

QUEENSLAND BAPTISTS

ETHICAL ISSUES RESPONSE GROUP

GUIDELINES

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EIRG GUIDELINES



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PART 1—PRELIMINARY

1. PURPOSE OF PROCEDURES

- (1) The main purpose of these procedures is to provide a clear mechanism for dealing with a complaint of misconduct or inappropriate sexual behaviour against a Registered Pastor, Student Pastor or Pastoral Assistant (a “**registered church worker**”) in a Baptist church in Queensland.
- (2) It is also a purpose of these procedures to provide a system that will give a person who has been affected freedom to proceed with a complaint, confident that the complaint will be dealt with properly, thoroughly and confidentially, and not covered up.
- (3) This purpose is primarily achieved by —
 - a) creating the Ethical Issues Response Group
 - b) setting out procedures to be followed when a charge of misconduct or inappropriate sexual behaviour is made; and
 - c) providing for skilled people to be available to assist the complainant and the respondent through the procedures.

2. GUIDING PRINCIPLES

- (1) Jesus demonstrated righteous anger at evil. He uncompromisingly told the truth. He named and criticised evil and called to account those who abused their power.
- (2) God calls those involved in misconduct or inappropriate sexual behaviour to true repentance. He requires a person responsible owning the hurt caused to a victim, and a complete change of attitude and behaviour. Readiness to accept discipline and to make restitution may be indicators of true repentance. (Ezekiel 18: 30-31; Matthew 3:7-12).
- (3) Jesus broke the rules governing religious niceties, exclusivity and silence. Support of, and compassion for, persons who have been abused can never be given in an atmosphere of silence, cover-up and denial.
- (4) Jesus also welcomed repentant sinners and in any process in dealing with a complaint against a registered church worker, the ultimate goal of forgiveness, reconciliation and restitution (where appropriate) must be borne in mind.
- (5) In pursuing this goal, the following elements of justice-making may be important —
 - a) truth telling — giving voice to the reality of abuse;
 - b) acknowledging the violation — hearing the truth, naming the abuse and condemning it as wrong;
 - c) compassion — listening and providing support to the person disclosing;
 - d) protecting the vulnerable — taking steps to prevent further abuse to the victim and others;
 - e) accountability — taking steps to assist in the confrontation of the abuser, and seeking redress;
 - f) restitution — making symbolic restoration of what was lost, giving tangible means to acknowledging the wrongfulness of the abuse and the harm done, and bringing healing;
 - g) vindication — removing the blame or the responsibility for the abuse.

3. ETHICAL BEHAVIOUR

- (1) A registered pastor, student pastor or pastoral assistant (a “**registered church worker**”), as a holder of a position of leadership, is in a position of power and trust in pastoral relationships.
- (2) The factors of power and trust limit the possibility of a person in a pastoral relationship with a registered church worker giving meaningful consent to any sexual behaviour with a registered church worker.
- (3) Any inappropriate sexual behaviour by a registered church worker towards a person with whom they have a pastoral relationship is an abuse of their position of trust and makes the registered church worker liable to discipline.

4. REGISTERED CHURCH WORKER IS RESPONSIBLE

A registered church worker is taken to be aware that any inappropriate sexual contact with a person in a pastoral relationship with the registered church worker, is an abuse of their position of trust unless the contrary is proved to the satisfaction of Ministerial Services.

5. NOT USED

6. STANDARD OF PROOF

The standard of proof that misconduct or inappropriate sexual behaviour has occurred is upon the balance of probabilities.

7. PROCEDURE

- (1) In investigating a complaint, the EIRG —
 - a) must act quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the matter; and
 - b) may inform itself of anything in any way it considers appropriate.
- (2) The EIRG may have regard for any evidence in arriving at a decision, including reports, complaints or other evidence of possible misconduct or inappropriate sexual behaviour, whether established or unestablished.

8. DEFINITIONS

The dictionary in the schedule defines particular words used in this document.

9. MEANING OF INAPPROPRIATE SEXUAL BEHAVIOUR

- (1) Inappropriate sexual behaviour includes a wide range of unwanted sexual behaviours and welcomed sexual behaviours where there is a power imbalance..
- (2) Inappropriate sexual behaviour includes sexual harassment.
- (3) Not used.
- (4) Without limiting the meaning of inappropriate sexual behaviour, inappropriate sexual behaviour includes the following behaviours which are inappropriate for a minister or church worker —
 - unnecessary inquiry into personal matters such as questions of a sexual nature
 - inappropriate touching
 - inappropriate kissing
 - making a person being pastored look at, or pose for, pornographic pictures or images, as well as possession of pornographic pictures or images
 - making inappropriate sexual advances or suggestions

- inappropriate masturbation of self or another person
- inappropriate oral to genital contact
- penetration of the mouth, vagina or anus with a penis, another part of the body or other object (excluding proper professional medical examination).

