



CHRISTIAN REFORMED  
CHURCHES OF AUSTRALIA

# Healing a Broken Trust

Policy and procedures in responding to complaints of sexual abuse  
and sexual harassment against office bearers and church workers in the  
Christian Reformed Churches of Australia



Adopted by CRCA Synod 2021

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**PREFACE 2020**  
**REVISED VERSION OF HEALING A BROKEN TRUST.**

This document is a revision of the 'Healing a Broken Trust' document first adopted by Synod 2000 of the Christian Reformed Churches of Australia. The document has served the denomination well, having been the mandate for what became the National Sexual Abuse Complaints Committee. With the adoption by Synod 2021 of the Safe Church Unit/ Safe Church Advisory Committee (SCU) these procedures need to reflect that change.

These procedures also need to be used in conjunction with other policies adopted by Synod 2021 such as the SCU mandate, and the requirements of government legislation. For example, the various state government Reportable Conduct Scheme (RCS) requirements need to first be consulted and adhered to before any child sexual abuse matters are investigated.

While the RCS relates to any form of child abuse (not just sexual), these procedures focus on sexual abuse against children and vulnerable adults by CRCA office bearers (ministers, elders, and deacons) and church workers (volunteers).

Such sexual abuse is a betrayal of trust by those entrusted to care for and provide a safe place for such children and adults. The procedures will help a CRCA church council, together with the SCU to provide a way to heal such a broken trust. This document does so in a way that is educative, helping SCU and church council members, as well as church members, understand the effect of such a betrayal of trust.

# 1. INTRODUCTION

## 1.1. Background

The effects and implications of sexual abuse by a church leader for the victim and the church are devastating. When the pastoral relationship is violated, the trust given to ministry is destroyed and the church is betrayed. Therefore, 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, as well as for the church as a whole.

## 1.2. Purpose of the Document

These procedures were provided to facilitate the handling of complaints made against office bearers (ministers, elders and deacons) and church workers in the Christian Reformed Churches of Australia and to allow for a clear statement of procedures to guide churches and people involved which will:

- give the churches clear steps to take so that abuse will not be covered up
- give confidence to the victim that the church will respond justly
- protect the victim from further abuse

They are intended to cover any allegations received after their adoption and for existing allegations to the extent deemed appropriate by the Safe Church Unit (SCU)/ Safe Church Advisory Committee and the local church council.

*Child Sexual Abuse:* It should be noted that allegations of child sexual abuse, where allegations are made regarding a minor, will, in the first instance, be referred directly to the state authorities, and where a state requires it, follow the Reportable Conduct Scheme requirements. These procedures are not designed to replace the role of the criminal justice system. Criminal conduct against children and young people are seen in these procedures as requiring mandatory reporting. The SCU can be consulted to assist churches and families in such instances as the authorities deal with the allegations of child sexual abuse. These procedures allow for cases of child sexual abuse to be reviewed should the state authorities have concluded their role. (See further Art 6.4 and 6.6)

## 1.3. Some Theological Perspectives

1. The Bible makes clear that all human beings, irrespective of age, gender, race or status, are made in God's image. That implies that there is an inherent dignity, bestowed by God on every person. This dignity, with its implied right to safety and respect, is made clear in Genesis 9:6: *"Whoever sheds the blood of a human, by a human shall that person's blood be shed; for in his own image God made humankind"*. In other words, lay the hand against another person and we lay the hand on God.

2. The Old Testament laws existed less to protect the privileges of the strong than to guarantee justice for the weak. The covenant code (Exodus 20:22 - 23:23) and the book of Deuteronomy contain specific legislation to ensure that the enslaved, the widowed, the

orphaned, the poor and the stranger were not exploited but, instead, were securely integrated into the life of Israel. To this list of vulnerable groups Jesus pointedly adds children. No fewer than five times throughout the gospels, Jesus warns that these "little ones" are God's special concern. Of those who cause them to stumble Jesus says, *"It would be better if a great millstone were fastened around your neck and you were drowned in the sea"* (Matthew 18:6).

