

A large, stylized graphic of two hands, one above the other, holding a circle. The hands are composed of several overlapping, semi-transparent blue shapes that create a sense of depth and movement. The circle is also semi-transparent and sits in the center of the hands. The entire graphic is set against a solid dark blue background.

# COMPLAINTS AND ADJUDICATION POLICY



Evangelical Council  
For Abuse Prevention

## Complaints and Adjudication Policy

The following policies and procedures address ECAP's handling of complaints, as such term is defined below, and related Accreditation Standards. As an accrediting organization, ECAP measures ministry organizations' child protection policies and protocols. Consequently, ECAP does not participate in any abuse investigations, litigation involving alleged victims and perpetrators, or criminal proceedings. To the extent that a complaint may give rise to such matters, ECAP's role shall remain restricted to handling complaints only in connection with directly related accreditation work.

### I. Introduction

- A. ECAP desires that members and affiliated persons of an Accredited Organization seek to pursue a peaceful and biblically-based resolution to issues involving non-compliance of the Standards. Every effort should be made, prior to making a formal complaint, to resolve the issue(s) with the leadership of an Accredited Organization. Failure to seek a resolution with the Accredited Organization first may result in the matter being referred directly to the Accredited Organization.
- B. All Accredited Organizations have agreed to comply with the ECAP Standards and to be bound by and subject to these Policies and Procedures. Violations of the ECAP Standards may result in sanctions imposed under these Policies and Procedures.
- C. The grounds for negative accreditation response are one (1) or more material, demonstrable violations of any provision of the ECAP Standards. Multiple alleged violations of the ECAP Standards may be consolidated, at the discretion of the Board of Directors, into a single complaint (as such term is defined below).
- D. For the purposes of this policy, a "Complaint" shall be a matter of concern involving child safety in relation to one or more ECAP standards, and it may involve either potential, suspected, or actual harm to one or more children. In the event of suspected or actual harm to a child, ECAP shall comply with all applicable reporting obligations but shall not substitute for any civil or criminal investigation. As set forth above, ECAP's sole role shall always be to focus on accreditation-related considerations for optimal child safety in ministries.
- E. These Policies and Procedures shall apply to all complaints, allegations, inquiries, or submissions involving a potential violation of the ECAP Standards

received by ECAP about an Accredited Organization, whether initiated by another Accredited Organization, an officer, employee, or agent of ECAP, or a current employee of an Accredited Organization. Information that is received from other third parties (e.g., from an Accredited Organization's member or other third party) may be reviewed by the Complaints and Adjudication Committee (see below for description) as evidence of a potential violation of these Policies and Procedures, but such information shall not be considered a Complaint.

- F. The Complaints and Adjudication Committee reserves the right to refer Accredited Organization conduct to federal, state, or local government law enforcement organizations when such is deemed appropriate. If a complaint involves allegations of sexual or physical abuse, the law of each State requires mandated reporting to the proper authorities prescribed by that State's laws. ECAP assumes the role of mandatory reporter and will file a report with the proper authorities in the State that the alleged abuse took place. ECAP, fulfilling its obligation as mandated reporter, in no way absolves or relieves an Accredited Organization of its legal obligation to serve as a mandated reporter.
- G. Persons bringing Complaints to the Committee are not entitled to any relief or damages by virtue of this process. Complaints of a commercial nature (such as claims alleging defamation by or unfair business practices), or primarily requesting judicial-type relief, will not be considered under these Policies and Procedures.

## **II. Development and Administration of Policies and Procedures**

- A. ECAP Administration is responsible for the development and administration of these Policies and Procedures; however, ECAP's Complaints and Adjudication Committee (the "Committee") is delegated to administer these Policies and Procedures on behalf of ECAP.
- B. The Complaints and Adjudication Committee will be made up of members of the ECAP Council, which is populated by representatives of ECAP-accredited organizations. Their role is to receive Complaints against accredited member organizations, inquire as to whether the organization has acted in such a way as to risk their accreditation status, and make a recommendation to the ECAP Board regarding potential action in relation to their accreditation or member status.
- C. The Chair of the Committee (the "Chair") is specifically responsible for ensuring that these Policies and Procedures are implemented and followed consistently and objectively.
- D. All Committee members, ECAP staff, and other individuals engaged in inquiries or involved in making decisions on behalf of ECAP with respect to any Complaint under these Policies and Procedures shall be indemnified, held harmless and defended by ECAP against any liability arising from such

activities to the extent permitted by law, provided that such individuals (i) act in good faith, with reasonable care, without gross negligence or willful misconduct, and (ii) do not breach any fiduciary duty owed to ECAP. No individual who (directly or through his or her family or business) has any personal or private business involvement in or connection to the alleged misconduct or any other conflict of interest shall be permitted to participate in the review and resolution of a Complaint. Any such involvement or connection shall be immediately disclosed by the affected individual to the Committee and to the Board of Directors.

