

**PRINCIPLES AND PROCEDURES
for
DEALING WITH COMPLAINTS OF
SEXUAL ABUSE
AND SEXUAL HARASSMENT
BY MINISTERS AND CHURCH WORKERS**

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1. BACKGROUND

1.1 In recent times various churches and denominations have given much attention to the problem of sexual abuse by ministers or church workers, usually involving adults or children associated with the life of the church. For some time there has been a growing concern in Baptist churches about the occurrence of sexual abuse in relationships between those in positions of leadership, both pastoral and otherwise and adults or children under their care.

The need became apparent for the preparation of procedures to assist the leadership and people of our churches so that they might appropriately deal with cases of sexual abuse/harassment where they occur in such a context.

1.2 Christian integrity and Jesus* command to love one another in terms of mutual respect and dignity make it intolerable to allow scandal and abuse in the context of the Christian Church. The implications of sexual abuse by a minister or church worker for the victim and the church are devastating. It is imperative that the church act urgently and responsibly. These procedures outline the appropriate action to exercise discipline and to provide appropriate support and counsel for the people concerned and for the church as a whole.

1.3 These procedures were prepared by a special task force known as the "Sexual Abuse Complaints Committee", appointed by the Committee for the Ministry of the Baptist Union of New South Wales during 1993. Its work was greatly assisted by documents prepared by other churches to address the same issues. These are listed under Appendix 10.4.

2. INTRODUCTION

2.1 These procedures set out the process to be followed when charges of sexual abuse and harassment are made against ministers or church workers in Baptist churches.

2.2 These procedures are provided to facilitate the handling of complaints made against ministers and church workers and to allow for a clear statement of procedures to guide churches and people involved. This should free the complainant to proceed with the complaint with confidence and prevent the situation being "covered up".

3. THEOLOGICAL PERSPECTIVES

3.1 “Religious organisations have a role to play as moral exemplars”. (National Committee on Violence 1990). Christian faith strongly upholds the virtues of love, justice and mercy. Jesus Christ came to give freedom to the captives, sight to the blind and liberty to those who are oppressed (Luke 4:18). In situations of sexual abuse in the church, victims, abusers and the congregation are all captives in a web of oppression. They desperately need the penetrating light of the transforming gospel.

3.2 A theology of transformation requires:

- * **Righteous anger at evil.** Jesus uncompromisingly told the truth. He named and criticised evil and called to account those who abused their power.
- * **Calling abusers to true repentance.** This differs greatly from guilt-ridden remorse. In Ezekiel 18:30-31 God requires a responsible owning by the abuser of hurt caused to the victim and a complete change of attitude and behaviour. Readiness to accept discipline and make restitution are indicators of true repentance (Matthew 3:7-12).
- * **An atmosphere of support and compassion** which allows victims/survivors to move towards healing. Jesus continually broke the rules governing religious niceties, exclusivity and silence. Support and compassion can never be given in an atmosphere of silence, cover-up and denial.

4. ETHICAL PRINCIPLES AND LEGAL IMPLICATIONS

4.1 Ministers and church workers must be aware that their leadership position places them in a position of power in a relationship. Any sexual contact by a minister or church worker with a person with whom they are in a pastoral relationship is generally unethical and subject to discipline.

In pastoral relationships the factors of power, trust and dependency limit the possibility of a church member or other person in such a relationship freely giving consent to sexual contact. In other words the dynamics of such a relationship can result in a person being unable to withhold consent. Because the minister or church worker has the greater power and pastoral responsibility, the responsibility lies with them to guard the interpersonal boundary against sexual contact.

4.2 Where a member of a pastoral team becomes morally implicated with another person, especially within the local church, immediate notification and consultation by the most senior member of the team (who is not involved) is essential. This may be done with any one or more of the following: the President of the Baptist Union of NSW or equivalent positions, the General Superintendent or equivalent positions, the Director of Home Ministries or the equivalent positions, the Chairperson or any other member of the SACC. Failure to consult will be regarded as a denial of the needs and rights of the complainant and a neglect of Christian duty leading to disciplinary measures determined by the Discipline Committee of the Committee for the Ministry after receipt of the SACC's report and

recommendation.

4.3 In some cases the action may be subject to civil or criminal law and could lead to court action.

4.4 Sexual contact of any kind with children under the age of 16 is illegal and the offender is accountable to criminal law. Reporting of such an offence to the Department of Community Services is mandatory in NSW. Immediate consultation with the Chairperson of the SACC in relation to such reporting is vital.