3. The message of Jesus centred very strongly around love, justice and mercy. He came to give *"freedom to the captive, sight to the blind, and to release the oppressed"* (Lk 4:18).

4. Sexual abuse in the church should not be dealt with merely as a legal, psychological or political problem, but also as a theological matter. The church should respond not just because of the dictates of society, but taking up its prophetic stance, proclaiming the preciousness of God's image bearers, calling for repentance, faith and justice. This stance calls for:

- 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 survivors to move towards healing. Jesus continually broke the rules governing niceties, exclusivity and silence. Support and compassion can never be given in an atmosphere of silence, cover-up and denial.

5. The threefold steps of action detailed in Matthew 18:15-17 have been foundational for Christian discipline since New Testament times. The point of the 'brother' described in Matthew 18, in going to him who has offended, is to deal with a private matter privately and to settle it between the two of them. It is a gracious way of admonishing a brother, by giving him the chance to repent and maintain his 'honour'. It assumes parity between the two 'brothers' (i.e. there is not a 'power' differential) and that the offended brother is ready to forgive. And it remains between the two only. Once there is repentance and forgiveness it goes no further. If, however, the offender does not take this gracious opportunity to repent then one or two others are called in. They are not the equivalent of the one or two in 1 Timothy. There two or three should have witnessed the wrong. The one or two referred to here in Matthew 18 have not witnessed the wrong. It is, by definition, a private matter between the first two brothers. Their witness is to try and establish whether something occurred and to witness how the accused responds. Now, is it appropriate to use Matthew 18 in the case of sexual abuse? It must first be seen that this process is not for dealing with all sins. As John Calvin writes, *"But it may be asked whether this rule should be applied indiscriminately to any sort of sin. For there are many who allow no public censure until the sin has been admonished privately. For Christ's words contain a manifest limitation. He does not say that whoever without exception has sinned is to be warned and rebuked privately and without a witness; but he wants us to try this way when we have been offended privately, not indeed as our own affair, but because we should be smitten with sorrow whenever God is offended. Christ was not speaking of bearing injuries but teaching in general that kindness should be so cultivated among us that we do not destroy the weak, who ought to be saved, by treating them too harshly. Therefore, the phrase 'against you' does not indicate an injury done to a person but is a distinction between hidden and open sins. For if anyone sins against*

*the whole Church, Paul says he is to be publicly reprov'd, and that even elders are not to be spared.”* (Calvin’s Commentary on Matthew, Mark & Luke Volume II).

To argue that Matthew 18 should apply in cases of sexual abuse would go against the intent of Matthew 18. Sexual abuse committed by someone in authority in the church is mostly committed in secret, but it is a ‘sin against the whole church.’ It is a breaking of a sacred trust given by the church to care for those under its care. So, it is not something that can be dealt with privately between the two. Besides victims of sexual abuse often do not have parity with the offender, nor the preparedness to forgive, to be able to deal with it privately. That often comes later with counselling and healing.

The procedures of Matthew 18 require the accuser and the accused to meet face to face. An abused person is seldom able to encounter an abuser in this way. When the abused is forced to face one who has dealt so cruelly with them, the abused person feels like a victim once again. Because of this, abused people have been unwilling to come forward with their stories even though that means that an office bearer would continue to serve in a position of authority.

## **2. DEFINITIONS**

### **2.1. Sexual Abuse**

Sexual abuse is an umbrella term which may include legally defined criminal conduct (such as Child and Young Person Abuse, and Sexual Assault) as well as unlawful conduct such as sexual harassment which may lead to action by the Human Rights and Equal Opportunity Commission.

#### **2.1.1 Child and Young person Abuse**

Every state in Australia has legislation in place that specifies that it is a criminal offence for a person to intentionally take action resulting in:

- Physical injury or sexual abuse;
- Significant damage to the emotional or psychological development; or
- Significant harm to the physical development or health of a child (person under 16yrs) or young person (16-18yrs of age).