### **III. Complaints**

- A. Complaints shall be made to the ECAP Administration, who shall acknowledge receipt and transmit them to the Chair of the Complaints and Adjudication Committee or to any member of the Committee (collectively, “Complaint Recipients”). Complaints must be made in writing and shall identify the person alleging a violation of the ECAP Standards (Complainant). Only under particular circumstances may a Complainant’s identity remain unknown to the Accredited Organization for which the complaint was against. The Complaint shall contain a comprehensive description of the nature and scope of the alleged violation and a citation to the particular section(s) or clause(s) of the ECAP Standard which was violated. Upon receipt of the Complaint, the Complaint Recipient shall promptly forward it to the Executive Director or the Chair or President of the Board of Directors. Moreover, all credible evidence received by a Complaint Recipient or of which a Complaint Recipient becomes aware shall be subject to mandatory written referral by the Complaint Recipient to the Chair. Such referrals shall be subject to these Policies and Procedures.
- B. Direct or indirect retaliation of any kind by anyone, including ECAP, its officers and directors, the Council, staff, members, or agents, against any Complainant is strictly prohibited. This prohibition on retaliation shall be enforced strictly by the Council and the ECAP Board of Directors. Similarly, Complaints made with knowledge of their falsity or with reckless disregard as to their truth or falsity, in whole or in part, are strictly prohibited. This prohibition on the making of knowingly or recklessly false Complaints may be fully enforced by the Committee if possible, through sanctions up to and including a recommendation to the ECAP Board of Directors of expulsion of the Complainant or the Complainant’s Organization from ECAP membership.
- C. Upon receipt and preliminary review of each Complaint, an acknowledgement of receipt will be provided to the Complainant(s). The Executive Director and Chair or President of the Board of Directors may conclude that the Complaint: (1) contains facially unreliable or insufficient information, or (2) is patently frivolous or trivial, or (3) is non-actionable due to the nature of the grievance being against an individual within the organization or the organization itself, but which falls outside the scope of the ECAP Standards and these Policies and Procedures. In such cases, the Executive Director may determine that the Complaint does not constitute a potentially actionable Complaint that would

justify bringing it before the Committee for determination of whether there has been a material violation of the ECAP Standards. In such cases, such a Complaint shall be dismissed without prejudice by the Executive Director and notice to the Complainant shall be provided by the Executive Director in writing. The Executive Director may defer to the legal counsel for legal review prior to finalizing decisions of this matter.

- D. If a Complaint is deemed by the Executive Director on a preliminary basis to be a potentially actionable Complaint, the Executive Director shall see that written notice is provided to the Accredited Organization the conduct of which has been called into question, advising the Accredited Organization that an inquiry is being initiated.

#### **IV. Review of Complaint**

- A. For each actionable Complaint the Chair of the Complaints and Adjudication Committee (or his or her designee) to commence an inquiry into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand or corroborate the information provided by the Complainant, and in order to assist the Committee in making a determination as to whether negative actions (and, if so, what negative actions) against the Accredited Organization should be brought. The Committee may be assisted in the conduct of its inquiry by ECAP staff and may defer any of its duties herein to legal counsel, and/or outside experts, provided that no such staff person, legal counsel, or outside expert has any actual or apparent conflict of interest with respect to the matter, and provided further that such individuals agree to maintain the complete confidentiality of the inquiry. Both the Complainant and the Accredited Organization which is the subject of the charge also may be contacted by the Committee or its agents for additional information with respect to the Complaint; such persons and entities shall provide accurate and complete information in response to the Committee's requests for information. In addition, the Committee or its agents may contact such other individuals who may have knowledge of the facts and circumstances surrounding the Complaint.
- B. The Review Panel may be appointed by the Chair of the Committee to evaluate a complaint, incident, or grievance of a member organization. The review panel can be comprised of the Complaints and Adjudication Committee and other Council committee members.
- C. If after the review of the findings of the inquiry and any legal advice, and the Committee recommends that negative actions be brought, the Chair of the Complaints and Adjudication Committee shall notify the Accredited Organization and send the organization a copy of the negative actions and the Committee's report. The Chair shall advise the member that a review will be conducted. If a Review Panel will be held by members of the Complaints and Adjudication Committee, the Chair shall provide the Accredited Organization with the proposed date and time for such Panel. The Accredited Organization shall be advised that it may request the opportunity to submit information or

arguments contesting the allegation in person or in writing, by submitting such request to the Committee or Review Panel within thirty days (30) of receipt of the notice (or such other period established by the Committee, if any). The Accredited Organization also shall be advised that it may have the right to review evidence to be presented at the Panel and that it may be represented by legal counsel. The Accredited Organization shall be sent a copy of these Policies and Procedures.