10. GENERAL SUPERINTENDENT AND OTHERS AS RESPONDENT OR UNAVAILABLE

(1) This section applies if —

- a) a complaint is made about the General Superintendent; or
- b) the General Superintendent is, whether because of absence or for another reason, unable to deal, or disqualified from dealing, with a matter about a complaint that the General Superintendent would otherwise deal with under these procedures.

(2) A reference to the General Superintendent is taken to be a reference to the next available of the following —

- a) the President;
- b) the chairperson of Ministerial Services;
- c) the deputy chairperson of Ministerial Services;
- d) the Director of Pastoral Services.

PART 2 – CARE OF PARTIES

11. PRIVACY AND CONFIDENTIALITY

(1) The EIRG and any other person who deals with a complaint for the Union must take all reasonable care to protect the privacy of a complainant, a respondent and their families, and the confidentiality of all information or material concerning a complaint but only to the extent permitted by privacy legislation and only in circumstances where maintaining confidentiality would not interfere with the investigative and decision making processes.

12. CONDUCT OF INVESTIGATION

(1) The EIRG or a person who investigates, mediates, assists, or has another role in connection with a complaint must—

- a) act fairly, in good faith and without bias;
- b) give a complainant and a respondent opportunity to —
 - i) adequately state their case; and
 - ii) respond to a statement by another person; and
- a) declare an interest in a complaint or a relationship with a complainant or a respondent.

(2) A respondent is entitled to know the allegations made against him or her.

13. FORGIVENESS AND RECONCILIATION

- (1) The EIRG or a person who investigates, mediates, assists, or has another role in connection with a complaint must not impose on a complainant an expectation that the complainant will offer forgiveness or be reconciled with the respondent as part of the resolution of the complaint.ⁱ
- (2) A respondent must not be permitted to demand forgiveness by, or reconciliation with, a complainant.

PART 3 – ETHICAL ISSUES RESPONSE GROUP

DIVISION 1 – PRELIMINARY

14. APPOINTMENT OF MEMBERS

The members of the EIRG are appointed by the Ministerial Services and are accountable to Ministerial Services.

15. RELATIONSHIP WITH THE UNION

- (1) The EIRG operates as a subcommittee of Ministerial Services.
- (2) If the EIRG is of the opinion that Ministerial Services is obstructing the processing of a complaint under these procedures, the EIRG may refer the matter to the Board.
- (3) The EIRG is, so far as further action about the complaint, bound by the decision of the Board or a Ministerial Grievance Committee set up by the Board.

16. TERM OF APPOINTMENT

- (1) The members of the EIRG are appointed for a term of 1 year.
- (2) However, a member may be appointed for a term of less than 1 year to fill a casual vacancy, however the vacancy arises.
- (3) A member may continue to act as a member after the expiry of a term of appointment in respect of a matter being dealt with by EIRG and with which the member is involved in investigation, mediation or conciliation.

17. COMPOSITION OF EIRG

The EIRG must include both men and women, and so far as is practicable, be of approximately equal numbers of men and women.

18. APPOINTMENT OF CHAIRPERSON

- (1) Ministerial Services must appoint a member of the EIRG to be the chairperson.
If the chairperson is unable to deal with, or disqualified from dealing with, a particular complaint, the General Superintendent may appoint another member of the EIRG to act as the chairperson for the purposes of dealing with the complaint.

19. POWER TO CO-OPT

The EIRG may co-opt a specialist in any field if it considered that the specialist will assist the EIRG in dealing with a complaint or a matter arising from a complaint.ⁱⁱ

DIVISION 2 – ROLE OF EIRG

20. ROLE OF EIRG

- (1) The role of the EIRG includes the following—
 - a) investigating complaints and bringing recommendations for action to Ministerial Services arising out of their investigations;
 - b) mediating and conciliating resolutions of complaints or issues referred to it by Ministerial Services in accordance with any directions given them by Ministerial Services;
 - c) liaising with Ministerial Services.
- (2) The EIRG must, in investigating a complaint, or mediating or conciliating a resolution of a complaint, act with compassion, pastoral care and sensitivity to the complainant and respondent and their families.

