

# **QUEENSLAND BAPTISTS**

  

# **ETHICAL ISSUES RESPONSE**

  

# **GUIDELINES**

Revised June 2020



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# EIRG GUIDELINES



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## PART 1—PRELIMINARY

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### 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 Minister 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) setting out procedures to be followed when a charge of misconduct or inappropriate sexual behaviour is made; and
  - b) providing for appropriate 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 Minister, 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 Minister, 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 Minister giving meaningful consent to any sexual behaviour with a Registered Minister.
- (3) Any inappropriate sexual behaviour by a Registered Minister towards a person with whom they have a pastoral relationship is an abuse of their position of trust and makes the Registered Minister liable to discipline.

## 4. REGISTERED MINISTER IS RESPONSIBLE

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

## 5. STANDARD OF PROOF

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

## 6. PROCEDURE

- (1) In investigating a complaint, the Professional Standards Officer (PSO) or the investigating panel —
  - 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 themselves of anything in any way it considers appropriate.
- (2) The investigation 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.

## 7. DEFINITIONS

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

## 8. 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) Sexual behavior that is criminal will always be inappropriate sexual behavior.
- (3) Inappropriate sexual behaviour includes sexual harassment.
- (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).

## 9. DIRECTOR OF PASTORAL SERVICES AND OTHERS AS RESPONDENT OR UNAVAILABLE

- (1) This section applies if —
- a) complaint is made about the Director of Pastoral Services; or
  - b) the The Director of Pastoral Services is, whether because of absence or for another reason, unable to deal, or disqualified from dealing, with a matter about a complaint that the Director of Pastoral Services would otherwise deal with under these procedures.
- (2) A reference to the Director of Pastoral Services is taken to be a reference to the next available of the following —
- a) The Director of Services;
  - b) the Chairperson of Ministerial Services;
  - c)

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## PART 2 – CARE OF PARTIES

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### 10. PRIVACY AND CONFIDENTIALITY

- (1) Any person who deals with a complaint for the Queensland Baptists (QB) 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.

### 11. CONDUCT OF INVESTIGATION

- (1) Any 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
  - c) 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.

### 12. FORGIVENESS AND RECONCILIATION

- (1) Any 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.<sup>i</sup>

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- (2) A respondent must not be permitted to demand forgiveness by, or reconciliation with, a complainant.
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## PART 3 – PERSONS AND PROCESS IN THE CONDUCT OF AN INVESTIGATION

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### Role of Director of Pastoral Services

The Director of Pastoral Services will be responsible for ensuring the investigation of any complaint against a Registered Minister is conducted in a timely manner appropriate to the circumstances. The Director of Pastoral Services will normally utilise the services of the PSO and/or other persons as necessary in the conduct of any investigation.

### Process of Investigation

- (1) Where a complaint results in a clear admission of guilt on the part of a Registered Minister and there is no dispute as to the facts, The PSO will normally conduct any investigation and submit a report with recommendations to Ministerial Services through the Director of Pastoral Services.
- (2) Where a complaint involves a denial on the part of a registered minister and / or there is a dispute as to the facts of a matter, then the PSO in consultation with the Director of Pastoral Services may arrange for the appointment of an Investigating Panel to deal with the matter.
- (3) Where this occurs, the PSO will have a co-ordinating and consulting role in the investigation but will not be a member of the Investigating Panel.
- (4) For the duration of any investigation, the Professional Standards Officer or Investigating Panel is accountable to Ministerial Services through the Director of Pastoral Services.

### Investigating Panel

- (1) The Investigating Panel will consist of a minimum of three (3) people and include both men and women.
- (2) The Investigating Panel including a chairperson will be appointed by the PSO in consultation with the Director of Pastoral Services.
- (3) Members of any Investigating Panel are only appointed for such time as required to deal with the matter for which they were appointed.