- D. All reviews and deliberations of the Committee are to be conducted in strict confidence to the extent possible, except that the Committee shall be permitted to disclose any relevant information when compelled by law or to parties essential to the review and inquiry of the alleged misconduct. All reviews and deliberations of the Committee shall be conducted objectively, without prejudgment of any kind. A review may be directed toward any aspect of a Complaint that is relevant or potentially relevant.
- E. The Committee's Review Panel may be held by telephone, electronically or video conference at the discretion of the Committee. The Chair of the Complaints and Adjudication Committee shall preside and make evidentiary and other procedural rulings with the advice of the Executive Director and ECAP's general counsel. All reviews and Panel deliberations will apply generally accepted rules of evidence and for oral presentations, as advised and approved by ECAP's general counsel. Written statements may be accepted as evidence. If witnesses appear, they shall be subject to cross-examination. The Accredited Organization representative may be accompanied and represented by legal counsel at all times, at the Accredited Organization's sole discretion and expense.
- F. Notwithstanding the above, at any time during this process, the Chair of the Complaints and Adjudication Committee may engage in discussions with the Accredited Organization for the purpose of achieving an acceptable agreed-upon resolution. Any such resolution would be subject to approval of the Committee.

## **V. Determination of Violation**

- A. Upon completion of its inquiry and the hearing, the Committee shall determine by majority vote, upon a preponderance of the evidence, whether there has been a violation of the ECAP Standards, and whether ECAP should impose sanctions.
- B. When the Committee finds that there has been a violation, it also shall recommend imposition of an appropriate sanction. If the Committee so recommends, a written determination with a proposed sanction shall be prepared under the supervision of the Executive Director, and shall be presented by a representative of the Committee to the Board of Directors, along with the record of the Committee's inquiry and deliberation. Written notice of the Committee's determination, the proposed sanction, and the fact that the matter

will be reviewed by the Board of Directors shall thereafter be provided to the Accredited Organization.

1. If the Committee determines that a violation has not occurred, the Complaint shall be dismissed with prejudice, with written notice thereof provided to the Accredited Organization and the Complainant. A summary report also shall be made in writing to the Board of Directors.
- C. If a violation is found and sanctions are recommended by the Committee, the Executive Director and Board of Directors shall review the recommendations of the Committee based upon the record presented. The Accredited Organization under review may submit a written statement to the Board prior to the Board making its decision, but may not otherwise appear before or participate in the Board's deliberations. The Board may accept, reject or modify the Committee's determinations either with respect to the determination of a violation or the recommended sanction to be imposed, or may send the matter back to the Committee with instructions for further deliberations or actions. The Board's decision shall be made by a majority vote at a meeting at which a quorum is present. If the Board agrees that a violation has occurred, then the determination and imposition of a sanction shall be communicated in writing to the Accredited Organization. The Complainant will be notified that their complaint was upheld; however, they will not be notified of the subsequent negative actions against the Accredited Organization in violation. If the Board determines that a violation has not occurred or that a sanction should not be imposed, then the Complaint shall be dismissed without prejudice, with written notice thereof provided to the Accredited Organization and the Complainant.
- D. The Board may consider a recommendation from the Committee that the Accredited Organization found to be in violation of the ECAP Standards should be offered the opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decisions of the Committee to make such a recommendation and of the Board to accept it are within their respective discretionary powers. If such an offer is extended, the Accredited Organization must promptly submit the required written assurance to ECAP, and the assurance must be submitted in terms that are acceptable to the Board, including but not limited to any probationary period, if required by the Board. If the Board accepts the assurance, then written notice thereof shall be provided to the Accredited Organization, as well as to the Complainant, if the Complainant agrees in advance and in writing to maintain in confidence whatever portion of such information is not made public by the Board. Complaints disposed of in this manner shall be deemed to have been disposed of without prejudice.
- E. All examinations of the record by and deliberations of the Board of Directors are to be conducted in strict confidence to the extent possible, except that the Board shall be permitted to disclose any relevant information when compelled by law. All examinations of the record and deliberations of the Board shall be conducted objectively, without prejudgment of any kind.

