

# **CROSSING THE BOUNDARY**

**A RESPONSE TO SEXUAL MISCONDUCT  
BY BAPTIST CHURCH LEADERS**



**BAPTIST UNION OF TASMANIA  
2000**

## PREFACE

For the past few years, Christians of all denominations have been challenged to put into place machinery to deal with issues of sexual abuse that may occur within their churches. The Pastoral Committee was asked to develop reliable procedures to investigate and deal with complaints against Pastors and others holding positions of responsibility established within the church, which may arise.

We are indebted to the Baptist Union of New South Wales who have allowed us the privilege of using their material, adopted by the New South Wales Assembly in 1997 and now adapted in form and terminology by the Pastoral Committee of the Baptist Churches of Tasmania.

This document was adopted by Baptist Union Council in February 2000 following “in principle” approval by Annual Assembly, October 1999.

Local churches are encouraged to study this material in order to ensure that all churches are seen to be actively concerned in ensuring the highest standard of ministry and care to the children and young people entrusted to us.

Rev. Ted Nibbs  
President

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

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# 1. BACKGROUND

- 1.1 In recent times various churches and denominations have given much attention to the problem of sexual abuse by pastors or church workers, usually involving adults or children associated with the life of the church. For some time there has been a growing concern in Baptist churches about the occurrence of sexual abuse in relationships between those in positions of leadership, both pastoral and otherwise and adults or children under their care.
- The need became apparent for the preparation of procedures to assist the leadership and people of our churches so that they might appropriately deal with cases of sexual abuse/harassment where they occur in such a context.
- 1.2 Christian integrity and Jesus' command to love one another in terms of mutual respect and dignity make it intolerable to allow scandal and abuse in the context of the Christian Church. The implications of sexual abuse by a pastor or church worker for the victim and the church are devastating. It is imperative that the church act urgently and responsibly. These procedures outline the appropriate action to exercise discipline and to provide appropriate support and counsel for the people concerned and for the church as a whole.
- 1.3 These procedures have been endorsed by the Pastoral Committee of the Baptist Union of Tasmania. Its work was greatly assisted by documents prepared by the Baptist Union of New South Wales and other churches to address the same issues. These are listed in the Appendix.

# 2. INTRODUCTION

- 2.1 These procedures set out the process to be followed when charges of sexual abuse and harassment are made against pastors or church workers in Baptist churches.
- 2.2 These procedures are provided to facilitate the handling of complaints made against pastors and church workers and to allow for a clear statement of procedures to guide churches and people involved. This should free the victim to proceed with the complaint with confidence and prevent the situation being "covered up".

# 3. THEOLOGICAL PERSPECTIVES

- 3.1 "Religious organisations have a role to play as moral exemplars". (National Committee on Violence 1990). Christian faith strongly upholds the virtues of love, justice and mercy. Jesus Christ came to give freedom to the captives, sight to the blind and liberty to those who are oppressed (Luke 4:18). In situations of sexual abuse in the church, victims, abusers and the congregation are all captives in a web of oppression. They desperately need the penetrating light of the transforming gospel.
- 3.2 A theology of transformation requires:
- \* **Righteous anger at evil.** Jesus uncompromisingly told the truth. He named and criticised evil and called to account those who abused their

power.

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

## 4. ETHICAL PRINCIPLES & LEGAL IMPLICATIONS

- 4.1 Pastors and church workers must be aware that their leadership position places them in a position of power in a relationship. Any sexual contact by a pastor or church worker with a person with whom they are in a pastoral relationship is unethical and subject to discipline.
- In pastoral relationships the factors of power, trust and dependency may limit the possibility of a church member or other person in such a relationship freely giving consent to sexual contact. In other words the dynamics of such a relationship can result in a person being unable to withhold consent. Because the pastor or church worker has the greater power and pastoral responsibility, the responsibility lies primarily with them to guard the interpersonal boundary against sexual contact.
- 4.2 Where a member of a pastoral team becomes morally implicated with another person, especially within the local church, immediate notification and consultation by the most senior member of the team (who is not involved) is essential. This may be done with any one of the following: the President of Baptist Union of Tasmania, the Superintendent, or Chairperson of the Pastoral Committee. Failure to consult will be regarded as a denial of the needs and rights of the victim.
- 4.3 In some cases the action may be subject to civil or criminal law and could lead to court action.
- 4.4 Sexual contact of any kind with children under the age of seventeen is illegal and the offender is accountable to criminal law. Reporting of such an offence to the Police is essential. Immediate contact with the President of the Baptist Union of Tasmania or the Superintendent or the Chairperson of the Pastoral Committee in relation to such reporting is vital.
- 4.5. Notwithstanding the above, it may not be a criminal offence where the consenting minor was fifteen or sixteen and the accused person was not more than five years older than that person, or where that person was aged between twelve and sixteen and the accused person was not more than three years older than that person. In such circumstances there may be a moral and ethical situation that needs addressing, but not a legal one.