5. DEFINITIONS

5.1 Sexual Harassment.

Sexual harassment for the purposes of this document is repeated unwelcome, unsolicited, manipulative and/or unreciprocated conduct of a sexual nature.

5.2 Sexual Abuse

Sexual abuse for the purposes of this document occurs where one person in a position of trust or power or authority over another person including the provision of pastoral care takes advantage of their position of dominance by engaging in conduct of a sexual nature.

5.3 Procedural Definitions.

ACCUSED The minister or church worker against whom a complaint has been made.

ADVISER The person who assists the Accused in facing the complaint of sexual abuse or harassment and any subsequent procedures.

ADVOCATE The person who assists/supports the Complainant in processing the complaint through the denominational and, possibly, legal procedures.

COMMITTEE FOR THE MINISTRY The committee charged by the Baptist Union of NSW with the selection, training, accreditation and pastoral oversight of ministers and its **Discipline Subcommittee**.

COMPLAINANT The alleged victim/survivor of sexual abuse/harassment who is making a complaint or their legal guardian.

COMPLAINT A complaint of sexual abuse/harassment made against a minister or church worker (paid or voluntary) with regard to a person with whom the minister/worker is in a pastoral or similar relationship, whether a regular member of the congregation or not.

MUTUAL RESOLUTION The resolution of a complaint by a mutual arrangement to which the complainant and accused have genuinely agreed and which they accept as settling the complaint.

OFFENDER The minister or church worker who has acknowledged or been

convicted of the abuse/harassment.

PASTORAL RELATIONSHIP The relationship between a church member or other person with the minister/church worker where the latter is deemed to exercise a ministry of spiritual and personal welfare.

SEXUAL ABUSE COMPLAINTS COMMITTEE (SACC) The committee charged by the Baptist Union of NSW with the investigation and resolution of complaints of sexual abuse/harassment by ministers/church workers of affiliated Baptist Churches.

6. PRINCIPLES FOR DEVELOPMENT OF PROCEDURES

6.1 Protection

All care must be taken that the process of addressing a complaint of sexual abuse/harassment by the SACC and other denominational committees does not in itself become abusive to the complainant and their family or to the accused and their family. An understanding of the emotional and psychological factors involved as well as an attitude of respect and compassion is essential to minimise the trauma of the process.

6.2 Privacy

Every effort must be made to protect the privacy and confidentiality of all parties concerned.

* SACC will only release its findings to the Committee for the Ministry.

* Insofar as the Committee for the Ministry determines to report to the local congregation, it will focus on the needs of

- * the complainant and any family;
- * the minister/church worker and any family;
- * the particular needs of the local congregation

* In the case of an inconclusive outcome, the Committee for the Ministry will be so informed by the SACC.

6.3 Forgiveness and Reconciliation

While forgiveness by the complainant and a restoration of the relationship with the perpetrator may appear to be what Christian teaching demands, care must be taken not to impose this as an expectation during the process of resolution in cases of sexual abuse/harassment. Premature or inappropriate forgiveness is damaging to the complainant's recovery especially where it is

the outcome of expectations by someone seen to be in a position of power within the denomination.

No person who has offended has the right to demand to be forgiven unconditionally by a complainant. Those dealing with sexual abuse/harassment cases need to recognise that sometimes reconciliation appears unlikely and indeed may be contra-indicated. Issues of forgiveness and reconciliation are best addressed, **at the complainant's request**, in a personal or pastoral counselling setting.

6.4 Local Church

The General Superintendent or nominated Associate in consultation with the Chairperson of the Committee for the Ministry and the SACC

* shall take all reasonable steps to provide adequate pastoral care for churches where

a minister or church worker has had a complaint made against them or has been disciplined for sexual abuse.

* may (depending on the seriousness of the situation and the co-operation of the church concerned) arrange for a team of trained facilitators/counsellors/pastoral carers from outside the congregation to be involved in debriefing/counselling and conflict resolution.

7. THE SEXUAL ABUSE COMPLAINTS COMMITTEE

7.1

The SACC is a subcommittee of the Committee for the Ministry and is obliged to report to the Committee for the Ministry at least quarterly.

7.2 The Committee for the Ministry will appoint a chairperson and members for a twelve month term at its first meeting for the year.

7.3 The SACC is empowered to co-opt specialists in legal matters, child sexual abuse and other relevant areas as needed.

7.4 The SACC's charter is to deal directly with complaints of sexual abuse and harassment and to report to the Discipline Committee where the accused is an accredited minister or recognised pastor, woman in ministry or candidate for the ministry.