## **VI. Communication of Results to Organization**

- A. Organizations subject to complaints will receive written notification for the following:
  - 1. Findings– Written notice of the findings-determination and imposition of a sanction.
  - 2. No Findings– Written notice that a violation has not occurred and the complaint is dismissed without prejudice

## **VII. Sanctions**

- A. The Board of Directors may impose such sanctions as it deems appropriate upon an Accredited Organization which the Board has determined to have violated the ECAP Standards. The sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the affected Organization and deterrence of the same or similar conduct by others.
- B. The potential sanctions include:
  - 1. Written reprimand to the Accredited Organization (combined with any probationary period, if desired). This may include private reprimand or counsel;
  - 2. If the Accredited Organization receiving the sanction is represented on the Council, such representative's membership on the Council may be suspended for a designated period of time (combined with any probationary period, if desired);
  - 3. Suspension or revocation of accreditation for a designated period of time (combined with any probationary period, if desired);
  - 4. Recommendation by the Committee to the ECAP Board of Directors for suspension from membership in or permanent expulsion from ECAP or from re-applying for accreditation.
  - 5. In the case of any of the imposed sanctions, membership dues will not be reimbursed.
- C. Sanctions shall not be imposed until the time for an appeal has expired or, in the event of an appeal, until the Organization has fully exhausted its appeal rights.
- D. Once one (1) or more of the above sanctions is imposed, the Complaint shall be deemed to have been disposed of with prejudice. When the sanction of suspension or revocation of accreditation is imposed, the Accredited Organization's name shall be removed from the publicly available list Accredited Organizations, and such Organization shall cease using and/or displaying the ECAP Accreditation Logo in any manner and cease holding itself out as an Accredited Organization during the period of suspension or revocation. Failure to cease and desist use of ECAP Accreditation Logo may



result in legal action taken against the sanctioned Organization.

## **VII. Resignation**

- A. If an Accredited Organization which is the subject of a Complaint voluntarily resigns (in writing) its accreditation while a Complaint under these Policies and Procedures, the Complaint shall be dismissed without prejudice and without any further action by the Committee or the Board of Directors. The Organization may not re-apply for accreditation for a period of five (5) years from the effective date of its resignation. However, the Board may communicate the fact and date of the Organization's resignation, and the fact and at the time of resignation, to or at the request of one (1) or more law enforcement Organizations, if the Board deems it appropriate to do so.

## **IX. Appeals of Board of Directors' Decisions**

### **A. Appealable Decisions**

1. Appealable Decisions include the following:
  - a. Denial of eligibility for accreditation
  - b. Denial of accreditation
  - c. Denial of renewal of accreditation
  - d. Sanctions related to accreditation
  - e. Revocation of accreditation

### **B. Written Request Required**

1. ECAP Administration must receive from an Organization desiring to appeal a decision of the Board of Directors written documentation requesting an appeal or, in the case of revocation of accreditation, a Letter of Intent to Appeal, within thirty (30) days of the Organization's receipt of the written decision of Board. With respect to appeals from Board decisions to revoke accreditation, an Accredited Organization which files a Letter of Intent to Appeal in a timely manner shall have an additional thirty (30) days to submit appeal documentation. The written documentation should specify the grounds on which the appeal is based.

## **X. Appeals Process**

- A. Appeals Panel – The Board of Directors will appoint an Appeals Panel consisting of three (3) individuals. This Panel shall consist of one (1) current member of the ECAP Board of Directors and two (2) current members of the Council. None of these individuals may have had any affiliation with the Organization filing the appeal, and the Appeals Panel may not include the Council member responsible for the initial review of the Audit Findings Report. The Appeals Panel will conduct its work and render a written decision within 60 days of its appointment.

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- B. Grounds for Appeal – Appeals may assert procedural error by the Committee or the Board of Directors or that the decision of the Committee is not supported by sufficient evidence. Appeals regarding the structure of the ECAP Standards are not accepted; however, appeals regarding conformity with the ECAP Standards are acceptable.
  - C. Appeal Decision – The Appeals Panel may render a decision to uphold the Board of Directors’ decision and may refer the matter back to the Board for reconsideration in light of the Panel’s findings regarding procedural or substantive error. A written copy of the Appeals Panel decision shall be sent from the Board to the appealing Organization. Decisions of the Appeal Panel upholding the Board’s determination are final and not subject to further appeal.

## **XI. Notice of Legal Actions**

- A. In the event that an Accredited Organization has been the subject of litigation or a governmental investigation which includes allegations that, if proven, would constitute a violation of the ECAP Standards, the Accredited Organization is required to provide written notice of the same to ECAP administration within 30 days of the resolution. Such written notice shall include a detailed description of the allegation as it applies to the ECAP Standards, review and confirmation of compliance with each ECAP Standard noting any distinctions or changes that have occurred due to the aforementioned allegation. Failure to provide such notice may result in suspension of the accreditation of the Organization, which may result in revocation if not resolved. A request for extension may be made in writing to ECAP Administration based upon the nature and involvement of outside agencies or pending litigation. Approval of extension is at the sole discretion of the Board of Directors.