## 5. PRINCIPLES FOR DEVELOPMENT OF PROCEDURES

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

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

This shall not affect the right of the Sexual Abuse Complaints Committee (SACC) in dealing with a complaint to permit such persons as it thinks fit to attend meetings of the committee, nor to make reports to such persons as it thinks fit, at any time.

Appropriate information about the **outcome of a complaint** may be made available, with due care to the local congregation. The needs of the victim and any family (where the complaint is upheld), to be vindicated and supported by the fellowship, should be of primary concern in determining the amount and type of information given. Likewise, if the pastor/church worker was proved to be falsely accused their need and that of any family member should be the prime consideration. Release of any information should be in consultation with the Superintendent. In the case of an inconclusive outcome where there is concern about the accused working with minors in the future this is to be treated as an "unacceptable risk" and dealt with accordingly.

**5.3 Natural Justice**

The principles of natural justice shall be observed throughout the processing of any complaint, namely:

- (i) that a person or body called on to investigate, mediate, determine or exercise a discretion shall:
  - \* act fairly, in good faith, without bias and in a dispassionate manner;
  - \* give each party the opportunity of adequately stating their case and correcting or contradicting any relevant statement prejudicial to the person's case;
  - \* not receive information except as part of its investigation;
- (ii) that there is an obligation for any person, who is involved in handling the complaint, to declare any interest in the matter or any personal connection or relationship with any party;
- (iii) that a person called upon to answer a complaint is entitled to know the particulars of the complaint being made;
- (iv) that each party has the opportunity to respond to statements made by the other;
- (v) that innocence is assumed until proven guilty; the standard of proof shall be "the balance of probabilities".
- (vi) that not only must justice be done but it must be seen to be done to both the complainant and the accused.

Any member of the SACC or the Pastoral Committee who has a complaint made against them, or who is a relative or close friend of the accused or the complainant, shall stand down from the committee until the matter is

resolved.

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

#### 5.4 Forgiveness & Reconciliation

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

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

#### 5.5 Local Church

The Superintendent, in consultation with the Chairperson of the Pastoral Committee, shall take all reasonable steps to provide adequate pastoral care for churches where a pastor or church worker has had a complaint made against them or has been disciplined for sexual abuse. Pastoral care in this instance is a matter of urgency.

Depending on the seriousness of the situation and the co-operation of the church concerned it may be appropriate for a team of trained facilitators/counsellors/pastoral carers from outside the congregation to be involved in debriefing/counselling and conflict resolution. It is essential that these people have knowledge of sexual abuse issues. The church should be considered to be in crisis warranting an emergency response. The natural tendency for some church members to take sides and move to action before the investigation is completed may thus be minimised and Christ's injunction to deal fairly and with love upheld.

## 6. DEFINITIONS

#### 6.1 Sexual Abuse

The term 'sexual abuse' generally refers to a broad range of unwanted sexual behaviour which occurs along a continuum of violation. Sexual harassment such as wolf whistles or verbal sexual innuendo being at one end, extreme expressions of power such as forced intercourse or penetration being at the other. Unwanted sexual behaviour can take various forms, such as:

- \* verbal harassment/innuendo;
- \* unnecessary invasion into personal matters e.g. questions of a sexual nature;
- \* touching, fondling or kissing;
- \* being made to look at, or pose for, pornographic photos;
- \* voyeurism;
- \* making sexual advances, especially during a time of emotional vulnerability;
- \* being masturbated by or being forced to masturbate the other;
- \* oral/genital contact;
- \* penetration of victim's vagina, mouth and/or anus with a penis or

object.