Child sexual abuse refers to a situation in which a person uses power or authority over a child to involve the child in sexual activity. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes the fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

#### **2.1.2 Sexual Harassment**

Sexual harassment covers a range of unwelcome, unsolicited, manipulative and unreciprocated behaviour towards another adult, which constitutes deliberate or intentional conduct of a sexual nature. It extends from unwelcome actions such as:

- obscene gestures, catcalls, wolf whistles, leering stares
- display of offensive pictures
- comments of a sexual nature
- implicit and explicit demands for sexual activity or suggestions for sexual activity
- physical contact such as patting or pinching or other more hostile contact.

Such conduct is unlawful and may be subject of action by the Human Rights and Equal Opportunity Commission or may even also constitute criminal offences.

#### **2.1.3 Sexual Assault and Indecent Assault.**

The crimes Act in every state in Australia provides serious penalties (up to 20 years imprisonment) for a series of criminal offences relating to sexual intercourse with adults and minors without consent. The highest penalties are provided where injury occurs, where the offender is in company, where the victim is under 16 yrs of age, has a physical or intellectual disability, or the offender is in a position of authority over the victim.

Sexual intercourse is defined to include:

- penetration of victim's vagina, mouth and / or anus with a penis or object.
- oral/ genital contact

The Crimes Act also provides for a range of offences related to indecent assault (short of intercourse) with penalties ranging up to 10yrs imprisonment.

Sexually abusive behaviour also applies to situations where the offender has a pastoral duty of care and the church member appears a willing participant (See 3.1)

## **2.2 Procedural Definitions**

### **Accused**

The office bearer or church worker of the Christian Reformed Churches of Australia against whom a complaint has been made.

### **Church Worker**

A member of the Christian Reformed Churches of Australia who is involved (mostly on a voluntary, sometimes paid, basis) in giving assistance in leadership in children's and youth ministries, pastoral care, or diaconal assistance. It includes the un-ordained denominational workers.

### **Complainant**

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

### **Complaint**

A complaint of sexual abuse / harassment made against an office bearer or church worker with regard to a person with whom the office bearer or church worker is in a pastoral or similar relationship, whether a regular member of the congregation or not.

### **Interviewing Committee**

A sub-committee of the Safe Church Unit/Safe Church Advisory Committee.

### **Mutual Resolution**

The resolution of a complaint (of sexual harassment of an adult) by a mutual arrangement to which the complainant and accused have genuinely agreed and which they accept as settling the complaint.

### **Offender**

The office bearer or church worker who has acknowledged or been convicted of the abuse / harassment.

### **Office bearer**

An office bearer is an ordained office bearer of the Christian Reformed Churches of Australia, holding the office of minister, elder or deacon.

### **Pastoral Relationship**

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

### **Safe Church Unit/Safe Church Advisory Committee**

The committee charged by the Synod to assist local church councils with the investigation and resolution of complaints of sexual abuse / harassment by office bearers or church workers in the Christian Reformed Churches.



### **Victim / Survivor**

The person who suffered the abuse. The term Survivor indicates that they are no longer in the abuse situation and may therefore regard themselves no longer a Victim but as one having survived the abuse.

## **3. ETHICAL PRINCIPLES & LEGAL IMPLICATIONS**

### **3.1. Power in Pastoral Relations**

Ministers especially, but also all office bearers and church workers, must be aware that their leadership position places them in a position of power in any relationship with members of their congregation. Sexual contact by an office bearer or church worker with a person with whom they are in a pastoral relationship is unethical and subject to church discipline.

In pastoral relationships the factors of power, trust and dependency 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 coerced and unable to withhold consent. Because the office bearer or church worker has the greater power and pastoral responsibility, the onus lies with them to guard the inter-personal boundary against sexual contact.

