

Pastoral Procedures for Responding to Allegations of Sexual Misconduct at Special Events¹ Run by The Uniting Church in Australia

1. THEOLOGICAL AND DISCIPLINARY PRINCIPLES

1.1 Context

The Uniting Church in Australia has in place comprehensive policies, procedures and guidelines for dealing with allegations of sexual misconduct within the life and mission of the Church. These documents include:

- Regulations on Church Discipline for dealing with allegations of sexual misconduct made against a Minister of the Word, Deacon, Deaconess, Community Minister, Lay Pastor, Youth Worker, Synod Secretary, Moderator, Assembly General Secretary, President, or Presbytery Minister. (Regulations 7.7.4 - 7.7.20)
- Policy for dealing with a complaint of sexual misconduct made against a Lay Staff Person or Voluntary Worker employed by the Uniting Church in Australia.
- Policy for dealing with a complaint of sexual misconduct made against a member, adherent, volunteer of the Uniting Church in Australia and for providing for a safe faith community.

These procedures are required to be followed whenever an allegation of sexual misconduct takes place. There is a recognition that some special events take place outside the circumstances described in these policies. As such it is important that when a special event takes place we are

¹ *Special Events of the Uniting Church in Australia include any event organised by the Uniting Church which is not covered by other policies of the Uniting Church in this area. Special Events generally occur in the context of a temporary community. Such events include, but are not limited to, NCYC, meetings of the Assembly or Synods, Emmaus Walks, Camping Programs, National Conferences, etc. It does not include events organised within the normal life of a Congregation at which most, participants are members or adherents of the Uniting Church.*

clear about the manner in which an allegation may be dealt with.

1.2 Covenanting Community

Central to the response of dealing with allegations of sexual misconduct is our understanding that the Christian community is a covenant community, that is a community that develops its life around worship, prayer, witness, study, pastoral care, deep friendships and mutual accountability. (1.1 Interim Code of Ethics 1998). A covenant community is one that acknowledges that a Christian community should be a place that is safe: to learn about Jesus Christ; to ask questions; to be free from abuse. A Covenant Community is also about protecting and upholding the ethos of the event itself - that it is a safe place for participants to explore, create, learn and/or make decisions. This document encourages each "special event" to develop with its participants a covenant community, where participants covenant, as best as they are able, to create a safe place for all those participating in the event.

1.3 What we believe about Safe Places (Policies for the Prevention of Sexual Misconduct, 1997)

"The Uniting Church in Australia believes that all people are made in the image of God, and as such we accept every individual regardless of race, age, creed or gender. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other shall express love and commitment and not be abused. As a community of faith we are committed to providing a place in society where human beings can explore what it means to be made in the image of God. As an expression of this commitment, the Uniting Church in Australia recognises its responsibility to provide worshipping and pastoral communities that are free from abuse. We seek to provide a safe environment for all people to explore and express their faith in Jesus Christ."

1.4 Creating a Covenant Community

Event organisers are strongly encouraged to include as part of their opening act of worship a liturgy that signifies the commitment of this temporary community to being a safe covenant community. This may occur in the context of small groupings, or in plenary. A statement should be made about the expectation that all events should be safe places that are free from abuse and harassment; and where participants are free to explore their part in creation. [Resources to assist in such worship can be obtained from a number of sources including Gospel

and Gender.] Event organisers may also include clear statements about the ethos of the event when preparing opening statements about safety for participants and leaders.

2. DEFINITIONS

2.1 Sexual Misconduct

Sexual Misconduct includes:

- (a) **sexual harassment:** any unwelcome sexual advance, or unwelcome request for sexual favours to a person, or engagement in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard for all the circumstances, would have anticipated the person complaining would be offended, humiliated or intimidated;
- (b) **sexual assault:** any unwelcome sexual behaviour that may occur along a continuum from verbal insult to sexual intercourse, that makes a person feel threatened or afraid.
- (c) **sexual conduct prohibited by criminal law;** or
- (d) **sexualisation of a pastoral relationship or relationship of responsibility:** any interaction, sexual or otherwise, in which a person engages in sexualised behaviour with or towards a person with whom he or she is in a relationship of responsibility.

2.2 Relationship of Responsibility (Pastoral Relationship)

A relationship of one person with another individual in any circumstance where the person is in a designated position of leadership or responsibility with associated or perceived power in relation to that person. Where one person has actual or perceived power over the other person because of their role, responsibility, designation, or authority. eg. Leader, chaplain, organiser etc.

2.3 Voluntary Worker or Volunteer

A person who is not an employee or member of the Uniting Church who is assisting in the leadership or facilitation of an event. [Note that an allegation against a volunteer will normally be dealt with in accordance with the document "Policy for dealing with a complaint of sexual misconduct made against a member, adherent, volunteer of the Uniting Church in Australia and for providing for a safe faith community".]

2.4 Pastoral Co-ordinator

The Pastoral Coordinator is the person identified at a special event of the Uniting Church or its agencies to provide support and advice to participants and leaders of

such an event who bring allegations of sexual misconduct that occur either during or prior to the event.

3. GENERAL PROCEDURES

3.1 The management or coordinating group of a special event shall appoint a person as Pastoral Coordinator for the duration of the event who will monitor the use of these procedures, and the response to any allegation of sexual misconduct. This person may be required to act as, or appoint, a conciliator if required.

3.2 Persons should be identified within the leadership team of any event who have completed the UCA training for dealing with allegations of sexual misconduct, or who have other experience in handling allegations of sexual misconduct or abuse.

3.3 All Chaplains and Leaders at an event will be advised of these procedures and provided with copies or policies prior to the commencement of the event.