DIVISION 3 – COMPLAINT ABOUT EIRG MEMBER

21. APPLICATION OF DIVISION

This division applies if a complaint is about a member of the EIRG.

22. MEMBER TO STAND DOWN

Ministerial Services may require a member of the EIRG who is the subject of a complaint to stand down from the EIRG until the complaint has been dealt with.

23. IF COMPLAINT IS ESTABLISHED

If a complaint against a member of the EIRG is established as being true, Ministerial Services may remove the member from the EIRG.

PART 4 – OTHER PERSONS IN PROCESS

24. Removed (25.11.10)

25. Removed (25.11.10)

26. Removed (25.11.10)

27. SUPPORT PERSONS

- (1) A support person is a person chosen by a complainant or respondent to provide them with support, including emotional support, during the process of dealing with a complaint.
- (2) A support person may accompany a complainant or respondent at a meeting about a complaint.
- (3) A support person is not permitted to speak at a meeting unless invited to do so by the chairperson of the meeting.
- (4) A legal practitioner representing the complainant or respondent may not act as an assister or support person.

PART 5—PROCESS AND PROCEDURE

28. WHO MAY MAKE A COMPLAINT

Any person may make a complaint, whether or not the person is, or has been, a member or regular attender of a Baptist church in Queensland.

29. TO WHOM COMPLAINT IS MADE

- (1) A complaint may be made to the General Superintendent, a Regional Consultant, the Chairperson of EIRG or the Chairperson of Ministerial Services.
- (2) However, if another person receives a complaint, that person can refer a complaint to a person referred to in subsection (1).

30. HOW COMPLAINT IS MADE

- (1) A complaint may be oral or in writing.
- (2) However, a complaint made orally should subsequently be placed in writing and signed by the complainant.

31. NATURE OF COMPLAINT

A complaint may be about an occurrence of misconduct or inappropriate sexual behaviour that happened at any time, regardless of how long since the incident happened.

32. RUMOURS AND DISCERNMENT

- (1) This section applies if the General Superintendent, the Chairperson of EIRG or the Chairperson of Ministerial Services becomes aware of an allegation of misconduct or inappropriate sexual behaviour by a registered church worker—
 - a) in the form of hearsay or rumour; or
 - b) through the discernment of any person.
- (2) If the General Superintendent or Chairperson has a reasonable basis for believing the allegation, he or she must report the matter to the other parties mentioned on 32(1)
- (3) If the person to whom the report is made considers it is appropriateⁱⁱⁱ, the EIRG must investigate the allegation with a view to establishing the truth or otherwise of the allegation.
- (4) If the EIRG considers there are reasonable grounds to believe that misconduct or inappropriate sexual behaviour may have occurred, the EIRG should seek to have a written complaint made, and may appoint an assister to assist the complainant in making the complaint.
- (5) However, if the EIRG believe there is no evidence to support the allegations, the EIRG must advise Ministerial Services and Ministerial Services must take all reasonable steps to ensure that persons who knew of the allegations are made aware that the allegations are found to be without support.

33. REPORTING COMPLAINT

- (1) A person who receives a complaint must, if the person considers there are reasonable grounds to believe the complaint is true, report the complaint to the General Superintendent, the Chairperson of Ministerial Services or the Chairperson of the EIRG as appropriate as soon as practicable.

34. CONSIDERATION OF NATURE OF COMPLAINT

- (1) The General Superintendent, the chairperson of Ministerial Services, or the Chairperson of the EIRG must, as soon as possible after receiving a report of a complaint, consider the information available.
- (2) They must decide if the complaint should be referred to the EIRG, and if so refer the matter to the EIRG.
- (3) They must also consider if the complaint may lead to criminal charges.
- (4) They may consult with any person to assist in making a decision under subsections (2) or (3).

35. ADVICE TO GENERAL SUPERINTENDENT

The chairperson of the EIRG must, as soon as possible after directly receiving a report of a complaint, advise the General Superintendent.

36. APPLICATION OF DIVISION

This division applies to a complaint that will not, so far as is reasonably known, lead to a criminal charge against the respondent.^{iv}

37. ORAL COMPLAINTS

- (1) If a complaint is made orally, the EIRG should seek to have it confirmed in writing.
- (2) If a complainant is unable, or for any reason unwilling, to make a written complaint, the chairperson may, if practicable, offer to appoint an assister to seek to assist the complainant in making the complaint.
- (3) If a complainant does not make a written complaint, the EIRG must consider the content of the oral complaint and determine if there is a good reason why the content of the complaint should be investigated even if it is not confirmed in writing.
- (4) A good reason may include —
 - a) that further abuse may occur if action is not taken; or
 - b) that it is in the best interest of the complainant, the respondent, the local congregation or Queensland Baptists.
- (5) To avoid doubt, it is declared that it is desirable that action be taken—
 - a) to determine the truth or otherwise of any complaint, whether oral or written; and
 - b) if misconduct or inappropriate sexual behaviour is established—to deal with the respondent.
- (6) However, the EIRG take reasonable care to avoid causing further hurt to the complainant.

