

CHURCHES OF CHRIST IN AUSTRALIA

CODE OF ETHICS APPLICABLE TO MINISTERS OF CHURCHES OF CHRIST

AND

THE PROTOCOL FOR INVESTIGATING COMPLAINTS ON MATTERS PERTAINING TO BREACHES OF THE CODE OF ETHICS

Edition for South Australia and Northern Territory

Adopted by the State Board of Churches of Christ in SA & NT Inc. on 10th February 2006.

"We have a vision of the Churches of Christ in South Australia and Northern Territory as a dynamic, relevant and vital Christian movement, thriving on the implementation of New Testament Christianity in ways that make sense to contemporary Australians"



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INTRODUCTION TO THE CODE OF ETHICS AND PROTOCOL FOR INVESTIGATING COMPLAINTS ON MATTERS PERTAINING TO BREACHES OF THE CODE OF ETHICS

a. The Purpose of this Document

The purpose of this document is:

- a. to define the ethical practice of ministry,
- b. to provide examples and definitions which assist and guide in determining unethical behaviour, and
- c. to establish a protocol for dealing with complaints.

b. The Scope of this Document

These principles and procedures apply to: Ministers, Chaplains and employees of the churches, departments and agencies of Churches of Christ (whether ordained, endorsed, trained, student or lay) who have recognized ministry positions within the Conferences and congregations of Churches of Christ in Australia, its mission agencies, and the like. Within this document, the term 'respondent' is intended to cover the persons to whom this document relates and to whom these principles and procedures apply.

c. General Introduction

The church is to be God's instrument in restoring wholeness to creation. It is in this context that these principles and guidelines have been formed. It is hoped that rather than raising matters of concern that do not exist, the guidelines will provide a framework for establishing a just, compassionate and loving response to victim and perpetrator.

Our commitment to expressing the love of Christ leads us to the view that all people should be able to live and work in an environment that is free from abuse of any kind.

From a legal point of view, it should be noted that churches and church agencies may be found to be vicariously liable for wrongs (including abuse) perpetrated by ministry staff and of employees. The church must take responsibility for providing a safe environment for those being served. Subject to particular exceptions, Commonwealth Acts, such as the Sex Discrimination Act, and State and other Commonwealth Acts that deal with issues of discrimination and equal opportunity apply generally to the church. In some situations both the employee and the employer may be found in breach of applicable legislation. Liability is likely to be greater in cases where offences have been inadequately handled; liability is likely to be lessened where approved procedures are effectively implemented.

Allegations of *sexual harassment and abuse* are serious. An allegation of this sort, if made to an inappropriate third party, can give rise to a suit for defamation even if the allegation is found to be false. In some states a suit for defamation can arise even if an allegation is found to be true if that allegation is published with

malicious intent. People who make allegations to inappropriate third parties, ignoring these procedures, can put themselves and their organisations at considerable risk.

In the past, church leaders have dealt with allegations of *sexual harassment and abuse* without defined procedures. The procedures in this document establish a protocol whereby such complaints may be referred to an Adviser, in addition to any pastoral counselling that would normally be offered. One of the reasons for this process is that initial complaints concerning abuse do not often reveal the full extent of the problem. Any case being considered within these guidelines may also be pursued by other appropriate legal procedures. The church does not intend that its procedures should protect people from the law; for example, child sexual abuse and harassment will be reported as the law demands.

Sexual harassment and abuse contravenes God's word and is unethical and unacceptable behaviour. *Sexual harassment and abuse* covers a range of unwelcome, unsolicited, manipulative and unreciprocated behaviour that constitutes deliberate or unintentional verbal or physical conduct of a sexual nature. It extends from unwelcome actions such as gestures, display of offensive pictures, comments of a sexual nature, implicit or explicit demands or suggestions for sexual activities, through to physical contact such as patting, pinching, excessive use of hands, touch, caressing, inappropriate kissing and more hostile conduct. Harassment may be perpetrated by an individual, or by a group, towards a person of the same or opposite gender, or by an adult towards a child.

The term "sexual or sexualised relationship" is not restricted to sexual intercourse. It also includes any behaviour that has as its purpose some form of sexual self-gratification, or which may reasonably be construed by another person as having that purpose.

d. Guiding Principles for the Code of Ethics

This Code of Ethics seeks to apply to the ministerial relationship those standards that God expects of all people. Ministers are therefore expected to be examples and models of Christian faith.

It has also been prepared from the equally important perspective of expressing justice to those who have been victimised. The church must stand with those who have experienced abuse. This Code seeks to do justice and to stand in solidarity with those who have been victimised and does not seek to re-victimise (Micah 6:8).

It is the unambiguous duty of any person in a ministry position not to use the influence or authority of their position for personal gain, whether that gain is financial or in terms of sexual gratification or otherwise.

The adoption of this Code of Ethics and the related Protocol for investigating breaches of the Code of Ethics in the area of sexuality reflects a deep desire to move from past patterns of 'damage control' to an open, accountable process that seeks to express both justice and compassion.

e. **Guiding Principles for the implementing of the Protocol for investigating complaints on matters pertaining to sexuality**

A complainant should retain the right to have control over the way her/his complaint is handled, within these guidelines.

The anonymity of the complainant(s) must be maintained within the Ministry Professional Standards Committee and/or its subcommittees. If the outcome of the work of the Intervention Team is that the complaint is not sustained, then the identity of the complainant(s) and the respondent must remain confidential to the Pastoral Intervention Team, Adviser and any others involved.