### Role of Professional Standards Officer (PSO) and/or Investigating Panel

The role of the PSO and/or the Investigating Panel includes the following:

- (a) Investigating complaints and bringing recommendations for action to Ministerial Services arising out of any investigation.
- (b) Mediating and conciliating resolutions of complaints or issues referred to it by Ministerial Services in accordance with any directions given by Ministerial Services.
- (c) Liaising with Ministerial Services through the Director of Pastoral Services.
- (d) Co-opting a specialist in any field if it is considered that the specialist will assist them in dealing with a complaint or a matter arising from a complaint.
- (e) Acting with compassion, pastoral care and sensitivity to any complainant and/or respondent and their families.

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## Complaint about the Professional Standards Officer or a member of an Investigating Panel

- (a) Where a complaint is brought against the PSO or an Investigating Panel member, the Director of Pastoral Services may require that person to stand down until the complaint has been resolved.
  - (b) If a complaint against the PSO or Investigating Panel member is established as being true, Ministerial Services on the recommendation of the Director of Pastoral Services may remove them from the investigation.
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## PART 4 – OTHER PERSONS IN PROCESS

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### 13. 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.
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## PART 5—PROCESS AND PROCEDURE

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### 14. 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.

### 15. TO WHOM COMPLAINT IS MADE

- (1) A complaint may be made to the Director of Pastoral Services, a Regional Minister, the PSO or the Chairperson of Ministerial Services.
- (2) If a Regional Minister receives a complaint, it must be referred to the Director of Pastoral Services or the PSO.
- (3) However, if another person receives a complaint, that person can refer a complaint to a person referred to in subsection (1).

### 16. 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.

## 17. 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.

## 18. RUMOURS AND DISCERNMENT

- (1) This section applies if the Director of Pastoral Services, or the PSO becomes aware of an allegation of misconduct or inappropriate sexual behaviour by a Registered Minister—
  - a) in the form of hearsay or rumour; or
  - b) through the discernment of any person.
- (2) If either the Director of Pastoral Services or PSO has a reasonable basis for believing the allegation, he or she must report the matter to the other party.
- (3) If the Director of Pastoral Services and/or PSO considers it is appropriate<sup>ii</sup>, the matter must be investigated with a view to establishing the truth or otherwise of the allegation.
- (4) If the investigation discloses that there are reasonable grounds to believe that misconduct or inappropriate sexual behaviour may have occurred, the PSO 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 Director of Pastoral Services and PSO believe there is no evidence to support the allegations, they 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.
- (6) If the Director of Pastoral Services and/or PSO believe a matter ought to be investigated, they may do so even in the absence of a formal complaint.

## 19. 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 Director of Pastoral Services, the Chairperson of Ministerial Services or the PSO as appropriate as soon as practicable.

## 20. CONSIDERATION OF NATURE OF COMPLAINT

- (1) The Director of Pastoral Services or the PSO 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 investigated by an Investigating Panel.
- (3) They must also consider if the complaint should be investigated by other authorities beyond QB and if so report to them.
- (4) They may consult with any person to assist in making a decision under subsections (2) or (3).

## 21. ADVICE TO DIRECTOR OF PASTORAL SERVICES

The PSO must, as soon as possible after directly receiving a report of a complaint, advise the Director of Pastoral Services.

## 22. ORAL COMPLAINTS

- (1) If a complaint is made orally, the PSO 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 PSO 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 PSO 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 QB.
- (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 PSO must take reasonable care to avoid causing further hurt to the complainant.

## 23. PSO TO INFORM RESPONDENT

- (1) The PSO 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 PSO must tell the respondent of the allegations made against him/her within a reasonable time of receiving the complaint.

## 24. RESPONDENT TO BE STOOD DOWN

The Director of Pastoral Services may immediately suspend the Registration of the minister if he believes it appropriate to do so, and arrange with the local congregation or other appointing employing body for the Registered Minister to be immediately stood down from any position he or she holds in the local congregation or body on full pay and entitlements.