The term 'sexual abuse' may also apply to situations where the offender has a pastoral duty of care and the parishioner appears a willing participant. (see 4.1)

## **6.2 Sexual Harassment**

While sexual harassment comes under the definition of sexual abuse a more specific definition is given here. Sexual harassment covers a range of unwelcome, unsolicited, manipulative and unreciprocated behaviour which constitutes deliberate or unintentional 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 for sexual activity or suggestions for sexual activities through to physical contact such as patting or pinching and even more hostile contact. Harassment may be perpetrated by an individual towards a person of the same or different sex or by an adult towards a child or by a group towards an individual or individuals.

## **6.3 Sexual Misconduct**

Sexual misconduct includes both sexual abuse and sexual harassment. However it is a broader term covering any behaviour that may be deemed to constitute immoral, unethical or inappropriate behaviour. It certainly includes a pastor's duty of care even when a church-associated or other person willingly participates with him in such behaviour.

## **6.4 Procedural Definitions.**

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

**SUPPORT PERSON** The persons who assist/support the complainant and the accused in processing the complaint through the denominational procedures.

**CHURCH WORKER** Any person who is in membership of a Baptist Church or Fellowship or holds a responsible position, whether paid or voluntary.

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

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

**INTERVIEWING COMMITTEE** A sub-committee of the SACC consisting of the chairperson and one member who will interview the accused in the presence of the Adviser following a complaint.

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

**OFFENDER** The pastor or church worker who has acknowledged or been convicted of the abuse/harassment.

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

**SEXUAL ABUSE** Sexual abuse includes sexual assault (not limited to sexual intercourse) and any unwanted sexual behaviour or threat thereof which makes the person feel threatened or afraid (see 6.1). **Sexual abuse may, under some circumstances, include sexual activity which may appear consenting and which might otherwise be regarded as the lesser 'sexual misconduct' and involves a breach of pastoral ethics (see 4.1).**

**SEXUAL ABUSE COMPLAINTS COMMITTEE (SACC)** The committee charged by the Baptist Union of Tasmania with the investigation and resolution of complaints of sexual abuse/harassment by pastors/church workers of a member Baptist Church.

**VICTIM/SURVIVOR** The person who suffered the abuse. The term survivor indicates that they are no longer in the abusive situation and may therefore regard themselves no longer a victim but as one having survived the abuse.

## 7. DENOMINATIONAL STRUCTURES

### 7.1 The Sexual Abuse Complaints Committee

The SACC is a 'standby' sub-committee of the Pastoral Committee which is convened as and when required. The committee can be convened at the direction of its chairperson subsequent to a complaint or allegation necessitating action. It consists essentially of specialists and is empowered to co-opt other persons as needed. Its charter is to deal directly with complaints of sexual abuse, harassment and misconduct. The Council of the Baptist Union of Tasmania endorses the on-call members of the SACC, who have made themselves available for a three-year renewable term. The Committee has the right of access to Assembly.

Members of the SACC must be carefully chosen and shall include the following whenever possible:

- (i) at least one member with expertise in sexual abuse issues
- (ii) at least one member with legal knowledge and expertise
- (iii) members who are considered to be skilled in mediation and conciliation, have general knowledge of sexual abuse issues and have knowledge and understanding of pastoral ethics and appropriate behaviour for pastors and church workers.

The committee shall whenever possible maintain a balance of male and female members and shall have a minimum of five members.

**The Role of the Committee** is to:

- (i) investigate the complaint;
- (ii) determine if the allegation can be substantiated;
- (iii) formulate a written result of the investigation with recommendations for further action to the Superintendent including recommendations as to disciplinary action and financial assistance under 7.3 (ii) Support.

## 7.2 Support Persons

The Chairperson of the SACC with the assistance of the General Superintendent shall maintain a panel of 'Support Persons' responsible for assisting complainants and accused during the complaints process.

