

Procedures for Effective Application of Discipline

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**Of Course
I Talk
To Myself,
Because
Sometimes
I Need
Expert Advice**



Discipline-Definition

- It is the practice of making people or organizations obey policies, rules or standards of behavior, and punishing them when they do not.
- It's about making the **work** environment safe and pleasant for both employees and management.
- It is punishing someone for not following the rules.



What is Discipline

- Using punishment to correct disobedience to rules or when an employee's conduct or performance becomes a concern
- **Preventive**
 - To train someone by instruction and practice
- **Supportive**
 - To teach someone to obey authority
- **Corrective**
 - To punish someone in order to gain or regain control
 - To impose order on someone



Types of Employees

- Support Staff
- Exempt Staff-Pastors/Teachers
- Elected/Appointed Staff



HUNKY TEEN: MY SEX-MAD TEACHER FORCED ME TO MAKE LOVE 100 TIMES

'We did it in parking lots, hotel rooms — even our church!'



Teen Jeremy in a high school photo.

A SEX-CRAZED woman teacher seduced a 14-year-old boy student in her class — and then had sex with him more than 100 times over a two-year period, a new lawsuit charges.

The shocking sex scandal has erupted in tiny Radford, Va., where seemingly shy schoolteacher Cynthia Carroll ran the Three Little Angels Christian school in the basement of a Seventh Day Adventist Church.

Former student Jeremy Cultice says Carroll seduced him when he was in eighth grade.

He claims she had sex with him more than 100 times inside sacred church chambers, hotel rooms, his parents' home, the church pastor's home and even at highway rest stops.

"It changed my whole life," says Cultice, now 20. "I wanted to save myself for marriage before I was with her. People may think it's a joke that a guy would complain about having sex, but it left me with a lot of really bad memories."

The taboo affair is reminiscent of the case of Mary Kay Letourneau, the 35-year-old schoolteacher jailed for having sex with a 13-year-old student. But while Letourneau and her young lover insist they love each other, Cultice says Carroll took advantage of him.

"I didn't see her as my girlfriend. After the first few times, I didn't even want to be with her anymore," Cultice says. "But I was 14 years old and I didn't know any better."

Cultice says Carroll, now 33, began teaching him when he was in fifth grade. She first had sex with him one day after class in 1991 as they worked on a school play.

Afterwards, the 200-pound teacher warned him to "keep it between the two of us," Cultice says.

"We did it a lot inside the church," he adds. "Sometimes when other kids were right outside. She didn't care."

Carroll often picked him up after school for trysts in hotel rooms and parking lots while his parents thought Carroll, a family friend, was taking their son on school-related trips, Cultice says.

He recalls that Carroll acted as if they were going steady.

"She was very jealous," Cultice said. "If I liked another girl in the class, Miss Carroll picked her out and treated her worse than any of the others."

"And every time I brought a girl to church with me, she would stare at them and give them dirty looks."

Cultice says Carroll showered

him with gifts including a mountain bike, expensive clothes and cash. His parents eventually became suspicious of the extra attention and pulled him out of the school in 1993.

The affair ended after Cultice transferred to a public school, but the teen still saw Carroll at church every week.

Cultice says he tried to forget about the relationship, but the painful memories began to eat him up inside. In April 1998, Cultice finally told his mother, church officials and police about the alleged abuse.

"When I told the church about it, they didn't want to listen," Cultice says of the leadership. "They didn't believe it."

Cultice filed a \$25 million lawsuit against his former teacher and the church leadership August 11. Radford police are investigating Cultice's accusations, a source told STAR.

Jeremy Cultice with Cynthia Carroll in church. He claims she forced him to have sex when he was her student — and says she was jealous of his teen girlfriends.

Laurie Cleary, a lawyer representing the Potomac Conference Corporation of Seventh Day Adventists, says the church confronted Carroll when they found out about the alleged abuse — and that she is no longer employed as a teacher there.

"As soon as the church was made aware of these claims, it took swift and significant action."