As a general rule, a respondent has the right to know exactly what he/she is being accused of and by whom. Normally a complaint will not proceed unless the complainant or complainants are willing to have their name(s) and the details of the complaint referred to the respondent.

In exceptional circumstances the Ministry Professional Standards Committee reserves the right to take up a complaint raised with the Intervention Team. In such cases the complainant's identity will remain confidential. The MPSC will advise the complainant of any action taken and its outcome.

The principles of natural justice will be respected. For instance, the principle of 'innocent until proven guilty' lies behind the development of the formal complaint procedures. However, it may be appropriate for a respondent to be stood down from active ministry on paid leave, pending the outcome of the formal complaint procedures, or of any civil action.

It is important to protect the wellbeing of both the complainant and that of the respondent (by virtue of natural justice). State Board (and/or its officers and Work Groups) must deal with the collection and holding of information under 'qualified privilege'. For example, an Adviser has the discretion not to hold to his/her confidentiality in circumstances where he/she reasonably believes that the potential complainant may harm him/herself or some other person, or where the alleged perpetrator may harm others or his/her self.

When listening to a respondent those listening must be aware of the difference between remorse and repentance. Normally remorse is the initial expression of regret or sorrow in response to the matter being discovered. Repentance is the slow and deeply personal process of accepting responsibility for the consequences of his/her actions.

Those dealing with allegations of sexual abuse and harassment need to recognize that sometimes reconciliation appears improbable and may be impossible or unwise.

No person, who has offended, has the right to demand to be forgiven by a complainant.

This document recognizes the possibility of false accusations.

It is the responsibility of each committee in this process to undertake its task with compassion, wisdom and justice.

This document recognizes that victims of ministerial abuse include not only those who have been directly subject to the impact of the abuse, but also includes secondary victims who are directly or indirectly impacted by the abuse. Secondary victims may include the congregation as a whole, members of the victim's family, and members of the alleged perpetrator's family. The impact of ministerial abuse on such secondary victims must be taken into account as part of an assessment of the impact of abuse. Pastoral care of secondary victims must also be planned.

It is essential to ensure that complainant(s) are not put in the position of having to retell their story a number of times. At all times, and in all ways, the safety and care of the victims of ministerial abuse is always of significant concern.

THE CODE OF ETHICS APPLICABLE TO THE MINISTERS OF CHURCHES OF CHRIST

The Ethical Practice of Ministry

The nature of ministry requires ministers to be wholesome examples to others. It is the responsibility of ministers to be respectful of, and act responsibly towards, the people who fall within their duty of care. This Code of Ethics is intended to describe the ethics of ministry for the benefit of both ministers and those to whom they minister in everyday life.

These guidelines provide basic guidance, but they cannot address every ethical question that will arise for those appointed to ministry positions. The four basic principles which ministers are called to apply are as follows:

1. The Dignity of the Human Person

Human beings are created in the image of God with a clear recognition in Scripture that each person is of unique value. Ministers have a particular responsibility to respect and enable all people to fulfil their calling as children of God. Ministers are called to encourage, lead and guide those who seek their ministry, recognizing the personal autonomy of all made in the image of God.

2. Justice and Integrity

Those who minister in the name of Christ's love will act with respect, consideration and truthfulness towards all people. Ministers are called to seek justice where there is oppression, and truth where there is deceit.

3. Service in Humility and Love

Ministers are called to pattern their ministry on the example of Jesus Christ, which is a ministry of service carried out in humility and marked by deep spiritual love. The abuse of power and privilege has no place in ministry and the exercise of a Christ-like ministry means that ministers will be aware of their relationship with those with whom they come into contact, and will seek to avoid harm, whilst actively seeking to do good.

4. Shared Responsibility

Those who minister within the life of the church share in the ministry of Christ. Within that ministry all exercise particular responsibility, and are accountable to each other and to Christ for the exercising of such ministry.

Code of Ethics

1. The Minister and those receiving Ministry

Ministers will:

1. Practise or exercise ministry within the limits of their expertise and to the best of their ability.
2. Use continuing education to improve professional standards of care.
3. Strive to keep public and private life above reproach.

4. Ensure that they do not exploit those in their care for any reason, eg. sexual, emotional or financial purposes.
5. Treat those to whom they minister, and all with whom they come into contact, with compassion and respect for the human person.
6. Respect the dignity of the human person, regardless of race, religion, gender, political beliefs, disability, or sexual orientation.
7. Respect the right of all people to make their own educated decisions and choices in life.
8. Respect the right of all to whom they minister to a relationship of mutual trust, privacy and confidentiality. Accordingly, information divulged by people will not be discussed with others unless consent is given, except in exceptional cases, usually involving a serious risk to life. This includes the passing on of information to those in a ministry team. The permission of the person concerned should be obtained before passing on any information given confidentially. This permission should be given in writing except in the case mentioned above where there is serious risk to life when the minister may be required to pass on that information to an appropriate person.
9. Ensure that where limits of confidentiality apply, ministers will seek to inform people of those limits, for example, where there is threat to the safety of a person. In such exceptional circumstances, they will seek to consult with those who have provided the information prior to breaking such confidentiality.
10. Recommend the seeking of additional opinions and services where the ministry required is not within their competence or where there is a conflict of interest.
11. Refer people to another competent colleague, ensuring continuity of care, where there is a conflict of interest.
12. Ensure that where fees are charged for any service, those to whom they minister are aware of all fees beforehand, and are aware that pastoral needs take precedence over capacity to pay.
13. Refrain from sexual exploitation or sexual harassment. This involves the recognition that those exercising ministry are in a position of power relative to those receiving ministry. Sexual harassment covers a wide range of unwelcome and unreciprocated behaviours, verbal and physical and with psychological and spiritual dimensions. It ranges from such unwelcome actions as gestures or the display of offensive pictures through to explicit demands, suggestions of sexual activity, patting, pinching and rape.
14. Refrain from using emotional abuse.
15. Encourage those to whom they minister to move towards self-determination under God, recognizing the responsibility for their own lives.