Where possible support persons are to be the same sex as the person they are assisting. In cases of sexual abuse complaints concerning minors the support person shall have particular expertise in this area. A support person is a person who should have:

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

**The Role of the Support Person** to the complainant is to:

- (i) assist the complainant through the necessary Baptist Union procedures;
- (ii) ensure that the complainant is properly advised of the community support that is available;
- (iii) assist the complainant, where desired, by referral to Sexual Assault Centres, Incest Centres, medical, psychological and legal help, community agencies and other services;
- (iv) assist the complainant in obtaining appropriate legal advice regarding criminal or civil law.
- (v) liaise with appropriate individuals e.g. parent/s or guardian (in the case of minors), to expedite resolution of the complaint;
- (vi) ensure that the complainant is adequately informed at all stages of the way in which the complaint is being dealt with;
- (vii) if the complainant wishes, speak on her/his behalf at any meeting the complainant is required to attend;
- (viii) oversee liaison with the local church and attend any meetings between the complainant and local church representatives, e.g. deacons.

The support person to the complainant shall be kept promptly informed by the SACC Chairperson or other officer concerned, of the progress of the investigation into their complaint.

**The Role of the Support Person to the Accused** is to:

- (i) support the accused throughout the Baptist Union procedures;

- (ii) ensure the accused is fully aware of the community support available including psychiatric referral, counselling, legal and other services;
- (iii) ensure the accused is adequately informed at all stages, of the way in which the complaint is being dealt with;
- (iv) liaise with appropriate individuals e.g. relatives, if requested by the accused, and the SACC), to expedite the resolution of the complaint and the rehabilitation of the accused.

### 7.3 Support

#### (i) **Friend of Choice**

In addition to the support persons, the complainant and the accused may be accompanied by a relative, friend or legal adviser to any meeting held in relation to the complaint. Such a person needs to be capable of providing appropriate emotional support at the time.

This friend of choice shall not have the right to speak at any meeting unless approved to do so by the chairperson or their representative.

#### (ii) **Financial Support**

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

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

In the case of ambiguity, the SACC's report would be expected to give advice regarding the bearing of financial costs in both cases.

### 7.4 Records of Complaints

To preserve confidentiality all records of complaints shall be stored in a locked filing cabinet in the office of the Superintendent of the Baptist Union of Tasmania. Only the Superintendent, Chairperson of the Pastoral Committee, and Chairperson of the SACC shall have access to these records.

## 8. PROCESS AND PROCEDURES

It is important to note that to minimise distress and exercise due pastoral care the following should be implemented:

- \* Every effort should be made to ensure the well-being of the complainant and the accused and that confidentiality is maintained.
- \* Acting as quickly as possible should not mean cutting corners or an improper use of power but a genuine recognition of the seriousness of sexual abuse or harassment.
- \* Speedy facilitation of the procedures is very important. Care should be taken to avoid delays through infrequent meetings of committees.
- \* All parties should be fully and speedily informed regarding decisions made, the reasons for the decisions and what processes are being used at all stages, particularly where there is any delay.

## 8.1 Making a Complaint

Anyone who wishes to make a complaint of sexual abuse by a pastor/church worker may do so orally or in writing to the President of the Baptist Union of Tasmania, the Superintendent, or directly to any member of the SACC.

If such a complaint is made orally in the first instance, the complaint must be forthcoming in writing as soon as is reasonably possible. The written complaint must be forwarded immediately to the Chairperson of the SACC who will, with the assistance of the Superintendent, arrange for the appointment of an advocate for the complainant and an adviser for the accused.

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

## 8.2 Rumours

Where a complaint against a pastor/church worker has not been made formally, but has come to the notice of the President, Superintendent, Chairperson of the Pastoral Committee, or Chairperson of the SACC, in the form of hearsay or rumour, those officers shall bring the matter to the Chairperson of SACC and initiate an investigation with a view to establishing whether there is any foundation to these rumours.

If after an inquiry by SACC, there is no reason to support the accusations the General Superintendent shall take all reasonable steps to ensure that the pastor's/church worker's name is cleared and that the person, their family members and the local church receive any assistance needed.

