularly indicating to whom they may talk and about what. The purpose of this advice is to avoid contamination of evidence and any coercive or threatening behaviour.
4. The Presbytery should be convened at the earliest opportunity according to the rules relating to emergency meetings.
5. At its emergency meeting, the presbytery should appoint persons to support (i) the minister involved in the alleged moral failure, (ii) the minister's spouse and family, (iii) the third party, (iv) the third party's family, and (v) the congregation. Preferably, each party should be supported by a different person or persons. In any case, the gender of each party should be considered when these appointments are made.
6. In order to investigate the accusation, the presbytery should appoint a committee of 3 to 5 members (including both men and women). At least three of these persons should be members of the presbytery and at least one should be a ruling elder. Up to two other people could be chosen in view of their expertise, guidance on appropriate people being obtained from the Clerk of Assembly, the Superintendent or the Associate Superintendent of the Ministry and Mission Committee and the Director of the Child Protection Unit. The purpose of this committee (considered in terms of the Code of Discipline 3.01) is to:
 - (a) enable representatives of the presbytery to meet with the minister concerned in order to assess whether or not it will be necessary to pursue a formal disciplinary proceeding, and
 - (b) prepare a report for the presbytery in general terms with appropriate recommendations taking into account all relevant factors including the seriousness of the allegations.The members of this investigative committee who are also members of the presbytery are precluded from sitting in judgement on the case.

⁵ These procedures apply also to a session dealing with moral failure by one of its elders. In that situation, "session" should be read for "presbytery".

7. The report on the private conference should be presented to the presbytery as soon as possible and the presbytery should then determine (in terms of the Code of Discipline 3.04) whether or not there appears to be a case to answer. If so, the presbytery will prepare and adopt a formal statement of the matter to be investigated and institute a Preliminary Inquiry (Code of Discipline 4.01).
8. Some accusations might be resolved at the stage of the Preliminary Inquiry if the accused person admits the alleged fault and expresses contrition and the matter is adequately dealt with by admonition or rebuke. If, however, the fault is denied or the matter appears to call for a formal censure beyond an admonition or rebuke, the presbytery will proceed by judicial process as established in the Code of Discipline 5.01.
9. In considering its response to any occasion of moral failure, the Presbytery should assess the integrity of an offender's repentance. That assessment will take note of both the phases and the fruits of repentance as follows:
 - ☞ The Phases of Repentance
 - ✓ confrontation - facing up to sin/s.
 - ✓ confession - owning up to sin/s
 - ✓ contrition - brokenness for sin/s
 - ✓ change - turning from sin/s
 - ☞ The Fruits of Repentance. Where true repentance occurs, it will be accompanied by:
 - ✓ Restitution - paying back what is owed
 - ✓ Restoration - putting things back in order
 - ✓ Reconciliation - reconnecting broken relationships
10. In considering its response to any occasion of moral failure, the Presbytery should also be guided by the following table of recommended responses and likelihood of restoration:

	Behaviour	Likely response	Restoration to ministry?
1	Unplanned and non-repeated voyeurism with immediate remorse and repentance	Counsel	Possible
2	Repeated voyeurism	Counsel + rebuke	Possible
3	Unplanned and non-repeated inappropriate physical contact with another person and not involving sexual intercourse with immediate voluntary confession and repentance	Counsel + rebuke or suspension	May be possible depending on circumstances
4	Repeated occasions of inappropriate physical contact with another person and not involving sexual intercourse	Counsel + suspension	May be possible depending on circumstances
5	Unplanned and non-repeated occasion of sexual intercourse outside of marriage with immediate voluntary confession and repentance	Counsel + suspension for at least 2 years	Should not be possible
6	Repeated acts of sexual intercourse outside of marriage	Counsel + deposition	Not possible
7	Sexual abuse or sexual assault	Counsel + deposition	Not possible

11. After each accusation of moral failure is addressed, the procedures in that case should be reviewed to ensure procedural fairness and a continual improvement in the applicable process. (An appropriate worksheet is available from the Ministry and Mission Committee.)
12. The presbytery should encourage the session to seek consultancy services to assist the congregation to respond to its new circumstances.