7.5 In cases where the accused is a church appointed worker, the SACC will work in co-operation with the General Superintendent or nominated Associate.

7.6 The SACC shall comprise at least three male and three female members and not exceed eight persons. Members of the SACC shall either have or desire to develop an understanding of sexual abuse issues. The SACC shall include the following:

- (i) at least one member with expertise in sexual abuse issues;

- (ii) at least one member with legal knowledge and expertise;
- (iii) at least one member of the Committee for the Ministry;
- (iv) at least one member with extensive pastoral experience in the local church.

7.7 The Role of the Committee is to:

- (i) investigate the complaint;
- (ii) facilitate a resolution, if possible, with sensitivity, compassion and pastoral care to all parties concerned, including the local church;
- (iii) liaise with the Chairperson of the Committee for the Ministry and the General Superintendent or nominated Associate throughout the process;
- (iv) educate and inform the Baptist Union of NSW on matters relating to sexual abuse and harassment;
- (v) ensure that Advocates and Advisers fully appreciate their respective roles.

7.8 Advocate and Adviser Panel

7.8.1 The SACC shall maintain a panel of advocates responsible for assisting complainants and advisers responsible for assisting the accused during the complaints process.

7.8.2 Where possible, advocates and advisers are to be the same sex as the person they are assisting. In cases of sexual abuse complaints concerning minors, the Advocate shall have particular expertise in this area.

7.8.3 **An Advocate or Adviser** is a person who should have:

- (i) the confidence of the complainant or the accused;
- (ii) advocacy skills;
- (iii) counselling and support skills;
- (iv) knowledge of sexual abuse issues, including psychological, social, spiritual and legal dimensions;
- (v) knowledge of options including counselling, legal and community resources available to both inside and outside the denomination;
- (vi) knowledge of denominational structures and processes as they apply to sexual abuse issues;
- (vii) the confidence of the denomination.

7.8.4 **The Role of the Advocate** is to:

- (i) assist the complainant through the necessary Baptist Union of NSW procedures;
- (ii) ensure that the complainant is properly advised of his/her rights and is fully aware of the community support that is available;
- (iii) assist the complainant in obtaining appropriate legal advice regarding criminal or civil law;
- (iv) liaise with appropriate individuals e.g. support person, parent or guardian (in the case of minors), to expedite resolution of the complaint;
- (v) ensure that the complainant is adequately informed at all stages of the way in

which the complaint is being dealt with;

(vi) if the complainant wishes, speak on her/his behalf at any meeting the complainant is required to attend;

(vii) assist the complainant, where desired, by referral to Sexual Assault Centres, Incest Centres, medical, psychological and legal help, community agencies and other services;

(viii) oversee liaison with the local church and attend any meetings between the complainant and local church representatives e.g. deacons.

7.8.5 The Advocate shall be kept promptly informed by the SACC of all the information that is or becomes available regarding the complaint.

7.8.6 **The Role of the Adviser** is to:

(i) support the accused throughout the Baptist Union of NSW procedures;

(ii) ensure the accused is properly advised of their legal rights and responsibilities according to current criminal or civil law;

(iii) ensure the accused is fully aware of the community support available including psychiatric referral, counselling, legal and other services;

(iv) ensure the accused is adequately informed at all stages, of the way in which the complaint is being dealt with;

(v) liaise with appropriate individuals e.g. relatives, if requested, and the SACC, to expedite the resolution of the complaint and the rehabilitation of the accused;

(vi) at the request of the accused, speak on his/her behalf at any meeting the accused is required to attend regarding the complainant.

7.8.7 The Adviser shall be kept promptly informed by the SACC of all information that is or becomes available regarding the complaint.

7.9 **Support**

(i) Support Person

In addition to the advocate or the adviser, the complainant and the accused may be accompanied by up to two support persons be they relatives, friends and/or legal adviser to any meeting held in relation to the complaint. Such support persons need to be capable of providing appropriate support at the time. The support person shall not have the right to speak unless invited to do so by the chairperson.

(ii) Financial Support

If the complaint is proved, consideration shall be given to payment of the complainant's therapy costs that relate specifically to the sexual abuse by the minister/church worker.

If the complaint is shown to be false, consideration shall be given to the accused's therapy costs in relation to the accusation and its consequences.