## 8.3 Receiving and Investigating a Complaint

- (i) Within 24 hours (or such longer time as is required to make contact) of the receipt of a complaint, the complaint, together with all relevant information shall be referred (orally in the first instance if necessary) to the person already designated to become Chairperson of the SACC. The Chairperson of the SACC shall call together their Committee with the assistance if necessary of the President or the Chairperson of the Pastoral Committee.
- (ii) As soon as possible after receiving the complaint the Chairperson of the SACC, in consultation with designated members of the SACC, shall appoint an investigator who shall then consult with the complainant. The investigator will prepare a written report, to be verified and signed by the complainant, for the SACC following the first interview. However, in cases deemed serious or to be of considerable emotional stress, consideration should be given to allowing the statement to take the form of an interview recorded on video. If the complainant is not satisfied with the report they may submit additional material in writing. N.B. Issues of confidentiality will need to be clearly defined during the initial interview and throughout the process. Wherever possible, the investigator shall be of the same sex as the complainant.
- (iii) As soon as possible after receiving the complaint, the Chairperson of the SACC or their representative shall inform the accused of the complaint, preferably in person. During the interview a letter should be read outlining the nature of the complaint. **A copy of the**

**complainant's letter is on no account to be given to the accused.**

(iv) The Chairperson, in consultation with the Superintendent and the designated members of the SACC will appoint a support person to the accused. The Chairperson shall ensure that the appointed support person is acceptable to the accused. The support person shall then contact the accused and arrange a meeting with the Chairperson, one other member of the SACC, the adviser and the accused. The ensuing process will differ depending on the accused's acknowledgment of the offence or otherwise and the severity of the offence if it is deemed to have taken place. In order to safeguard both the accused and members of the SACC and to reduce the risk of allegations of bias or misleading interpretations consideration should be given to the meeting with the accused being recorded on video. If there is no admission of an offence or minimisation of an offence by the accused, the following may be considered:

- \* Written signed statements or statutory declarations from parties with knowledge of some of the circumstances.
- \* Consultation with senior leaders of the local church.

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

(v) As soon as possible after the complaint has been received the Chairperson of the SACC will ensure appropriate pastoral care for the complainant and any family members through the support person. It is at this stage of the process that the complainant is particularly vulnerable in the local church context. If the accused is a church appointed worker the pastor frequently experiences a conflict of interest in the pastoral care of both parties. The SACC, as well as the President, can provide valuable assistance to pastors in this situation. On no account should both parties be referred to the same counsellor for help at this time as this creates another conflict of interest and can be psychologically damaging to the complainant.

(vi) As soon as possible after the complaint has been received, the Chairperson of the SACC will ensure that all reasonable steps are taken to provide support and advice to the spouse and family of the accused, if the need for this is evident. This may include financial and housing support in the case of a pastor who has to stand down from the position. This shall be arranged through the Support Person to the complainant.

(vii) If the accused is married he/she is to inform their spouse of the allegations made. Should the accused refuse to do this the SACC may choose to inform the spouse through the support person to the accused. As with the complainant issues of confidentiality will need to be clearly defined for the accused during the initial interview and throughout the process.

#### **8.4 Complaints by Minors**

Extreme caution should be exercised before proceeding to deal with a complaint that has been received by or on behalf of a minor. See 4.4 and 4.5 above. Such a case may be dealt with by the SACC only where for some reason considered compelling (such as no possible case for criminal culpability by reason of age) the complaint is not being referred to the Police and/or the Intake and Assessment Branch (ie 'Child Protection' Branch) of the Department of Health and Human Resources. Where such referral is being made, the accused should not be advised of such an allegation in any way by the SACC until approved by the proper authorities.

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

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

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

## **8.5 Resolution and Outcomes of Complaints**

The SACC has an investigation function only. The SACC's primary responsibility is to fairly address issues of alleged sexual abuse/harassment and misconduct, with due concern for pastoral care, and make appropriate recommendations to the General Superintendent.

**Possible Outcomes** of a complaint investigated by the SACC include but are not limited to the following:

- \* dismissal of the complaint;
- \* a warning to the accused;
- \* a written explanation to the complainant;
- \* a written explanation to the local congregation, where appropriate;
- \* acknowledgment and acceptance by the accused of the validity of the complaint;
- \* a verbal or written apology to the victim/survivor by the offender;
- \* a verbal or written apology by the complainant to the accused if the accusation was false;
- \* a public apology to the victim/survivor or the falsely accused;
- \* a verbal or written apology to the victim/survivor and congregation by the offender;
- \* a public explanation and apology by the church;
- \* a requirement that the offender receive supervised counselling by a clinically trained counsellor or psychologist who has recognised expertise in this area;
- \* the offender's resignation from the position held;
- \* the offender's agreement to acquaint any future employer for ministry of the offence and its outcome: (the SACC may choose to do so in the event of failure to meet this requirement both in Tasmania and interstate);
- \* the offender's resignation from ordained ministry.
- \* informing the Police and/or Department of Health and Human Resources (Intake and Assessment Branch, ie 'Child Protection') as appropriate.