38. CHAIRPERSON TO INFORM RESPONDENT

- (1) The chairperson must, as soon as possible after receiving a report of a complaint, and if practicable after the written complaint has been received, inform the respondent of the receipt of the complaint.
- (2) The chairperson must tell the respondent of the allegations made against him/her within a reasonable time of receiving the complaint.

39. RESPONDENT TO BE STOOD DOWN

The General Superintendent may and if the chairperson reasonably believes it is appropriate to do so, arrange with the local congregation or other employing body for the registered church worker to be immediately stood down from any position he or she holds in the local congregation or body on full pay and entitlements.

40. RESPONDENT TO INFORM SPOUSE

A married respondent must be encouraged to promptly inform his or her spouse of the complaint and allegations in the complaint.

41. CARE OF RESPONDENT

The General Superintendent must try to ensure that the respondent and the respondent's family, if appropriate, receive proper pastoral and other care as may be necessary.

42. CARE OF LOCAL CONGREGATION

The General Superintendent must try to ensure appropriate pastoral care for a local congregation whose registered church worker is a respondent.

PART 6 – RESOLUTION AND OUTCOMES

DIVISION 1 – GENERAL

- (1)** This section applies to a complaint whether or not the complaint is mutually resolved between the complainant and the respondent.
- (2)** In deciding if further action is warranted on a complaint, Ministerial Services may have regard to any information that the EIRG has received.
- (3)** Ministerial Services may also have regard to other matters, including the following—
 - a) the nature of the complaint;
 - b) the seriousness of the complaint;
 - c) the cooperation of the respondent in dealing with the complaint;
 - d) whether the respondent shows indicators of repentance;
 - e) whether the respondent indicates willingness to make restitution.

DIVISION 2 – MUTUAL RESOLUTION

43. MINISTERIAL SERVICES TO CONSIDER

The EIRG must, in making recommendations about a complaint, consider whether an action proposed or sought by a complainant or respondent may be acceptable as a just resolution of the complaint.

44. USE OF MEDIATOR

Ministerial Services may use a mediator who is not a member of the EIRG to mediate a mutual resolution of a complaint.

45. WRITTEN CONFIRMATION OF RESOLUTION

If a mutual resolution is agreed upon, the Chairperson of the EIRG must give the complainant, the respondent and the General Superintendent, written confirmation of the details of the agreement within 7 days of the agreement being reached.

46. MUTUAL RESOLUTION DOES NOT PREVENT ACTION BY UNION

Mutual resolution of a complaint as between a complainant and a respondent does not prevent Ministerial Services taking any action under these procedures, whether recommended by the EIRG or otherwise.

DIVISION 3 – OTHER ACTION ABOUT A COMPLAINT

47. APPLICATION OF DIVISION

This division applies to a complaint—

- (a) if Ministerial Services (in its view) finds that misconduct or inappropriate sexual behaviour has occurred; and
- (b) whether or not there is mutual resolution of a complaint of misconduct or inappropriate sexual behaviour; and
- (c) if Ministerial Services considers that action upon the complaint is warranted it may take whatever action it thinks just with respect to the registered church worker including withdrawing that worker's accreditation with the Union.

48. EIRG REPORT

If a complaint is investigated by a member/s of the EIRG then they will provide a written report of the investigation containing findings and recommendations to Ministerial Services. Ministerial Services will provide the respondent with an opportunity to comment on the report before it makes a determination that misconduct or inappropriate sexual behaviour has or has not occurred.

49. LOCAL CONGREGATION MAY BE ADVISED OF OUTCOME OF COMPLAINT

Ministerial Services may give appropriate information about the outcome of a complaint to the leaders of a local congregation.

PART 7 – APPEALS

49.1 APPEAL PROCESS

An appeal may be made following the process as outlined in the Registration and Ordination Guidelines.

PART 8—MATTERS ABOUT OFFENDERS

50. APPLICATION OF PART

This part applies if a registered church worker is found to have been involved in misconduct or inappropriate sexual behaviour.