7.10 Records of Complaints

To preserve confidentiality, all records of complaints shall be stored in a locked filing cabinet in the office of the General Superintendent of the Baptist

Union of NSW. Only the General Superintendent or nominated Associate, the Chairperson of the Committee for the Ministry, the Honorary Legal Adviser, the Denominational Solicitor and the members of the SACC shall have access to these records.

8. PROCESS AND PROCEDURES

8.1 The following principles will be followed:

*Every effort should be made to ensure the well-being of the complainant and the accused and that confidentiality is maintained.

* Acting as quickly as possible shall be a genuine recognition of the seriousness of sexual abuse or harassment.

*Speedy facilitation of the procedures is very important. Care should be

taken to avoid delays through infrequent meetings of committees.

*All parties should be fully and speedily informed regarding decisions made, the reasons for the decisions and what processes are being used at all stages, particularly where there is any delay.

* Principles of natural justice shall be applied throughout.

8.2 Natural Justice

8.2.1 To ensure that the principles of natural justice shall be observed throughout the processing of any complaint, the SACC shall

* act fairly, in good faith, without bias and in a dispassionate manner;

* give each party the opportunity of adequately stating their case and correcting or contradicting any relevant statement prejudicial to the person's case;

* not receive information except as part of its investigation of the complaint;

* ensure that a person called upon to answer a complaint shall be given the particulars of the complaint being made in writing;

* ensure that each party has the opportunity to respond to statements made by the other.

8.2.2 Any member of the SACC or the Committee for the Ministry who has a complaint made against them, or who is a relative or close friend of the accused or the complainant, shall stand down from the committee until the matter is resolved. There is an obligation for any person who is involved in handling the complaint to declare any interest in the matter or any personal connection or relationship with any party.

8.2.3 The particulars of the complaint ("the complaint") to be given to the accused will be drafted by the member of the SACC with legal knowledge and expertise or nominee.

8.2.4 The SACC will not interview the accused until the particulars of the complaint have been drafted by the member of the SACC with legal knowledge and expertise and given to the accused.

8.3 Making a Complaint

8.3.1 Anyone who wishes to make a complaint to sexual abuse by a minister/church worker may do so orally or in writing to the President of the Baptist Union of NSW, the General Superintendent or nominated Associate or directly to the Chairperson or any member of the SACC. If such a complaint is made orally, in the first instance, the complaint must be forthcoming in writing as soon as is reasonably possible.

8.3.2 It is noted that complainants in the past have often hesitated to raise legitimate complaints because of fear of disbelief or minimilisation. It is essential that complainants be given confidence that the complaint is being taken seriously and that it will be dealt with quickly and confidentially.

8.4 Informal Complaints and Rumours

8.4.1 Where a complaint against a minister/church worker has not been made formally, but has come to the notice of the President, General Superintendent or a Member of the SACC informally in the form of hearsay or rumour, those officers are required to inquire into the accusations with a view to establishing whether there is any foundation to these rumours.

8.4.2 If, after inquiry, there are reasonable grounds for considering that a case exists against a minister/church worker, the officer involved in the inquiry will ensure that the accusations are pursued and, if warranted, that a complaint is made in writing by the said officer(s).

8.4.3 If, after inquiry, there is no reason to support the accusations, the Union officer involved shall take all reasonable steps to ensure that the minister*s/church worker*s name is cleared and that the person, their family members and the local church receive any assistance needed.

8.5 Action initiated by a person who has committed acts of sexual abuse in the past.

8.5.1 Action may be initiated by such a person seeking help for present or past offences. Care must be taken that subsequent contact with the alleged victim(s) is made with sensitivity and discretion and that their right not to be involved in any further process (should they so wish) is respected. In any event, the perpetrator will be assigned an adviser to assist throughout the process. Should the victim be uncontactable or not willing to be involved, any dealing with the local church will need to take this into account.

8.6 Receiving and Investigating a Formal Complaint

8.6.1 Within 24 hours (or such longer time as is required to make contact) of the receipt of a formal complaint, the complaint, together with all relevant information shall be referred (orally in the first instance, if necessary) to the SACC. The SACC will advise each of the following: the Chairperson of the Committee for the Ministry, the General Superintendent or nominated Associate and the Honorary Legal Adviser at the earliest opportunity.

8.6.2 The SACC shall appoint an Advocate who shall then consult with the Complainant. The SACC shall ensure that the Advocate is acceptable to the Complainant. The Advocate may assist in the preparation of the complainant's written signed statement for the SACC following the first interview. If the Complainant is not satisfied with the report they may submit additional material in writing. N.B. Issues of confidentiality will need to be clearly defined during the initial interview and throughout the process.