2. The Minister and the Church

Ministers will:

1. Recognize that membership of the Body of Christ implies a partnership in ministry, and that they will follow the proper counsel of those to whom they are answerable (for example: Church Board, Elders, leaders, Conference Committee or Conference Board).
2. Contribute professional expertise and experience to the development of ministry, policy and practice within Churches of Christ.

3. Uphold professional standards of practice in ministry, and work to further them.
4. Actively share professional knowledge, skills and experience with colleagues.
5. Ensure that in pastoral situations these two commitments are maintained. First, ministry that is offered will be of the highest quality, and second, ministers are accountable to those receiving that ministry for its quality and impact.
6. Work to incorporate within the life of the church, and seek to provide ministry to: those with a disability, those with differing political beliefs, those of different ethnic and racial backgrounds, and those who differ in some other way.
7. Ensure that in ministry there is an acute awareness of the risk of over-commitment and avoidance of responsibility.

3. The Minister and Colleagues in Ministry

Ministers will:

1. Ensure that all colleagues in ministry are treated with respect, consideration, fairness, and in good faith.
2. Recognise and respect the abilities, expertise, areas of responsibility, skills, talents, time commitments and views of colleagues in ministry.
3. Be aware that personal conduct affects their own reputation and that of the profession.
4. Refrain from making comments that may needlessly damage the reputation of colleagues, cause anxiety to a person receiving ministry, or damage the wider profession and church.
5. Seek mediation in the face of conflict with colleagues.
6. Accept responsibility for their own emotional, mental, physical and spiritual health, and recognize its effect upon their professional engagements and pastoral care.
7. Acknowledge the duty of care they have for their own families and friends.
8. Avoid entering into contracts or situations with colleagues, individuals or organizations, which may diminish the minister's ability to maintain professional integrity and independence.

4. The Minister and Society

Ministers will:

1. Strive to improve the standard and quality of ministry within the church and wider community.
2. Acknowledge that ministers have a role in society that carries respect and ensure that they act responsibly and with integrity, so as to maintain such a position of positive respect and trust.
3. Act within the laws of the land, except where those laws are in clear conflict with what they conscientiously believe to be the will of God.
4. Seek the support of the church body employing him/her before accepting other remuneration than that agreed in his/her employment agreement.

5. Seek to be an example of upright behaviour to the members of both the church and the community, and seek in his/her example to display Christ-likeness in demeanour and actions.
6. Work for justice in society and encourage those to whom ministry is given to live their Christian principles throughout their lives.
7. Recognise the proper concern by the church for all aspects of society, including political issues. In doing so, ministers will encourage debate which is respectful of persons, and support those in positions of political responsibility, seeking at all times to further Christian principles.

THE PROTOCOL FOR INVESTIGATING COMPLAINTS ON MATTERS PERTAINING TO BREACHES OF THE CODE OF ETHICS

1. Introduction

1. General Comments

1. *'Sexual harassment and abuse'* refers to behaviour that constitutes deliberate or unintentional verbal or physical conduct of a sexual nature and may be perpetrated by an individual, or by a group, towards a person of the same or opposite gender, or by an adult towards a child. Some forms of *sexual abuse*, particularly where uninvited physical contact, physical force or a violent act or threat is involved, or where there is any sexualised behaviour with a minor, are unlawful and considered to be assault or a sexual offence. In these instances the police must always be contacted.
2. The term *'sexual or sexualised relationship'* is not restricted to sexual intercourse. It also includes any behaviour that has as its purpose some form of sexual self-gratification, or which may reasonably be construed by another person as having that purpose.
3. The term *'sexual misconduct'* covers a wide range of sexualised behaviour in breach of the code of ethics. The following are examples of sexual misconduct.
 - Pressure from a minister applied to a person within their 'duty of care' with the purpose of sexualising the relationship.
 - A minister who demands sexual favours from any person within the minister's 'duty of care'.

A person may feel sexually pressured when:

- "The minister keeps demanding that we go out for dinner."
- "The minister often pats me on the bottom and I hate it."
- "The minister's use of sexualised language and imagery is causing me to feel uncomfortable."
- "When I talk with the minister, he puts his hands on my thigh."
- In a counselling situation the conversation shifts to the needs of the minister and does not stay with the needs of the person being counselled. The sexual content of the topics introduced into the conversation by the minister leaves the counsellee feeling uncomfortable.
- "Our minister only ever visits me when my spouse is not at home and stays for an extended period of time. I am starting to feel uncomfortable."
- "When I am being counselled by the minister I am questioned about my private life. I feel uncomfortable about the questions. They do not seem to relate to the problems I have."
- "The minister has made sexually suggestive remarks when counselling me."
- "In board meetings the minister (male or female) always interrupts me. He never does it to the men/women."
- "One of the ministers made a request for sexual favours at a Church Camp."
- "The minister assumes the right to hug me."

