

## **INVESTIGATIVE PROCEDURE**

See UPCI Judicial Procedure, Article V

### **Instructions to Investigative Committee**

1. The committee's purpose is not to determine guilt or innocence but whether there is enough evidence to refer the complaint to a hearing before the District Board.
2. The committee must keep matters confidential.
3. We presume that the accused is innocent until proven guilty by confession or conviction.
4. We show respect and courtesy toward the accused, the accusers, and all witnesses.
5. We take all complaints seriously and investigate to the best of our ability with the goal of discovering truth.
6. We will follow our church judicial procedure, which is designed to treat everyone fairly and ensure justice. We ask that for the sake of the church and ministry we have the opportunity to resolve the matter according to our procedure.
7. If there appears to be the possibility of reconciliation of the parties, then the committee can make recommendations to them or to the District Board.
8. If there is a confession of wrongdoing, even to a lesser offense, then the committee can make recommendations to the District Board. For the District Board to act, the confession must be in writing, signed, and dated.
9. Points 1-6 should be communicated to the accused, accusers, and witnesses as needed.

### **Instructions to Chairman of Investigative Committee**

1. Follow Judicial Procedure, Article V, Sections 5, 6, 7, and 8.
2. Interview the accusers and others they recommend who can support their allegations.
3. Interview the accused and those he recommends. Inform him of each point in the complaint so that he has adequate opportunity to respond. He does not need a copy of the complaint itself at this stage. At his option, the accused may also meet privately with the chairman.
4. After the interviews, you may need to check again with one or more witnesses, in person or at least by telephone, to clarify their statements or to get further responses.
5. Make a report to the district superintendent and District Board.

**Sample Report**

(Write objectively and neutrally. In case of a lawsuit this report could be subpoenaed.)

1. The Complaint (summary)
2. Identification of Committee and List of Interviews (names, places, dates)
3. Testimony of the Accusers and Their Witnesses (summary of each)
4. Testimony of the Accused and His Witnesses (summary of each)
5. Points of Agreement (list of any points acknowledged by both sides)
6. Contradictions (list of any unresolved contradictions in the testimony)
7. Recommendation
  - a. Present an evaluation of the testimony to the District Board orally but not in writing.
  - b. Give any recommendations for the possibility of reconciliation or for appropriate remedy in case of any admission of wrongdoing.
  - c. The written report should conclude by stating that the committee refers the matter to the District Board because there is substantial evidence, or the committee does not refer the matter to the District Board for a hearing because there is insufficient evidence.