3.4 All participants or delegates at an event will be notified at the commencement of the event of the procedures that are in place for dealing with allegations of sexual misconduct, and of the name of the person who has been appointed as the Pastoral Coordinator.

4. RESPONDING TO ALLEGATIONS OF INCIDENTS THAT OCCUR DURING A SPECIAL EVENT

4.1 When a participant at an event (the complainant) reports an incident of sexual misconduct to a leader, the complainant will be referred to one of those leaders identified with expertise at the event (see 3.2), or the Pastoral Coordinator.

4.2 The complainant should be provided with possible options to assist in creating a safe environment for the complainant for the remainder of the event (eg. being reallocated in another group, access to support people, change in accommodation, etc.).

4.3 If the complainant consents a record of the complaint should be kept by the organisers of the event.

4.4 Allegations of sexual misconduct involving a child under the age of consent (*see endnote), should be reported to the Child Care and Protection Authority in that State or

Territory.

- 4.5 If the Pastoral Co-ordinator considers the alleged incident may be a breach of criminal law, the complainant will be encouraged to report the matter to the local police. The Pastoral Coordinator will be available to assist with initial contact if necessary. Support and care shall be offered to the complainant throughout this process.
- 4.6 The complainant should be given opportunity to make a formal complaint where:
- (a) **the complaint is against a Minister of the Uniting Church:** the complainant should be assisted to have the matter referred to the Synod Secretary or Chairperson of the Synod Sexual Misconduct Committee (in the relevant Synod); or
 - (b) **the complaint is against a Staff Person or Voluntary Worker of the Uniting Church:** the complainant should be assisted to have the matter referred to the Employing Body, the Synod Secretary or Chairperson of the Synod Sexual Misconduct Complaints Committee; or
 - (c) **the complaint is against a member or adherent of the Uniting Church:** the complainant should be assisted to have the matter referred to the Presbytery from which the person against whom the allegation is made comes.
- 4.7 If the complainant does not want to deal with the complaint outside of the event context, and at the complainant's request, the Pastoral Coordinator may arrange for conciliation or conversation between the complainant and the person against whom the allegation has been made. Naming of the allegation, and conciliation would be the major focus of such a conversation. Discernment needs to be exercised about dealing with a complaint in this way.
- 4.8 Where a complaint is made against a person not covered in the above categories (eg. a Minister from another denomination participating in the event), the Pastoral Coordinator in consultation with the Complainant and the Secretary of the Synod in which the event takes place will identify an appropriate method for dealing with the allegation.
- 4.9 The Pastoral Coordinator will assist the complainant to identify support networks that might be accessed on their return home.
- 4.10 The Pastoral Coordinator, along with other leaders, will ensure that other pastoral issues relating to the allegation (eg. impact on other participants) are addressed.

5. INCIDENTS OCCURRING PRIOR TO THE EVENT

- 5.1 When a complainant reports an incident of sexual misconduct which occurred prior to the event, the complainant will be referred to one of those leaders identified with expertise in these issues at the event, or the Pastoral Coordinator.
- 5.2 The complainant should be provided with information on appropriate counselling services within their state of territory. The complainant should also be encouraged to report the incident to the appropriate authorities.
- 5.3 In the event that the complaint involves an allegation against one of the persons listed in Section 4.6, the complainant may be assisted to make a complaint through the procedures listed in this section. The Pastoral Coordinator will assist the complainant to identify support networks to be in place on their return home.

6. MANDATORY REPORTING (FOR AN EVENT INVOLVING MINORS)

- 6.1 Each State and Territory in Australia has varying legislation relating to the mandatory notification of child abuse in that jurisdiction. Event organisers should ensure that leaders at any event are aware of reporting requirements within the jurisdiction of that event.
- 6.2 The Pastoral Coordinator will take the necessary steps to report an allegation to the appropriate authorities in the state or territory where the abuse occurred.
- 6.3 Allegations of sexual misconduct involving a child under the age of consent (*see endnote), should be reported to the Child Care and Protection Authority in that State or Territory.

7. ROLE AND RESPONSIBILITIES OF THE PASTORAL COORDINATOR

The Pastoral Coordinator will liaise with other persons at the event with skills in this area, the management/organising committee, and any overseeing body. The Pastoral Coordinator will:

- ensure that this policy is available to all relevant persons at the event;
- ensure that all participants and leaders are aware of the policies for dealing with

- allegation of sexual misconduct;
- ensure, with the management committee, that a covenant of safety occurs at the commencement of the event;
- ensure that all specialist leaders in the area of sexual misconduct are aware of their role;
- ensure, where possible, that training for leaders is available prior to the event on these issues;
- ensure that pastoral care is available to other persons affected by the allegation or alleged misconduct;
- act as the “contact person” (as defined in Regulations and Policies) for allegations made under Section 4.6;
- provide a written evaluation at the conclusion of the event on issues of safety.

The Pastoral Coordinator is responsible for:

- arranging conciliation if necessary during the event;
- in the event of a criminal act contacting the police;
- in the event of mandatory reporting, contacting the Child Protection Authorities;
- liaising with Synod Secretary, Chairperson of the Synod Sexual Misconduct Complaints Committee, or Presbytery Chairperson as appropriate;
- assisting leaders to deal with allegations that occur within the event;
- making any statements deemed necessary to participants or groups of participants during the event in relation to an allegation;
- providing support and information as required, but not including providing legal advice.

*Ages of Consent

The following are the ages of consent for each Australian State and Territory as at 1 June 1998.

Jurisdiction	Age of Consent
New South Wales	16 years
Victoria	16 years
Queensland	16 years and 18 years dependent on the nature of the offence
South Australia	17 years and 18 years for a person in position of 'care and authority'
Tasmania	17 years
Western Australia	16 years
Northern Territory	16 years
Australian Capital Territory	16 years

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