NOTE: It is acknowledged that the circumstances of un-married and widowed ministers require special consideration. Nevertheless, it is considered inappropriate for such ministers to form a sexualised relationship with someone who is within their duty of care. It may be considered to be a serious breach of the code of ethics. It is recommended that un-married and widowed ministers who enter into a legitimate relationship with a pastoral contact take steps to formally ‘transfer’ the duty of care for that person to another competent person (perhaps another minister or a church elder).

2. Monitoring Bodies

Ministry Professional Standards Committee (MPSC)

The State Board convenes a group of people to oversee the Code of Ethics and the implementation of the Protocol applicable to the Ministers of Churches of Christ in South Australia and Northern Territory. It is known as the Ministry Professional Standards Committee and will generally comprise the following, who will be nominated by the Ministry Work Group:

- A chairperson.
- A deputy chairperson.
- Two endorsed ministers.
- A legal representative with an awareness of the issues.
- Two (2) laypersons.
- 2 helping professionals preferably eligible for membership of MAPS, AASW or equivalent body.
- The State Minister (ex-officio).

If possible, at least two members will be from beyond Churches of Christ, and total membership will display appropriate gender balance.

Intervention Team (IT)

The Intervention Team hears the initial complaint. It will be appointed by the MPSC. It will generally comprise the following:

- A member of the MPSC.
- A person with significant awareness of issues associated with misconduct.
- A professional, eligible for membership of MAPS, AASW or equivalent body.

If possible, at least one member to be from outside of Churches of Christ and at least one member to be of the same gender as the complainant.

Professional Standards Review Committee (PSRC)

A Professional Standards Review Committee may be appointed by the MPSC for the formal investigation of specific complaints. It will generally comprise the following

and whenever possible include one member of the Intervention Team and a minimum of 3 and a maximum of 5 people according to the following criteria:

- A layperson.
- A minister.
- A professional, eligible for membership of MAPS or AASW or equivalent body.
- A person with significant awareness of issues associated with misconduct.

If possible, at least one member to be from outside of Churches of Christ and at least one member to be of the same gender as the complainant.

Discipline Committee

The Discipline Committee is a sub-committee of the MPSC and is formed when required by the MPSC to implement on its behalf recommendations regarding the future ministry of a minister found to be in breach of the Code of Ethics in the area of sexuality. It meets as needed. It is formed from within the MPSC according to the specific needs of a particular matter and generally at least one of the members of the Discipline Committee will be from outside of Churches of Christ.

Pastoral Response Team (PRT)

A Pastoral Response Team shall be formed by the MPSC when needed to coordinate and oversee those aspects of the life of the congregation impacted by the misconduct. It will respond to concerns and questions that emerge from the congregation and leaders. The PRT will ensure that victims in the congregation are receiving the pastoral support needed and deal with other issues that may arise. It shall report to the MPSC.

The Team shall include a nominee of the MPSC, a nominee of the local church leadership, and a suitably qualified resource person. The PRT shall report to the MPSC and the local church leadership.

NOTE: All persons nominated or appointed to the various monitoring or investigating bodies should be appropriately skilled and trained for the tasks they will be required to undertake.

3. Definitions

For the purposes of this document, a **minister** is any person who is formally engaged in a recognised ministry role within (or on behalf of) the congregations, committees or agencies of Churches of Christ in Australia. It includes chaplains, youth workers, ordained and non-ordained ministers, paid and volunteer staff.

A **complainant** is usually the person who raises an allegation.

A **respondent** is the person against whom such an allegation is directed.

Both the respondent and complainant will each be appointed an **adviser** by the MPSC. The role of the adviser is to guide the relevant person as to the process that the

investigation may take and their choices within the process outlined in this protocol. The adviser will ensure that those involved are aware of their rights and choices as described in this protocol.

The term **duty of care** describes the responsibility of respondents to exercise their ministry within an ethical framework of accountability to both church and recipients of such ministry. All respondents are to be accountable at a variety of levels for all those who come into their care.

The term **pastoral manner** encapsulates the traditional tasks of guiding, healing, teaching and reconciling. Those who take part in any process within this protocol are called to act towards all parties with dignity, respect, sensitivity and understanding. This care should be spiritually affirming and justice-seeking.

2. *The Process of Investigating a Complaint*

1. Response to a complaint

It is anticipated that in most instances the complaint will first come to the State Minister from either a complainant(s) directly or someone on behalf of a complainant(s).

Persons receiving the complaint are urged to take the complaint seriously. 'Off the record' meetings and conversations are to be avoided wherever possible.

Openness to the complaint being brought forward is important to minimise any sense of a 'conspiracy of silence'. Appropriate confidentiality is to be maintained.

Throughout the process it is vitally important that the complainant(s) is consulted, involved and empowered.

2. Intervention Team

As soon as possible after receiving the complaint, and the complainant agreeing to have the complaint responded to, an Intervention Team will be established.