A number of these possible outcomes together may be considered necessary for the resolution of the complaint.

### **8.5.1 Mutual Resolution**

- (i) Discussion will need to take place to determine whether action sought by the complainant, the accused or the committee is acceptable as a

"mutual resolution" of the complaint. Pressure must not be placed on the complainant or the accused to accept a resolution preferred by one party or the committee

- (ii) Following any meeting at which a basis for a mutual resolution has been proposed both parties should be given an interval of one or two weeks during which they have the opportunity to accept or reject the proposal. Consultation by the parties with their support person during this time is recommended. Both the complainant and the accused shall be given a written form of the proposal within 48 hours of the meeting.
- (iii) In endeavouring to find a mutual resolution, the General Superintendent may speak to the parties separately.

### **8.5.2 Restitution**

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

### **8.5.3 Lack of Resolution**

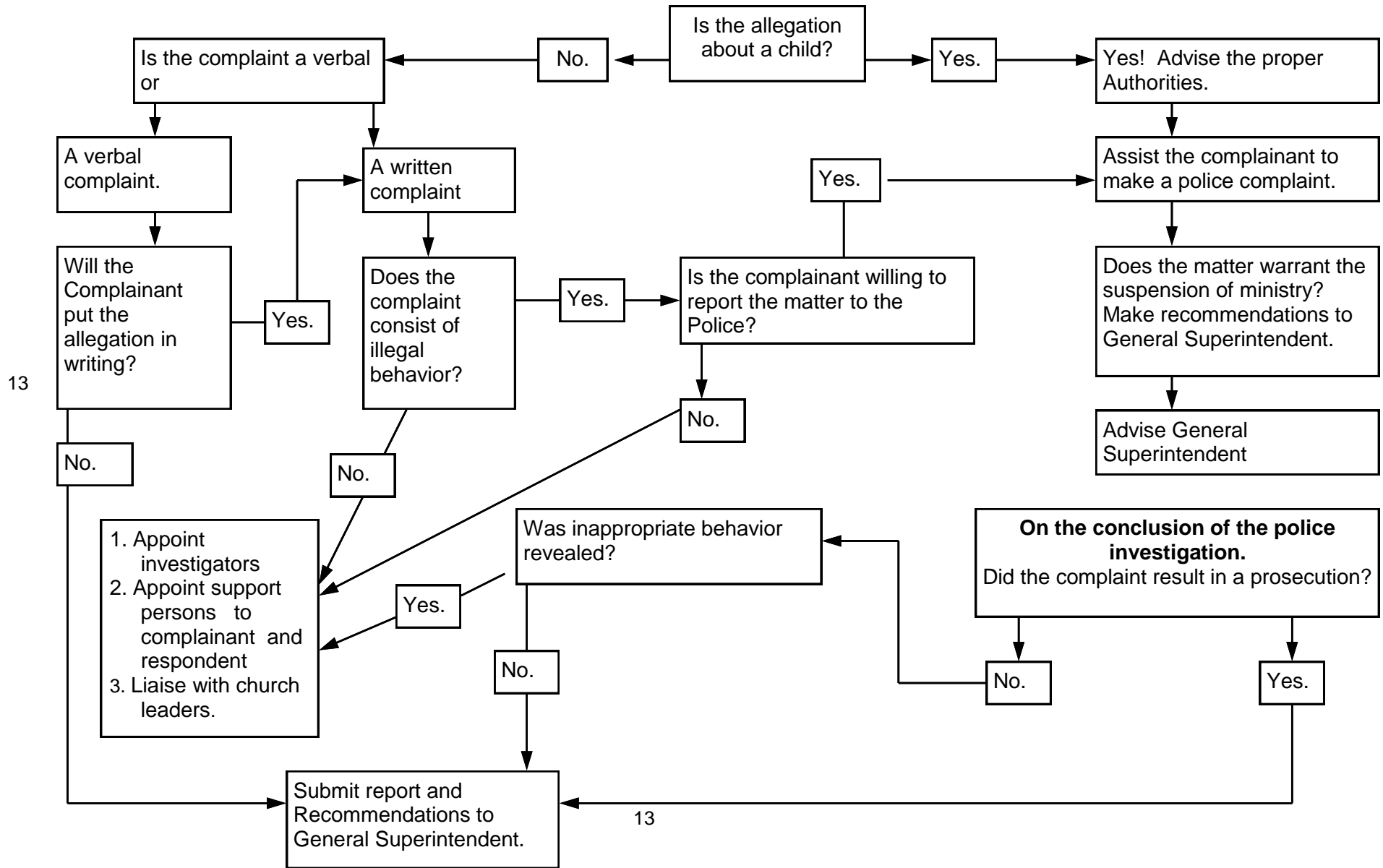
The complainant or the accused may appeal against a decision or a proposed course of action or the behaviour of the SACC to the Council of the Baptist Union of Tasmania who shall appoint a committee of three persons, not involved in the matter and including at least one woman, to determine the matter. This committee may direct that the complaint be further dealt with or dismiss the appeal.