8.6.3 The particulars of the complaint ("the complaint") to be given to the accused will be drafted by the legally qualified member of SACC.

8.6.4 SACC will not interview the accused until "the complaint" has been drafted and given to the Accused.

8.6.5 As soon as possible after "the complaint" is drafted, the chairperson of the SACC or their representative shall inform the Accused of the complaint, preferably in person or by phone.

8.6.6 Arrangements will be made to forward "the complaint" to the Accused forthwith.

8.6.7 The SACC will appoint an Adviser to the Accused. The SACC shall ensure that the appointed Adviser is acceptable to the Accused. The Adviser shall then contact the Accused and arrange a meeting or meetings with representatives from the SACC, the Adviser and the Accused.

8.6.8 The ensuing process will differ depending on the Accused's acknowledgement of the offence or otherwise and the severity of the offence if it is deemed to have taken place.

8.6.9 If there is no admission of an offence or minimisation of an offence by the Accused, the following may be considered:

- * Written signed statements or statutory declarations from parties with knowledge of some of the circumstances.

- * Consultation with senior leaders of the local church.

8.6.10 It should be noted that in such an event extra care/support may be needed by the Complainant and their family (if involved).

8.6.11 As soon as possible after the complaint has been received, SACC will ensure appropriate pastoral care for the Complainant and any family members (as it is at this stage of the process that the Complainant is frequently vulnerable in the local Church context. Furthermore, if the Accused is a church appointed worker, the pastor frequently experiences a conflict of interest in pastoral care of both parties. SACC, as well as the General Superintendent or nominated Associate, can provide valuable assistance to pastors in this situation. On no account should both parties be referred to the same counsellor for help at this time as this creates another conflict of interest and can be psychologically damaging to the complainant.)

8.6.12 As soon as possible after the complaint has been received, SACC will ensure that all reasonable steps are taken to provide support and advice to the spouse and family of the Accused, if the need for this is evident.

8.6.13 If the Accused is married, he/she is to inform their spouse of "the complaint". Should the Accused refuse to do this, the SACC may choose to inform the spouse. As with the Complainant, issues of confidentiality will need to be clearly defined for the Accused during the initial interview and throughout the process.

8.6.14 In the case of a denominationally recognised minister, pastor and/or church worker being accused, once the investigation by SACC leads to a resolution between the complainant and the accused or once SACC forms the view that there will be no resolution between the complainant and the accused, then SACC will forthwith notify the Committee for the Ministry of this.

8.6.15 SACC must complete the investigation of a complaint within four months of "the complaint" being served on the accused unless the Committee for the Ministry agrees to an extension or the complainant and the accused agree to an extension.

8.7 Complaints by Minors

Children under the age of sixteen at the time of the complaint are to be represented by a person of their choice, preferably their parent or legal guardian, who will make formal complaint in writing on their behalf and generally carry out such functions as are necessary for the processing of the complaint. If an older child requests to be present for part or all of the proceedings, this should be carefully assessed and agreed to where possible.

Because notification to the Department of Community Services is mandatory and there is the risk of contaminating the child's evidence for court proceedings, any investigation in relation to alleged or suspected abuse must be done by the DCS in the first instance. Any SACC procedures which involve the victim can only take place following completion of the DCS investigations and police interviews.

The Advocate for a minor will act in a support capacity to both the child and their representative and will need to have knowledge in the area of child sexual abuse. The Advocate will take care that any counselling for the minor will be conducted by a person known to be qualified and effective in dealing with the consequences of child sexual abuse. Likewise, the representative may need appropriate counselling and/or group support.

Members of the SACC and all concerned with the case must ensure that all care is taken to avoid the process inflicting further harm to the child.

8.8 Mutual Resolution

8.8.1 The SACC has investigative function. Its aim is to resolve any matter brought to its attention in a way which offers appropriate support to all parties during the process and leads to a resolution genuinely accepted by both the complainant and

the accused.

8.8.2 The SACC will refer matters of discipline relating to denominationally recognised ministers, pastors and/or church workers to the Discipline Sub-Committee of the Committee for the Ministry and liaise as appropriate with Baptist Youth Ministries (NSW).

8.8.3 The SACC's primary responsibility is to fairly address issues of alleged sexual abuse/harassment, with due concern for pastoral care.