### **3.2. Need for Notification and Consultation**

Where an office bearer or a church worker becomes involved in sexually abusive behaviour, especially within the local church, immediate notification and consultation is essential. The matter must be referred to the local church council chairman (or the vice-chairman if the chairman is implicated) and the Safe Church Unit Facilitator. Failure to notify the church council or SCU when it is known that an office bearer or church worker is sexually abusing is to be regarded as a denial of the needs and rights of the victim and a neglect of Christian duty, which can itself become a matter of church discipline by the Session.

### **3.3. Legal Action**

In some cases, the action may be subject to civil or criminal law and could lead to court action. The test if the action is reportable to authorities should always be conducted first. However, there are cases that are not 'illegal', but which constitute a breach of pastoral trust and may be liable to church discipline.

### **3.4. Notification in Case of Minors**

Sexual contact with children under 16/18 years of age is illegal and the offender is accountable to criminal law. Age is dependent on state law. It is required by law that workers such as those employed in ministry with children and young people, must notify the relevant state authority wherever there are 'reasonable grounds' to suspect that a child has been sexually assaulted.

## **4. PRINCIPLES FOR DEVELOPMENT OF PROCEDURES**

### **4.1. Protection**

All care must be taken that the process of addressing a complaint of sexual abuse / harassment does not 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.

### **4.2. Privacy**

Every effort must be made to protect the privacy and confidentiality of all people involved. This shall not affect the right of the SCU, in dealing with a complaint, to co-opt assistance as it is deemed necessary or to make reports to such persons as this mandate requires.

Appropriate information about the outcome of a complaint may be made available, with due care, to the local congregation by the church council as it works in conjunction with the SCU process. The needs of the victim and any family (where the complaint is upheld), to be vindicated and supported by the church, should be of primary concern in determining the amount and type of information given. Likewise, if the office bearer or church worker was proved to be falsely accused, their need and that of any family member should be the prime consideration. 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. (Refer to the ‘Guidelines for dealing with a Person of Concern’.)

### **4.3. Common Principles of Justice**

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

1. That a person or body called on to investigate, mediate, determine or exercise discretion:
  - shall act fairly, in good faith, without bias and in a dispassionate manner
  - shall give each person the opportunity of adequately stating their case and correcting or contradicting any relevant statement prejudicial to the person's case
  - shall not receive information except as part of its investigation
2. 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.
3. That a person called upon to answer a complaint is entitled to know the particulars of the complaint being made.
4. That each party has the possibility to respond to statements made by the other.
5. That innocence is assumed until proven guilty - the burden of proof shall be ‘on the balance of probabilities’ (NB: there are several levels for the ‘burden of proof’: in criminal cases, something has to be proven ‘beyond all reasonable doubt’, but in civil cases, it only needs to be shown that on the ‘balance of probabilities’ it is so).
6. That not only must justice be done; it must be seen to be done to both the complainant and the accused.

Any member of the SCU or local church council who has a complaint made against them shall stand down until the matter is resolved. Relatives or close friends of the accused or the complainant shall not be involved in the proceedings.

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.

#### **4.4. Forgiveness and Reconciliation**

Forgiveness and reconciliation will be the desired aim of the SCU and local church council as they follow these procedures. These are at the heart of what it is to be Christ's church. As God has forgiven us through Christ and reconciled us to himself, so, we too, are called to be a forgiving people. Not only for the perpetrator, but also for the victim of sexual abuse, forgiveness granted at the appropriate time by the victim can bring deep healing.

The SCU and church council must be cautious, though, that forgiveness is, in fact, sought at the appropriate time. There must be no insistence on a premature or inappropriate forgiveness. This can be damaging to both the victim and the offender. Forgiveness is always to be freely given by the victim. It can never be demanded by the offender. To do so, the victim can feel that justice has not been done and that their complaints have not been taken seriously. The offender may never really be confronted with the depth of his offence.