### **8.6 Pastoral Care of Churches**

- (i) The Superintendent shall, in consultation with the Chairperson of the SACC and the Chairperson of the Pastoral Committee, take all reasonable steps to provide adequate pastoral care for the local church and congregation where a pastor or church worker has had a complaint laid against them, or who has been disciplined for sexual abuse or harassment. This action must be taken as a matter of urgency.
- (ii) Options for pastoral care of the church affected include, but are not limited to, the following:
  - \* A meeting of the Chairperson (or representative) of the SACC and the Superintendent with the diaconate and elders of the church to open the matter and discuss the needs of all concerned.
  - \* A request by the diaconate/church to have the services of people skilled in mediation, group facilitation and counselling and who have knowledge of sexual abuse issues, to assist them with debriefing, counselling and possible conflict resolution in order to lead the church to a healing resolution for all concerned, both emotionally and spiritually.
- (iii) It needs to be recognised that a complaint of sexual abuse or harassment against a pastor of a church, or a worker officially recognised as exercising a ministry on behalf of the church, precipitates a crisis in that church which, if responded to appropriately may result in spiritual growth. If the matter is not addressed according to principles of natural justice and a compassionate regard for the truth, the church, like the victim/survivor will suffer for years to come.

8.7 Flow Diagram Procedures

**Flow Chart of Procedures—SAAC**



## 8.8 Following up Offenders

- (i) The church has a responsibility, not only to address the needs of victims/survivors of sexual abuse by any of its workers but to ensure the safety of potential victims to the utmost of its ability. While the offenders right to worship and be part of a church fellowship, following repentance and discipline, are not in question, it is vital that they are not given positions of trust and leadership in the future as this creates the conditions which may lead to further abuse. An exception to this is where an offender is deemed to have been truly rehabilitated (see 8.9).
- (ii) Offenders may change churches and denominations following the events which led to their confession or discovery. Where this is the case, the General Superintendent is to recommend that letters by the pastor of the church where the offence(s) took place and by the chairperson of the SACC be sent advising the pastor and church officials of the new congregation of the nature of the offence(s) and the possible risks to vulnerable members. It should be noted that in most instances any position of authority not only presents a risk to minors or vulnerable adults but **signals the church's approval or minimisation of the offence to the victim/survivor(s)**. In the case of an offender in a matter involving young persons being involved in an organization such as Boys Brigade, Girls Brigade or Scouts, officials in the organization will need to be informed.

## 8.9 Rehabilitation of the Offender

- (i) At this early stage of addressing sexual abuse/harassment by professionals in our society the evidence of the effectiveness of rehabilitation through discipline, counselling, psychotherapy or psychiatric treatment is in question. Successful rehabilitation appears possible in a small percentage of offenders who are capable of recognising the nature and effect of their behaviour, are willing to accept any disciplinary measures imposed and can benefit from extensive therapy. Serial offenders who look for opportunities for sexualised contact and 'groom' their victims over a period of time appear not to benefit from or engage effectively in the steps required for rehabilitation.
- (ii) Assessment of offenders and recommendation for rehabilitation rests with the Pastoral Committee or the Superintendent in liaison with the local church. The SACC can act in an advisory capacity to either but is not directly involved in matters of discipline or rehabilitation.