8.8.4 Discussion will need to take place within the SACC and the Discipline Sub-Committee and the Committee for the Ministry (where the complaint raises matters of discipline relating to denominationally recognised ministers, pastors

and/or church workers) to determine whether action sought by the complainant or the accused is acceptable as a "mutual resolution" of the complaint. Pressure must not be placed on the complainant or the accused to accept a resolution preferred by one party or the committee. The Committee for the Ministry shall be required to determine whether the mutual resolution satisfies its obligations to be responsible for the care of the Churches.

8.8.5 SACC may call on the services of a trained mediator, with knowledge of sexual abuse issues, to facilitate "mutual resolution" where this is indicated. In endeavouring to find a mutual resolution, SACC or the mediator may interview the parties separately, acting as a go-between in the process.

8.8.6 A number of mutual resolution outcomes can be understood in terms of symbolic and/or practical restitution. For example: a response to the victim/survivor in the form of a letter recognising the offence and validating their complaint by a representative of the Baptist Union, the pastor or secretary of the local church; a letter of acknowledgment and apology by the offender; part of full payment of therapy costs have healing power for the victim/survivor and family. Any attempt at symbolic and/or practical restitution needs to fit the victim/survivor's expressed needs and must not be imposed.

8.9 APPEAL

8.9.1 The complainant or the accused may appeal against the behaviour or any decision of the SACC to the General Superintendent or the President of the Baptist Union of NSW who may make inquiries of the SACC and/or may appoint a committee of three persons, the Sexual Abuse Complaints Tribunal (see clauses 9.4, 9.5 and 9.6 below) to determine the matter. Such an appeal is to be brought within one month of the behaviour or decision which is challenged.

9. LACK OF RESOLUTION AND THE SEXUAL ABUSE COMPLAINTS TRIBUNAL

9.1 Where the complainant or the accused cannot agree to the action proposed by the SACC, the matter is considered not to have been resolved.

9.2 If the committee believes the complaints warrant further action, the matter should be referred to the Discipline Sub-Committee of the Committee for the Ministry as soon as possible and no later than the period provided for in clause 8.6.15 above.

9.3 In matters relating to general church workers, the General Superintendent or nominated Associate may be involved in advising the church in question.

9.4 Where a matter is referred to the Discipline Sub-Committee because of a lack of resolution between the complainant and the accused as to the facts raised by "the complaint", the Discipline Committee shall request the Sexual Abuse Complaints Tribunal (SACT) to convene a hearing to determine the facts in dispute between the complainant and the accused.

9.5 The SACT shall comprise three persons being a legally qualified person as chairperson, a member of the Discipline Sub-Committee and a third person with an understanding of sexual abuse issues. At least one member of the SACT shall be female and one male. The SACT shall be appointed by the Committee for the Ministry on a case by case basis. The Committee for the Ministry to maintain lists of suitable persons who are prepared to serve on the SACT who are legally qualified or who have an understanding of sexual abuse issues.

9.6 The SACT will give reasons in writing to the Discipline Sub-Committee as to its findings. A copy of its findings will also be given to the SACC.

10. PASTORAL CARE OF CHURCHES, COMPLAINANTS, ACCUSED PERSONS AND THEIR FAMILIES

10.1 The General Superintendent or nominated Associate shall, in consultation with SACC and the Chairperson of the Discipline Committee, take all reasonable steps to provide adequate pastoral care for the local church and congregation where a minister or church worker has had a complaint laid against them, or who has been disciplined for sexual abuse or harassment. This action must be taken as a matter of urgency.

10.2 Options for pastoral care of the church affected include, but are not limited to, the following:

* A meeting of the General Superintendent or nominated Associate with the diaconate and elders of the church to open the matter and discuss the needs of all concerned.

* An offer to diaconate/church to have the services of people skilled in mediation, group facilitation and counselling and who have knowledge of sexual abuse issues, to assist them with debriefing, counselling and possible conflict resolution in order to lead the church to a healing resolution for all concerned, both emotionally and spiritually.

10.3 It needs to be recognised that a complaint of sexual abuse or harassment against a minister of a church, or a worker officially recognised as exercising a

ministry on behalf of the church, precipitates a crisis in that church which, if responded to appropriately may result in spiritual growth. If the matter is not addressed according to principles of natural justice and a compassionate regard for the truth, the church like the victim/survivor will suffer for years to come.