"From what I know about the circumstances, I believe the church to have acted reasonably at all times," says Cleary.

Carroll was the Three Little Angels school's sole teacher and principal from the time it opened in the church's basement in 1988.

She taught there for nine years before leaving in 1997 to teach at a church school in Petersburg, Va. She did not return calls for comment from STAR. — CHRIS WILSON



Adventist Pastor Caught In Homosexual Act ^f

Written by The Grenada Informer



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Legitimate Business Reasons for Terminating or Removing Employees

- Work or Performance Problems
- Misconduct in or outside of employment
- Reorganization of territory/office
- Financial considerations
- Financial exigency



What about....

- Employee who:
 - Is getting old, can't do job
 - Everyday comes to work late and leaves early
 - Constantly makes mistakes on work you give them
 - Invested money in Nigerian financial scheme
 - Director acting beyond authority or forging documents
 - Lied on their application about their education or degrees
 - Takes vacations at employer expense
 - Fabricates mileage or other expenses on monthly report



Simple Issues

- Employee always late
 - Giving employee time to correct deficiency is reasonable response
 - If Not corrected, stiffer punishment and eventually termination
- Poor work performance
 - Performance Improvement Plan
 - Give employee opportunity to improve
 - Verbal or Written warning,
 - Last warning, next step is termination
- Harassment/Financial Issues
 - Transfer or Demotion



What to do when you have to discipline

- Before problem
 - Clearly communicate rules and procedures and expectations
 - Is your Employee Handbook Complete and up to date
- When issues occur
 - Assess the whole picture
 - Understand situation
 - Be impartial and accurate
 - Conduct prompt and thorough investigation
 - Comply with all laws
- Determine form of discipline



Types of discipline in Available

- Verbal warning
- Verbal reprimand
- Written reprimand
- Probation
- Performance Improvement Plan
- Suspension/Leave of Absence
- Demotion
- Termination



Where to Look for Guidance

- Employee Handbook
 - Procedures for discipline
 - Procedures for Appeal
- Governing Documents
 - Provisions for removal of Elected/Appointed staff for cause
- Division or Union Working Policy
 - Discipline
 - Removal from position
 - Appeals



Meeting With Employee

- Keep it Private
- Have a witness
- Be straightforward
- Remain calm
- Be respectful
- Try to find a solution
- State consequences
- Provide employee opportunity to comment



When Progressive Discipline is not Enough

- Termination
- Situations where actions are illegal or intolerable in workplace
- Send message to other employees
- Conduct not acceptable
- Egregious conduct



PERVERT PASTOR!

Seventh-day Adventist minister flees island after being accused of bugging 13-year-old boy

BY ARTHUR HALL
Editor-at-Large
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Sunday, March 08, 2020 📧 188 Comments



A St Ann mother is seeking justice for her 14-year-old son who alleges that he was sodomised by a pastor in the Seventh-day Adventist Church when he was just 13 years old.



Egregious Conduct

- Violation of Employee Conduct-Work Rules
- Violence or threatened violence
- Threats or threatening conduct
- Sexual Harassment or Sexual Misconduct
- Stealing
- Lying
- Falsifying Records
- Gross Insubordination
- Alcohol or banned substance consumption
- Conviction of a Crime
- Pornography



What Constitutes Basis For Termination

- Any cause for discipline which if not corrected may lead to termination.
- Failure to practice the fundamental teachings and standards of the Seventh-day Adventist Church.
- Divorce or Remarriage without Biblical grounds.
- Misappropriation or misuse of organizational funds or other assets
- Committing, aiding, advocating or being convicted of a crime
- Supporting or being involved with activities that are in conflict with the teachings and objectives of the Seventh-day Adventist Church
- Failure to follow Conditions of Employment