# 9. REVIEW

As these procedures for addressing sexual abuse/harassment are new, a three yearly review will be necessary as they are applied in actual situations. A three yearly review of this document and its effectiveness by the SACC is recommended to incorporate changes which may have been made to meet the needs of a particular case and to improve procedures. Current cases should be reviewed regularly until a resolution has been reached

# 10. EDUCATION

## 10.1

**All on-call members of the SACC and the panel of advocates and advisers** shall participate in an orientation course dealing with matters of

sexual abuse and its consequences. Included in such a course shall be familiarisation with this document **Crossing the Boundary** and the two **Working with Children and Youth: Guidelines** documents.

10.2

**Baptist Pastors and Students in Training for Pastoral Ministry**

The Pastoral Committee or a sub-group of it will undertake to work with the Superintendent to ensure that pastors and students in training for pastoral ministry are made aware of the **Crossing the Boundary** and **Guidelines** documents and have access to a comprehensive orientation course.

10.3

**Church officers, Members and Adherents**

The Pastoral Committee or sub-group of it will ensure that the Guidelines documents are distributed to all churches affiliated with the B.U.T. and that attention is drawn to its importance. The Committee or its sub-group shall from time-to-time publish leaflets for distribution to the churches and sponsor articles in Baptist publications which will educate the church community in matters relating to sexual abuse and harassment and will ensure that any victims are encouraged to seek help. It shall do whatever else it can to ensure that the church community as a whole is aware of its responsibilities, eg by making available training material for use by local church leaders and/or by conducting regional seminars.

## 11. APPENDIX

### 11.1 Current

#### **Misconceptions**

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

#### MISCONCEPTION

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

#### FACT

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

#### MISCONCEPTION

"Nice, decent women do not get abused".

#### FACT

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

#### MISCONCEPTION

"Men can't help themselves. When they are sexually frustrated they get excited and can't control themselves".

#### FACT

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

#### MISCONCEPTION

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

#### FACT

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

#### MISCONCEPTION

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

#### FACT

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

#### MISCONCEPTION

"A Christian pastor would never sexually abuse another human being, let alone a person in the church!"

#### FACT

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

#### MISCONCEPTION

"It can't be abuse. They're both adults."

#### FACT

Sexual contact between two people where one person is the pastoral carer, teacher, mentor to the other is a breach of trust and an abuse of power. It is not to be confused with normal courting behaviour between adults.

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

## 11.2

### **Do's and Don'ts for Denominational and Local Church Officers.**

#### **DO'S:**

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

DO respect the complainant's fundamental right:

- \* to be taken seriously;
- \* to be treated with respect, dignity, understanding and sensitivity;
- \* to be given information;
- \* to have access to the Sexual Abuse Complaints Committee;
- \* to retain control of their part in the process;
- \* to have privacy and confidentiality;

- \* to have appropriate medical treatment if required;
- \* to receive professional counselling or therapy;
- \* to seek justice through the legal system;
- \* be compensated through the Crimes Compensation Tribunal if the accused is found guilty.

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

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

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

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

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

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

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

#### **DON'TS:**

DON'T give credence to misconceptions about sexual abuse or harassment.

DON'T play down the seriousness of sexual abuse. Comments like 'he's a bit of a womaniser', 'he just likes the ladies', 'boys will be boys', make light of behaviour which is offensive and hurtful and therefore unacceptable. Remember also that other forms of sexual abuse apart from penetration are regarded as a criminal offence.

DON'T think that sexual abuse only affects a person's body and has no effect on how they feel emotionally and spiritually. The betrayal of trust in a Christian context will pose serious problems relating to the reality of God's love and protection for most victims. Feelings of powerlessness, vulnerability and shame and the experience of self negation may leave the victim/survivor suffering negative emotional and spiritual consequences for the rest of their lives.

DON'T confuse sexual abuse with misguided love. To use another person for self gratification, at their expense, is not love but abuse.

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

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

in support of the victim.

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

### 11.3

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

## 11.4

### Recommended Reading

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