10.4 The General Superintendent or nominate Associate shall take all reasonable steps to ensure that adequate Pastoral care is provided to the Accused and family after the Complaint finally has been dealt with, regardless of the outcome of the Complaint.

10.5 The SACC shall take all reasonable steps to ensure that adequate Pastoral care is provided to the Complainant and family after the Complaint finally has been dealt with, regardless of the outcome of the Complaint.

11. APPENDIX

11.1 Current Misconceptions

There are some commonly held misconceptions about sexual abuse and sexual harassment which are dangerous. These misconceptions distort the reality of how sexual abuse occurs and contribute to the distress, embarrassment and shame victims/survivors of sexual abuse feel.

MISCONCEPTION

“Women ask for it, they invite sexual abuse by the way they act or dress”.

FACT

Sexual abuse or harassment is a frightening, humiliating experience during which the woman has no control over what happens. No one enjoys such an experience. All women are vulnerable to abuse no matter what their age, race, attractiveness or style.

MISCONCEPTION

“Nice, decent women do not get abused”.

FACT

Being a #good Christian girl or woman* is no guarantee against sexual abuse or harassment; all women are vulnerable no matter what their personal standards.

MISCONCEPTION

“Men can*t help themselves. When they are sexually frustrated they get excited and can*t control themselves”.

FACT

Men can control both their violence and their sexual urges. Studies have shown that most sexual abuse is premeditated and planned. It seems sex is used as a very effective way of degrading the woman or making use of her for self gratification. In either case the motive frequently has more to do with power than with physical need.

MISCONCEPTION

“Mutual masturbation is a normal part of sexual development for boys”.

FACT

The unequal power relationship between a boy and anyone his senior makes any sexual contact degrading and frightening whether they experience physical pleasure or not. The accompanying secrecy leaves the child not only powerless but isolated, often believing they are to blame.

MISCONCEPTION

“Real men don't get abused, only gays or wimps”.

FACT

In the same way any man can be the subject of physical violence so any man can be the subject of sexual violence. This has nothing to do with the sexual preference of the victim/survivor and may have little to do with the sexual preference of the perpetrator. Sexual abuse has more to do with power than with sex.

MISCONCEPTION

“A Christian minister would never sexually abuse another human being, let alone a person in the church!”

FACT

There are and have been a number of cases of #clergy sexual abuse* in NSW Baptist Churches. The fact that this may not be widely known does not mean it is not happening.

Because of these misconceptions the blame for sexual abuse has frequently been shifted from the offender to the victim/survivor. Victims/survivors have often not told anyone about the abuse because they are scared, ashamed and embarrassed. When they did speak up they were frequently not believed, discounted or held responsible and rejected by their local church. Women, men, children and their parents have found themselves in this position. As a result the extent of the problem has not been recognised nor has the denomination had the procedures needed to support the victims/survivors and their families in redressing the wrong done to them until now.

11.2 Do*s and Don't*s for Denominational and Local Church officers.

DO*S:

DO put the complainant first. They are the person who may have been abused! They may be very ashamed and afraid. From the outset handle all matters with confidentiality and assure them of this.

DO respect the complainant*s fundamental right:

- * to be taken seriously;
- * to be treated with respect, dignity, understanding and sensitivity;
- * to be given information;

- * to have access to the Sexual Abuse Complaints Committee;
- * to retain control of their part in the process;
- * to have privacy and confidentiality;
- * to have appropriate medical treatment if required;
- * to receive professional counselling or therapy;
- * to seek justice through the legal system;
- * to be compensated through the Victims Compensation Tribunal.

DO remember if a person has been made the victim of injustice/crime they have the right to:

- * a response of anger at the offence;
- * a response of compassion to their pain;
- * a response of advocacy on their behalf;
- * a response of holding offenders legally and spiritually accountable for their action (Remember that sexual abuse is a crime).

DO make sure parents/guardians of a minor are appropriately involved and given support and assistance.

DO make sure any spouse and children of the accused are given appropriate support and assistance.

DO make sure the accused is provided with appropriate help and support.

DO name the offence correctly. If the sexual abuse is a case of #rape*, it needs to be called #rape* (which is a crime), not #adultery* or #promiscuity*. Likewise an offence against a minor is #child sexual abuse* (also a crime), not #mutual masturbation* or #my affection getting out of hand*.

DO refer the matter to the SACC as quickly as possible so they can assist all parties including the church.

DON*TS:

DON*T give credence to misconceptions about sexual abuse or harassment.