- a. The role of the Intervention Team is to determine whether the complaint warrants further investigation and if so plan the process for the investigation of the complaint.
- b. The complainant will be asked to supply the Intervention Team with a written, signed and dated statement describing the nature, circumstances, and impact of the complaint. The complainant(s) will be made aware that the respondent will have access to the statement as part of the investigation of the complaint, and their written permission will be sought for the statement to be used in this manner.
- c. The Intervention Team will meet as soon as possible to receive the formal complaint(s) and provide advice and support for the complainant(s). An adviser to the complainant will be appointed by the MPSC to supply such advice and guidance regarding the protocol. The Intervention Team will provide the complainant(s) with a copy of the protocol and an explanation of possible options for proceeding.
- d. If the complaint(s) fall into the jurisdiction of criminal law, the Intervention Team will encourage and assist the complainant(s) to report the matter to the police (if not already reported). The Intervention Team may determine that the investigation process be suspended or cancelled at this point, if the matter proceeds. If the investigation proceeds the matter will be processed in such a manner as not to undermine the integrity of possible police proceedings. In the event of a conviction being recorded, the Intervention Team will recommend to the MPSC that the respondent's endorsement as a Churches of Christ minister be revoked and may make any other recommendations as deemed appropriate.

If the matter does not result in a conviction, the Intervention Team may continue to investigate the complaint in accord with the protocol.

- e. The Intervention Team will notify the respondent of the substance of the complaint. It will hear his or her response to the complaint as soon as practically possible. The Intervention Team will direct that the respondent not conduct her/his own investigation or approach the complainant(s) and may require that the respondent agree to this in writing. The failure of the respondent to follow this direction may prejudice the remainder of the process as outlined in this protocol. An unwillingness to cooperate with the process will be regarded as contravention of the Protocol and will impact on the outcome of the process.
- f. The Intervention Team will provide the respondent with a copy of the protocol.
- g. An adviser to the respondent will be appointed by the MPSC to supply advice and guidance regarding the protocol.
- h. The Intervention Team may notify the appropriate body within the context of ministry of the respondent (local church, Conference Department or Agency) of the nature of the complaint, and the procedure for investigation. An adviser to the church/agency/department will be appointed by the MPSC to supply advice and guidance regarding the protocol.

NOTE: No person will be appointed by the MPSC as an advisor to more than one person/group in each case. The complainant and respondent will both be able to select a pastoral companion, in consultation with the State Minister or Chair of the MPSC. Pastoral companions will not be the same people as the MPSC advisors. The role of the pastoral companion will be to support the complainant or respondent; however, they will not be entitled to speak on behalf of the complainant or respondent unless invited to by the IT or PSRC. The Minister to Ministers will not be used as an advisor or pastoral companion in any case.

- i. The Intervention Team will consider, and may recommend that the respondent be stood down with salary, and without prejudice, while the investigation continues.
- j. Having heard the complaint and the response to the complaint the Intervention Team will make recommendations to the MPSC. Such recommendations may include one of the following options.
 - There is no complaint to investigate. The Intervention Team may make appropriate recommendations to the MPSC.
 - The complaint is valid and may be resolved by the Intervention Team continuing to process the matter. The Intervention Team may make appropriate recommendations to the MPSC regarding the continuing ministry of the respondent. The possibility of mediation may be explored. If in seeking to resolve the matter the Intervention Team

becomes aware of more serious issues, a recommendation to establish a PSRC may be made to the MPSC.

- The complaint warrants further investigation and the matter will be referred, without further investigation, to the MPSC who will establish a Professional Standards Review Committee. The PSRC will undertake a formal investigation of the complaint according to the protocol outlined in this document. The Intervention Team may make suggestions to guide the MPSC in the composition of the PSRC. The Intervention Team may require that the congregation be informed of the complaint and investigation. The Intervention Team will prepare a report to brief the PSRC .

3. Formal Investigation by a Professional Standards Review Committee

1. As soon as possible and within fourteen (14) days after receiving the recommendations from the Intervention Team a PSRC will be formed.
2. The PSRC will determine the appropriate process for investigating the matter.
3. The PSRC will inform the complainant(s) and respondent of the process to be undertaken and the anticipated timeline of the process.
4. The PSRC will inform the respondent in writing and by telephone of the investigation. The PSRC will request the respondent to record in writing his/her understanding of the circumstances of the complaint. The written and signed statement will be tabled at the interview with the PSRC.
5. With the permission of the complainant the written statement of complaint will be made available to the respondent at the time of interview.
6. The complainant(s) may invite up to two people each for support when meeting with the PSRC. The respondent will not be present at this meeting.
7. The PSRC will conduct the investigation with the respondent.
8. The respondent may invite up to two people for support when meeting with the PSRC. The complainant(s) will not be at this meeting. The PSRC will receive the respondent's written statement.

4. Findings

1. Making a Finding

The standard of proof to make a finding that sexual misconduct has occurred is on the balance of probabilities.

The complainant and respondent will be notified of the finding of the investigation as soon as possible after the investigation has been concluded.

The findings and any recommendations will be referred to the MPSC for adoption and implementation. Representatives of the MPSC will meet as soon as possible after the investigation has been concluded to receive the recommendations and commence the implementation process.

Once the recommendations have been adopted, and as soon as possible after the investigation, representatives of the MPSC will meet with the Elders/leaders of the local congregation, or Board of Management of a Conference Department or Agency, to present the findings and recommendations that will be made to the Discipline Committee regarding the immediate future of the respondent.