Conditions of Employment

- Continuation of your employment requires you be:
 - A baptized, tithe-paying member in regular standing of the Seventh-day Adventist Church
 - A strong commitment to Christian service
 - A minister who remains faithful to ordination vows
 - An adherent of Bible-based teachings and church standards exemplifying personal conduct that precludes: chemical and substance abuse by the use of alcoholic beverages, tobacco in any form; illegal possession/misuse of drugs, etc.; use of profanity; immoral conduct including but not limited to engaging in pornographic activities, child sexual abuse, incest, fornication, adultery and homosexual practices; remarriage without Biblical grounds, as defined in the Church Manual



Fact Situation

- Employee comes forward stating that one of your departmental directors has been acting inappropriately towards a female employee
- They were seen hugging, touching inappropriately, using suggestive language
- You confront director he tells you its not true, its fake news
- You decide to do a little investigating to make sure
- You find out he and the female employee went to his hotel room together while at a the SeLD Conference last year but there you find out there was no sex, the female employee says they just got naked together on his bed





- Now What?
- More Investigation?
- Confrontation?
 - He says it was consensual!
- Fire him on the spot?
- Leave of Absence Paid or unpaid?
- Can you go to the committee to remove for cause
- Other Considerations



Investigation

- BA 70
- Sexual Misconduct in Church Relationships Involving Denominational Employees Approved Volunteers, or Endorsed Chaplains
- Model procedures for use by church entities to respond effectively to allegations of sexual misconduct



BA 70 15

- 2. Sexual Misconduct—Improper sexual behavior including any of the following:
 - Actual or attempted sexual contact with a minor or with any person where there exists a relationship with inequality of power;
 - Actual or attempted rape or sexual contact by force, threat, or intimidation;
- Follow Procedures for Investigation
- Gathered Enough Facts, Now what?



Options

- Leave of Absence
 - Paid
 - Unpaid
 - For how long
 - Investigation
 - Decisions by appropriate bodies
- Termination
 - Who decides
 - President/ADCOM/Executive Committee
 - What do governing documents say



Removal of Officers/Directors-

IAD Working Policy B 11 17

Definition of Phrase “For Cause”—The phrase “for cause” when used in connection with removal from an elected or appointed position, or from employment, shall include but not be limited to 1) incompetence; 2) persistent failure to cooperate with duly constituted authority in substantive matters and with relevant employment and denominational policies; 3) actions which may be the subject of discipline under the *Seventh-day Adventist Church Manual*; 4) failure to maintain regular standing as a member of the Seventh-day Adventist Church; 5) theft or embezzlement; or 6) conviction of or guilty plea for a crime, misdeeds, incompetence, incompatibility or lack of team work by an elected/appointed person.



IAD WP BA 15 15-

Reasons for Discipline of Ministers

- **BA 15 15 Reasons for Discipline of Ministers**—Discipline shall be administered to an ordained/licensed minister in the following circumstances:
 1. *Moral Fall*—In the case of a moral fall in violation of the seventh commandment, including those violations involving sexual perversions, he has by that transgression made void his calling and/or ordination to the sacred office of the ministry.
 2. *Apostasy*—In the case of apostasy whereby he fall away to the world or identifies himself with, or gives continuing support to any activity that undermines the denomination, and/or persistently refuses to recognize properly constituted church authority or to submit to the order and discipline of the Church; he has by such disloyalty proven himself unworthy of a place or part in the gospel ministry of this church.
 3. *Dissidence*—In the case of a minister who openly expresses significant dissidence regarding the fundamental beliefs of the Seventh-day Adventist Church. Continued and unrepentant dissidence may eventually be seen by the Church to be apostasy and identified as such by the minister's administrative organization after counseling with the next higher organization.



IAD WP BA 15 15-Continued

4. Embezzlement or Theft—In the case of embezzlement or theft of funds or property or the willful misappropriation of the same. (O 85 15)
5. Withholding Tithe—In the case of a minister withholding or discouraging by word or example an unequivocal fidelity to the biblical principle of tithing (see GC E 80 20)
6. Other Reasons—In the case of any other conduct which is inconsistent with the high standards of the Christian ethic, and which casts a shadow over the integrity of the ministry, such as violence in any form or other questionable activity, and which demonstrates that the individual is unworthy of leadership in the Church.