DON*T play down the seriousness of sexual abuse. Comments like #he*s a bit of a womaniser*, #he just likes the ladies*, #boys will be boys*, make light of behaviour which is offensive and hurtful and therefore unacceptable. Remember also that other forms of sexual abuse apart from penetration are regarded as a criminal offence.

DON*T think that sexual abuse only affects a person*s body and has no effect on how they feel emotionally and spiritually. The betrayal of trust in a Christian context will pose serious problems relating to the reality of God*s love and protection for most victims. Feelings of powerlessness, vulnerability and shame and the experience of self negation may leave the victim/survivor suffering negative emotional and spiritual consequences for the rest of their lives.

DON*T confuse sexual abuse with misguided love. To use another person for self

gratification, at their expense, is not love but abuse.

DON'T excuse the offender on the grounds that the woman or child encouraged or seduced them. Even if this had some basis in fact persons in a pastoral role are duty bound to protect those under their care or influence. There is no excuse for abuse!

DON'T underrate the power of the pastoral role. Our Christian teaching gives a great deal of power to those in positions of leadership, especially male leaders. When they minimise or deny abusive behaviour or declare it right and good they may succeed in confusing not only the victim but some church members. We need to have the courage to confront abuse and act in support of the victim.

DON'T be satisfied with #reasonable* justice #healing wounds lightly*, (Jeremiah 6.14). It is too tempting to let ministers or church workers off lightly because their whole career and standing in the community may be at stake. Avoiding the process of dealing with the offence not only leaves the victim/survivor further abused by the church but opens the way for the offender repeating the abuse in another setting.

11.3 Relevant Legal Information

(a) Reporting requirements for an adult victim

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Dunjey, Lachlan May 1992 "Child Sexual Abuse", Pastor*s Conference.

Dunkley, Ann (Chair) Children*s Working Group of the Baptist Union of Great Britain 1994 "Safe to Grow. Guidelines on child protection for the local church and its youth workers." The Baptist Union of Great Britain.

Fortune, Marie M. 1993 "Sexual Violence, The Unmentionable Sin, An Ethical and Pastoral Perspective." Pilgrim Press: New York.

Fortune, Marie M. 1989 "Is Nothing Sacred? When sex invades the pastoral relationship" Harper and Rowe: San Francisco.

Fortune, Marie M. 1984. "Sexual Abuse Prevention: A Study for Teenagers" United Church Press, New York.

Last, Helen. 1990 "A Pastoral Report to the Churches on Sexual Violence against Women and Children of the Church Community" CASA House and The Royal Women*s Hospital: Melbourne.

Northwest District of the American Lutheran Church 1987 "Sexual Misconduct by Clergy within Pastoral Relationships". The Center for the Prevention of

Sexual and Domestic Violence, 1914 N.34th St. #105, Seattle, WA 98103.

**Sexual Harassment Monitoring Group, Anglican Diocese of Auckland 1994
“Healing With Justice. Information about resolving situations of sexual harassment within the Anglican Diocese of Auckland”.**

Uniting Church in Australia 1994 “Procedures for Use When Complaints of Sexual Abuse Are Made Against Ministers”. NSW contact person: Rev Norman McDonald, PO Box A2178, Sydney South, NSW 2000, Phone (02) 9267 7399.

The SACC of the NSW Baptist Union gratefully acknowledges the assistance given by the Uniting Church of Australia in the preparation of the “Policy and Procedures for Dealing With Complaints of Sexual Abuse and Harassment by Ministers and Church Workers” document.

11.5 Recommended Reading

Bass, Ellen and David, Laura 1988 “The Courage to Heal. A guide for Women Survivors of Sexual Abuse”. Harper and Rowe: New York.

Flaherty, Sandra M. 1992 “Woman Why Do You Weep? Spirituality for Survivors of Sexual Abuse”. Paulist Press: New Jersey.

Grenz J. Stanley & Roy D. Bell 1995 “Betrayal of Trust. Sexual Misconduct in the Pastorate.” Inter Varsity Press: Illinois 60515

McClelland, Heather 1996 “The Almond Tree. Child Sexual Abuse and the Church (Stories from Country Victoria)”. A.R. McLean Printing: Fyshwick ACT 2609, available from the author, 21 Severne Cres., Kambah ACT 2902.

Ormerod, Neil and Thea 1995 “When Ministers Sin. Sexual Abuse in the Churches.” Millennium Books: Sydney.

Rutter, Peter 1989 “Sex in the Forbidden Zone”. Unwyn Hyman: London