## 25. 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.

## 26. CARE OF RESPONDENT

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

## 27. CARE OF LOCAL CONGREGATION

The Director of Pastoral Services or his appointee must try to ensure appropriate pastoral care for a local congregation whose Registered Minister is a respondent.

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## PART 6 – RESOLUTION AND OUTCOMES

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### 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 PSO 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.

### MUTUAL RESOLUTION

#### 28. MINISTERIAL SERVICES TO CONSIDER

The report 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.

#### 29. USE OF MEDIATOR

Ministerial Services may use a mediator who is not connected with the investigation to mediate a mutual resolution of a complaint.

#### 30. WRITTEN CONFIRMATION OF RESOLUTION

If a mutual resolution is agreed upon, the PSO must give the complainant, the respondent and the Director of Pastoral Services, written confirmation of the details of the agreement within 7 days of the agreement being reached.

#### 31. MUTUAL RESOLUTION DOES NOT PREVENT ACTION BY QB

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 PSO or otherwise. It also will not prevent action being taken by law enforcement bodies, where the conduct is criminal.

### OTHER ACTION ABOUT A COMPLAINT

#### 32. APPLICATION

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 Minister including withdrawing that Minister's registration with QB.

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## 33. INVESTIGATION REPORT

If a complaint is investigated, a written report of the investigation containing findings and recommendations must be submitted to Ministerial Services. Ministerial Services will provide the respondent with an opportunity to comment on the findings before it makes a determination that misconduct or inappropriate sexual behaviour has or has not occurred.

## 34. 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.

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## PART 7 – APPEALS

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### 34.1 APPEAL PROCESS

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

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## PART 8 - MATTERS ABOUT OFFENDERS

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### 35. APPLICATION OF PART

This part applies if a Registered Minister is found to have been involved in misconduct or inappropriate sexual behaviour.

### 36. 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 Minister.

### 37. MEANING OF OFFENDER

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

### 38. 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 QB unless Ministerial Services is satisfied the offender has truly repented and been rehabilitated.

### 39. 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.

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- (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

### 40. IS OFFENDER REHABILITATED?

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

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## PART 9—EDUCATION

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### 41. REGISTERED MINISTER

Ministerial Services should ensure that opportunities are provided for Registered Ministers and congregations to be taught concerning—

- a) the dangers, occurrence and consequences of misconduct and inappropriate sexual behaviour; and
  - b) strategies to develop healthy pastoral practices; and
  - c) the procedures and policies in this document.
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## PART 10—MISCELLANEOUS

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### 42. REFERENCES TO OFFICE HOLDERS

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

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

### 43. DESTRUCTION OF EIRG REPORTS

After seven years, at the discretion of the Director of Pastoral Services and the Chairman of Ministerial Services, EIRG Reports may be destroyed provided that

- a) any outcomes of the investigation and any other likely relevant material are placed on the minister's file, and
- b) the complaint does not relate to issues involving minors.

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## SCHEDULE – DICTIONARY

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“**Assembly**” means the Assembly of Queensland Baptists.

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

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

“**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 Queensland Baptists.

“**Director of Pastoral Services**” means the Director of Pastoral Services of Queensland Baptists.

“**Director of Services**” means the Director of Queensland Baptist Services.

“**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 Queensland Baptists.

“**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 Minister and another person if a Registered Minister is regarded to exercise a ministry of spiritual or personal welfare. A Registered Minister is taken to be in a pastoral relationship with persons who attend the church of which the Register Minister serves 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.

“**PSO**” means Queensland Baptist Professional Standards Officer

“**respondent**” means a Registered Minister who is accused of misconduct or inappropriate sexual harassment in a complaint.

“**Inappropriate sexual behaviour**” - see section 8.

“**support person**” - see section 13.

## ENDNOTES

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- i Christian teaching involves forgiveness and reconciliation, but premature or inappropriate forgiveness can be damaging to a victim.
- ii See section 20 (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.