2. Outcomes

The outcome of the PSRC investigation will indicate that one of the following steps is to be taken:

The complaint is unfounded

1. If the complaint is unfounded and no action is called for, the PSRC will prepare a written report documenting the finding, a copy of which will be supplied to the respondent, the complainant(s) and the local church or Department as appropriate.
2. The PSRC will request the MPSC to take such other steps as necessary to ensure that the innocence of the respondent is established. This decision needs to be made known as widely as was the original allegation.

The complaint is upheld

1. The complaint is upheld and the PSRC will prepare a written report documenting the finding and recommendations. It will take into account the impact of the misconduct on the victim(s) involved. The report may include a recommendation to extend or conclude the leave of absence of the respondent. The PSRC may make a recommendation to the appropriate bodies for the dismissal of the respondent.
2. The report will be referred to the MPSC for acceptance before the recommendations are communicated to the respondent or complainant.
3. Mediation may be considered as an appropriate means of addressing the issues. It needs to be clearly understood that the decision to use mediation rests with the complainant and that mediation needs to occur in a way that the complainant is comfortable with.
4. Appropriate parts of the report accepted by the MPSC will be made available to the complainant and to the respondent. The State Board, and the leaders of the area of ministry in which the misconduct occurred, may receive a summary of the report, protecting the identity of the complainant. The identity of the respondent will be protected when recommended by the MPSC.

5. The PSRC and/or the MPSC may make recommendations in regard to notification of churches or bodies that it believes need to be notified. The MPSC will be responsible for such notification.
6. The MPSC will consider such matters as the provision of Interim Ministry in the relevant setting of ministry. This may be taken into account if the allegations are found to be particularly serious.
7. The congregation affected by the matter and those the MPSC agrees need to be advised, may also be informed. The identity of the complainant(s) will remain confidential.

If there is no clear determination

There is no clear determination made by the PSRC. The matter is then referred to the MPSC. The MPSC is responsible for any further action in regard to the church, the respondent and the complainant(s).

5. Discipline Committee

The MPSC may establish a Discipline Committee to oversee the implementation of recommendations of a particular PSRC report in relation to the continuing and future ministry of the respondent. The Discipline Committee is a subcommittee of the MPSC.

1. The Discipline Committee will meet within 28 days of the report being referred to it.
2. The Discipline Committee will consider the recommendations and plan an implementation process in relation to them.
3. If a recommendation has been made in relation to therapeutic evaluation and/or treatment, the Discipline Committee may make some suggestions as to suitably qualified therapists for such counselling. The counselling entered into will be confidential to the respondent and their choice of the therapist.
4. Assistance and support may be made available to the spouse and family of the respondent, as appropriate. Costs for counselling may be borne by the respondent or the employing body as deemed appropriate.
5. Where limited ministerial function has been recommended and agreed to, the Discipline Committee will provide for appropriate monitoring of the limited ministerial functions.
6. The Discipline Committee will, after a period not exceeding 12 months, review the effectiveness of the rehabilitation process.
7. Any consideration of reinstatement and re-endorsement of the respondent will depend upon satisfactory recommendations from the therapist, the MPSC on

advice from the Discipline Committee, and the State Conference Board (or its equivalent), concluding that the rehabilitation process has been successful.

8. At the conclusion of the process the MPSC will communicate the satisfactory completion of the disciplinary process to relevant bodies such as the State Churches of Christ bodies responsible for ministry, and church leaders, interstate and/or overseas, who may have contact with the respondent.

6. General Guidelines

1. Responses to the Complainant(s)

1. All contact with the complainant must be carried out pastorally.
2. The complainant must be affirmed in his/her right and freedom to have made the allegations.
3. The complainant has the right to be kept informed of both the process being entered into and the possible outcomes.
4. Whilst the complainant will be consulted in the process, the final determination will rest with those appointed to implement this procedure.
5. A suggestion that the complainant enter into appropriate therapeutic counselling may be made. The MPSC may make some suggestions as to suitable qualified therapists for such counselling. The counselling entered into will be confidential to the complainant and their choice of therapist.
6. Pastoral assistance and support may be made available to the spouse and family of the complainant as appropriate.
7. Costs for counselling may be borne by the respondent or the employing body.

2. Response to the respondent

1. Confronting a respondent should be carried out pastorally.
2. The respondent has the right to be kept informed of both the process being entered into and the possible outcomes.
3. Those ministering to the respondent must remind him/her, and be reminded themselves, of the depth of God's grace and the cost of God's forgiveness in Christ.
4. Genuine confession must be heard and honoured. The healing power of confession is a gift of God. It can bring about the reality of forgiveness in even the most serious offence. Confession and/or acknowledgement

of responsibility for abuse/manipulation by the respondent to those impacted by the misconduct may be regarded as an important step in the possible restoration of a minister to effective ministry.

5. It is important to distinguish between confession and forgiveness on the one hand, and restoration to pastoral ministry on the other hand. The nature of pastoral responsibilities and perceived authority combined with the intimate access of the minister to vulnerable people facing emotional, mental and spiritual struggles, require a high level of maturity and emotional health, especially in sexual matters.
6. A recommendation may be made that the respondent enters into appropriate therapeutic counselling. The MPSC may make some suggestions as to suitable qualified therapists for such counselling. The counselling entered into will be confidential to the respondent and their choice of therapist.
7. Pastoral assistance and support may be made available to the spouse and family of the respondent.
8. A recommendation may be made that the respondent make some form of restitution to victims of his/her abuse. The willingness of the respondent to comply with such a recommendation will be taken into account when the MPSC considers a possible return to ministry.
9. The MPSC will endeavour to assist the respondent and his/her family (if applicable) to be integrated into an accepting congregation as a worshipping member of that congregation.