51. PURPOSES OF PART

- (1) The main purpose of this part is to seek to prevent, so far as is practicable, any other person being the victim of misconduct or inappropriate sexual behaviour.
- (2) This purpose extends to persons who may be part of a local congregation, another church, whether or not it is a Baptist church, or another organisation, whether or not it is a church organisation.

- (3) Another purpose of this part is to prevent any indication of approval or minimisation of the magnitude of an offence by a registered church worker.

52. MEANING OF OFFENDER

In this part “**offender**” means a registered church worker who is found to have been involved in misconduct or inappropriate sexual behaviour.

Division 2—Offender in position of leadership or trust

53. OFFENDER NOT TO BE IN POSITION OF LEADERSHIP OR TRUST

An offender must not be appointed to a position of leadership or trust in a local congregation or with the Union unless Ministerial Services is satisfied the offender has truly repented and been rehabilitated.

54. OFFENDER MOVING TO ANOTHER CHURCH, DENOMINATION OR ORGANISATION

- (1) This section applies if Ministerial Services becomes aware that an offender who has not been found to have repented or been rehabilitated has been appointed, or sought to be appointed, to a position of leadership or trust in a church, denomination or organisation.
- (2) Ministerial Services must advise the church, denomination or organisation of the nature of complaint and that the complaint was found to be established.

DIVISION 3 – REHABILITATION OF OFFENDERS

55. IS OFFENDER REHABILITATED?

Assessment of whether or not an offender has truly repented and been rehabilitated lies with Ministerial Services.

PART 9—EDUCATION

56. REGISTERED CHURCH WORKERS

- (1) Ministerial Services must ensure that opportunities are provided for registered church workers and congregations to be taught concerning—
- the dangers, occurrence and consequences of misconduct and inappropriate sexual behaviour; and
 - strategies to develop health pastoral practices; and
 - the procedures and policies in this document.
- (2) Ministerial Services may use EIRG members for educating and informing the Baptist Churches of Queensland about misconduct and inappropriate sexual behaviour.

PART 10—MISCELLANEOUS

57. REFERENCES TO OFFICE HOLDERS

A reference to the holder of an office is taken to include a reference to—

- the holder of the office from time to time; and
- a person acting as the office holder, whether because of the absence of the office holder or a vacancy in the office.

SCHEDULE – DICTIONARY

“**Assembly**” means the Assembly of The Baptist Union of Queensland.

“**assister**” means the person who assist a complainant or a respondent.

“**chairperson**” means the chairperson of the EIRG.

“**registered church worker**” see section 1.

“**complainant**” means a person who makes a complaint.

“**complaint**” means a complaint of misconduct or inappropriate sexual behaviour.

“**EIRG**” means the Ethical Issues Response Group.

“**Board**” means the Board of the Baptist Union of Queensland.

“**General Superintendent**” means the General Superintendent of the Baptist Union of Queensland.

“**local congregation**” means the particular local Baptist church where a minister or church worker is employed or is a volunteer worker.

“**Ministerial Services**” means the Ministerial Services Group of the Union.

“**Misconduct**” is disgraceful or improper conduct

“**mutual resolution**” means resolution of a complaint under an arrangement to which a complainant and a respondent have genuinely agreed and which they accept as settling the complaint.

“**pastoral relationship**” means the relationship between a registered church worker and another person if registered church worker, or is regarded to, exercise a ministry of spiritual or personal welfare. A registered church worker is taken to be in a pastoral relationship with persons who attend the church of which the worker is a pastor, student pastor or pastoral assistant whether or not the person is a member. The meaning of pastoral relationship in a particular circumstance must be interpreted as widely as is reasonable in the circumstance.

“**President**” means the President of the Baptist Union of Queensland at the time in question.

“**respondent**” means a registered church worker who is accused of misconduct or inappropriate sexual harassment in a complaint.

“**Inappropriate sexual behaviour**”, - see Section 8”

“**support person**”, see section 29.

“**Union**” means The Baptist Union of Queensland.

ENDNOTES

- i Christian teaching involves forgiveness and reconciliation, but premature or inappropriate forgiveness can be damaging to a victim.
- ii A specialist may have particular knowledge in a field which is, or is not, within the expertise of the members of the EIRG, for example, sexual abuse, legal, or some other field.
- iii See section 37 (Consideration of nature of complaint). In considering a complaint, a person may consider the complaint should not be investigated because, for example, it is mischievous, or a complainant is not of sound mind.
- iv Some complaints will necessarily require reporting to the police or other authorities.