Post-Termination Issues BA 15 20

- *Credentials*
 - Only issued to employees so they terminate when employment ends
 - The credential/license of a minister who experiences a moral fall or apostatizes shall be withdrawn permanently by his employing committee after consultation with the next higher organization.
- *Ordination*
 - **A minister who experiences a moral fall or apostatizes has made void his ordination.** This changed relationship shall be recognized and recorded by his employing organization with the approval of the respective union committee (General Conference or Division Committee in the case of a General Conference/Division institution). **He shall be ineligible for future employment as a Seventh-day Adventist minister.**
- *Local Church Membership*
 - Shall inform the local church of which the offending minister is a member. It shall be the duty of the church to administer discipline as provided for in the *Church Manual* in the section “Reasons for Which Members Shall be Disciplined.”
- *Denominational Employment*
 - For the sake of the good name of the church and the maintaining of moral standards, he must plan to devote his life to employment other than that of the gospel ministry, the teaching ministry, or denominational leadership.



Doing it wrong

- Bitterness/Anger/
- Risk of Decisions being overturned
 - BA 40 Procedures to Resolve Grievances
 - Appeal to Executive Committee
 - Appeal to next higher organization (B 11 10)
- Filing of Court Case
 - Court review of decision, not following our own policies
 - Public Airing of our internal matters



How Do You Say: “You’re Fired?” and not get sued?

- Follow your policies!
- Review employee handbook
- Have clearly communicated policies about type of conduct leading to discipline
- Avoid making representations to employees about the duration of their employment
- Document Carefully
- Follow Legal Requirements in your country



Before Deciding to Discipline, Ask Yourself . .

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- Have we followed our policies?
- Does the employee have a legitimate explanation for the poor performance?
- Does the punishment “fit the crime?”
- Is the decision to discipline or terminate inconsistent with previous actions of the organization?
- Is the decision premature?
- Does the employee have any rights such as review or appeal?
- Have we administered discipline in a consistent manner with prior incidents?



Minimizing Risk

- Create a warnings policy and apply it consistently
 - In writing with a copy to the personnel file
- Establish clear job descriptions
- Have regular performance evaluations
- For poor performance be clear about performance expectations
- Document!
 - Manages expectations and gives notice
- Have a legitimate business reason



Why is Documentation Important?

- Evidence that performance issues were discussed with the employee
- Evidence that supports your decision to discipline or terminate an employee
- Evidence that your organization is complying with employment laws
- Evidence that workplace investigation was thorough



Why is Documentation Important?

- Documentation help your organization make proper employment decisions,
- May also protects your organization from lawsuits
- Documentation provides an accurate and timely record of fairness and consistency



Final Tip

- Prepare documentation with the expectation that it will be read by a third party, whether internal or external.



Reducing the Likelihood of a Challenge of Decision

- Ensure that termination procedures/policies are followed
- Be candid with the employee
- Respect the employee's feelings & privacy
- Obtain the necessary releases
- Avoid inconsistent statements
- Do not comment about employment issues
- Keep relevant documents



Do's and don'ts

- Pause, don't react immediately, stay calm
- Choose the right time
- Discuss in person, don't send an email
- Seek help, counsel with others
- Maintain confidentiality



Considerations

- Treat employee fairly
- How would you like to be treated in that situation
- Do we call security and escort person from the premises?
- What if they are near retirement age or months away from being able to receive retirement benefits?



THE DIFFERENCE . . .

BETWEEN BEING RIGHT AND PROVING
YOU ARE RIGHT IS A LOT OF TIME AND
MONEY!



Defamation

- Defined as the action of damaging the reputation of someone by slander or libel
- Exposes a person to hatred, ridicule, causes them to be shunned, financially or reputationally injures person or his business
- Liability for repeating defamatory statement
- Fake News
- Defense to defamation?
- Confidentiality Obligations
- Social Media, blog posts, internet chat rooms



do justice
walk humbly
love kindness

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Seventh-day AdventistTM Church

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