3. Response to the Congregation

1. The MPSC may convene a Pastoral Response Team to coordinate the follow-up and support of the congregation and primary and secondary victims including the oversight of Interim Ministry.
2. All contact with the congregation or employing body should be carried out pastorally.
3. In any comment in relation to the matter of complaint, the complainant must be affirmed in his/her right and freedom to make, and to have made, their allegations.
4. It may be recommended that an announcement of the results of the investigation be made to the congregation. Such announcement may include a statement regarding the nature of the abuse, the finding of the investigation, the outcome in so far as the respondent's ongoing ministry is concerned, and an affirmation of the victim/s in the exercising of his/her right to complain.

5. The fact that a perpetrator of ministerial abuse confesses his/her wrong doing must not be used as a means of silencing those who want to express anger, pain or confusion as a result of having been victimized.
6. The MPSC may assist the local church leadership in the engagement of an experienced minister for a short-term intensive pastoral ministry.
7. It is recommended that a process of congregational healing be implemented. By the nature of congregational life, this task will be complex and slow.

4. Response to the Conference

The MPSC will notify the Ministry Work Group of the general nature of the breach of the Code of Ethics, the outcome of the investigation and the decisions made in regard to the respondent's continuance in ministry, and any recommended limitation of the ministry of the respondent during a rehabilitation process.

Such communication will also be directed to the State Board.

The National Executive Office will be notified of the name of the person and the beginning and end of any period of the discipline and/or suspension or alteration of endorsement.

5. Record Keeping

There is a need to keep records secure following an investigation into an alleged case of ministerial misconduct.

Once an investigation is finalized the records will be kept sealed with a clear instruction that the seal is to be broken only with the permission of the State Minister and/or the Chairperson of the MPSC, and placed in locked storage.

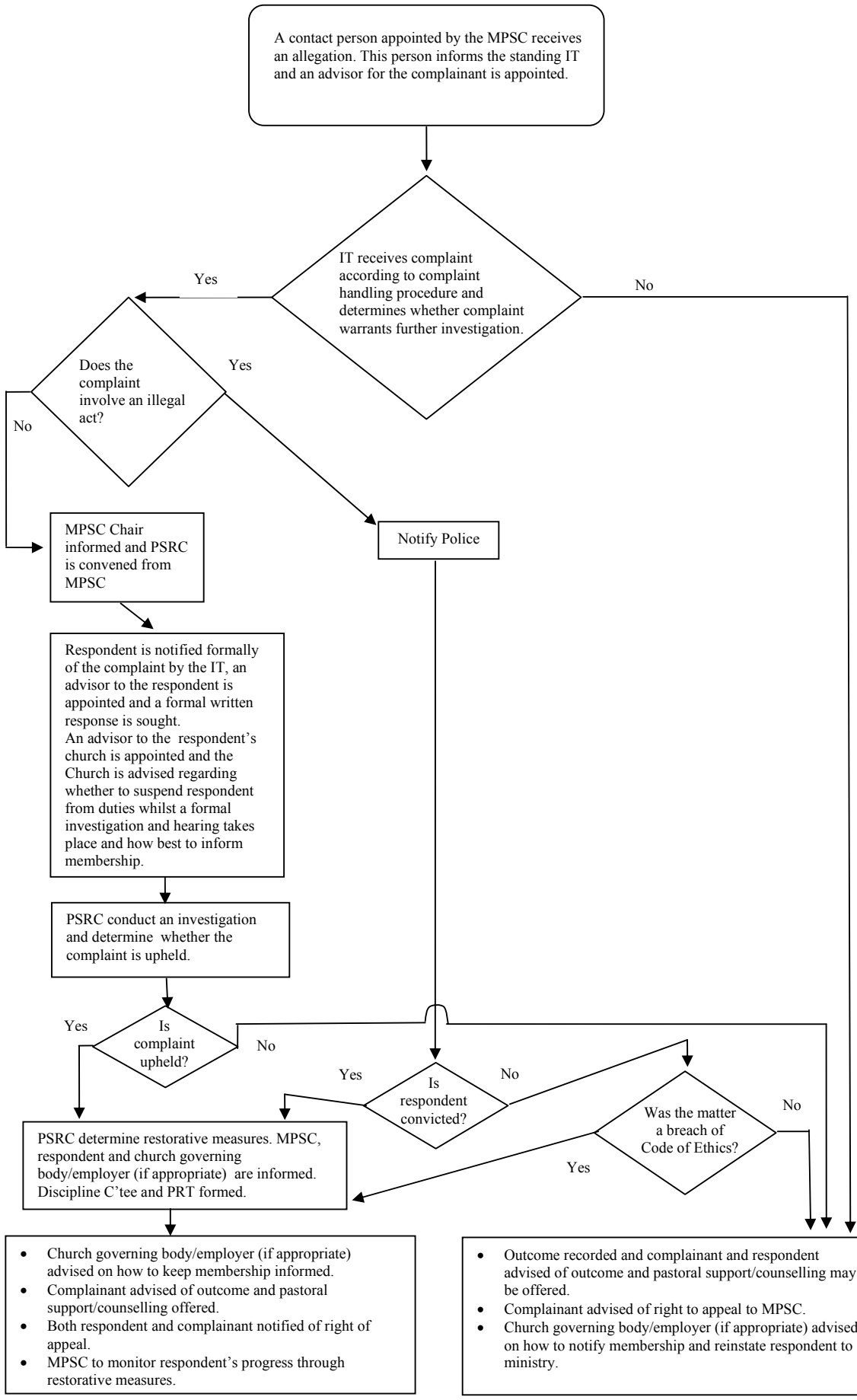
7. Appeal Process

Either the complainant or the respondent may appeal a decision made by either an IT or a PSRC in relation to a complaint.

1. The appeal must be made in writing, within 28 days of the decision being communicated to the relevant party.
2. The grounds of appeal must be clearly stated and relate to the specific decision made by the relevant committee.
3. A new PSRC (an Appeal Panel) will be appointed to hear an appeal. One member of the PSRC that first heard the case is to be included on the PSRC that will hear the appeal. At least one person will be from outside of Churches of Christ.

4. The appeal will be heard within 28 days of the receipt of the written grounds of appeal being received.
5. The appeal panel will prepare a written report for tabling at a meeting of the MPSC.
6. The MPSC will receive and adopt the report and will communicate its decision to the appellant and others involved in the process within two weeks of the appeal being heard.

Process for Responses to Complaints of Breach of Code of Ethics



Outcome phase Time guide: Up to 28 days from report

Investigation phase Time guide: up to 21 days from complaint

Complaint receipt phase Time guide: up to 48 hours from complaint

- Church governing body/employer (if appropriate) advised on how to keep membership informed.
- Complainant advised of outcome and pastoral support/counselling offered.
- Both respondent and complainant notified of right of appeal.
- MPSC to monitor respondent's progress through restorative measures.

- Outcome recorded and complainant and respondent advised of outcome and pastoral support/counselling may be offered.
- Complainant advised of right to appeal to MPSC.
- Church governing body/employer (if appropriate) advised on how to notify membership and reinstate respondent to ministry.

**Minister's Statement of Compliance with the
Code of Ethics for Ministers (Minister's Copy)**

All those engaged as ministers by congregations or agencies of Churches of Christ in SA & NT Inc are expected to have read and understood the Code of Ethics applicable to Ministers of Churches of Christ, and are expected to comply with that Code throughout their ministry. It is a condition of commendation for ministry that ministers complete and sign this Statement of Compliance.

- | | | |
|--|--------------------------|--------------------------|
| 1. Has disciplinary action of any sort ever been taken against you by a Church, a denominational body, a local congregation, a professional association or an educational/training institution? | <input type="checkbox"/> | <input type="checkbox"/> |
| | YES | NO |
| 2. Are there any complaints pending against you before any such bodies? | <input type="checkbox"/> | <input type="checkbox"/> |
| | YES | NO |
| 3. Have you ever had a civil suit brought against you in relation to actions associated with your employment in ministry or any other profession? | <input type="checkbox"/> | <input type="checkbox"/> |
| | YES | NO |
| 4. Have you ever been charged by the police, or are there charges pending, in relation to actions associated with your employment in ministry or any other occupation? | <input type="checkbox"/> | <input type="checkbox"/> |
| | YES | NO |
| 5. Is there any other matter of concern that you should declare, which would affect your suitability to be commended as minister with Churches of Christ in SA and NT Inc.? | <input type="checkbox"/> | <input type="checkbox"/> |
| | YES | NO |

(NOTE: If you have answered 'Yes' to any of the above questions please include details of that situation on an attached sheet.)

I (Full Name) _____

of _____

declare that all information submitted by me in this statement is true, to the best of my knowledge. I understand that any significant misstatement in, or omission from, this application or the attached documentation may be cause for my not being commended as a Minister with Churches of Christ in SA & NT Inc.

I further declare that while being employed as a Minister within the terms of this document I do hereby accept the Code of Ethics and the procedures set out herein. In the event that a complaint is laid against me, I give consent to this procedure being followed. I will cooperate with any investigation that is set up by the Ministry Professional Standards Committee in accordance with this document. I will attend and take part in an education process intended to promote these guidelines.

Signed

Witnessed

_____ (Signature)

_____ (Signature)

_____ Full Name (Print)

_____ Full Name(Print)

_____ (Address)

_____ (Date)

**Minister's Statement of Compliance with the
Code of Ethics for Ministers** (Official Copy)

All those engaged as ministers by congregations or agencies of Churches of Christ in SA & NT Inc are expected to have read and understood the Code of Ethics applicable to Ministers of Churches of Christ, and are expected to comply with that Code throughout their ministry. It is a condition of commendation for ministry that ministers complete and sign this Statement of Compliance.

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| | YES | NO |
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| | YES | NO |

(NOTE: If you have answered 'Yes' to any of the above questions please include details of that situation on an attached sheet.)

I (Full Name) _____

of _____

declare that all information submitted by me in this statement is true, to the best of my knowledge. I understand that any significant misstatement in, or omission from, this application or the attached documentation may be cause for my not being commended as a Minister with Churches of Christ in SA & NT Inc.

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Signed

Witnessed

_____ (Signature)

_____ (Signature)

_____ Full Name (Print)

_____ Full Name(Print)

_____ (Address)

_____ (Date)