The SCU and church council may need to come to terms with the fact that forgiveness may take a long time. While a relatively 'minor' case of sexual harassment between two adults might be resolved fairly quickly, sexual abuse of a child by an adult in authority can take years to completely resolve. The child often has little understanding of what has been done to them. It's often not till years later that the full effects come out as they mature sexually. If a child were made to say that they forgive, while they have little understanding of what that means and no freedom to grant it of their own accord, it could constitute further psychological abuse. Sexual abusers can be quick to say sorry. But genuine repentance often occurs only after long term counselling when they recognise their denials and minimalisation and truly face what they have done. Issues of forgiveness and reconciliation are often addressed, at the victim's request, in a later personal or pastoral setting.

Reconciliation does not necessarily imply a restoration of the situation as it was. Reconciliation is rather repentance on the part of the offender and the giving of forgiveness by the victim with the acceptance of forgiveness by the offender. Thus, a right relationship is restored rather than necessarily the original relationship. Further, a victim and offender may be reconciled, but the church council will still need to determine the suitability (if at all) of the offender for the office or position they held. If the offender was involved in child sexual abuse, that person will not be eligible for any leadership role within the church. Please refer the 'Guidelines for dealing with a Person of Concern' for more details.

#### **4.5. Local Church**

The local church council, as well as consulting with the SCU, may call upon the Classis Church Visitors to ensure that all reasonable steps are taken to provide adequate pastoral care for the congregation where an office bearer or church worker has had a complaint made

against them or has been disciplined for sexual abuse. This is especially so when the minister has been accused. Pastoral care in this instance is a matter of urgency.

Depending on the seriousness of the situation and the cooperation of the church concerned, it may be appropriate for pastoral support 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.

## **5. DENOMINATIONAL STRUCTURES**

### **5.1. The Safe Church Unit/ Safe Church Advisory Committee (SCU)**

The SCU is a Synod appointed committee responsible and accountable to the Synod working in a similar manner to the Church Visitors or Synodical Deputies (Church Order Art 45 & 51). The details of their appointment and mandate are found in the 'CRCA Safe Church Unit Mandate'.

The role of the SCU is:

- i. to investigate the complaint received directly from the complainant or via the local church council
- ii. to work together with the local church council throughout the process
- iii. together with the local church council, to facilitate a resolution with sensitivity, compassion and pastoral care, to all parties concerned, including the local church

### **5.2 Support**

#### **5.2.1. Support Person**

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 support person needs to be capable of providing appropriate emotional, non-judgmental support at the time.

#### **5.2.2. Financial Support**

If the complaint is upheld, consideration shall be given by the local church council (e.g., via its diaconal resources) to assist in the payment of the Complainant's therapy costs that relate specifically to the sexual abuse by the office bearer or church worker. If the complaint is shown to be false, consideration shall be given by the church council to assist in the payment of the Accused's therapy or counselling costs in relation to the accusation and its consequences.

### **5.3 Records of Complaints**

To preserve confidentiality all records of complaints shall be stored in a locked filing cabinet. Only the Synodical Interim Committee and the SCU shall have access to these records as is appropriate.

## **6. PROCESS & 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.

### **6.1. Making a Complaint**

Anyone who wishes to make a complaint of sexual abuse by an office bearer or church worker may do so verbally or in writing to the SCU Facilitator. The Facilitator after having received the verbal or written report, must establish if the report is of a criminal nature and if so must verify that the complaint has been reported to state authorities. If this has not been done, the Facilitator must instruct the complainant to report to the state authorities. If the complaint comes under the mandate of the SCU and is made verbally, in the first instance, the complaint should be provided in writing as soon as reasonably possible. The complaint must be signed.

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. Should the victim be uncontactable or not willing or able to be involved, any dealing with the local church will need to take this into account.

### **6.2. Rumours**

Where a complaint against an office bearer or church worker has not been made formally but has come to the notice of the local church council in the form of hearsay or rumour, they are advised to inquire into the accusation with a view to establishing whether there is any foundation to the rumour.

If, after inquiry, there are reasonable grounds for considering that a case exists against an office bearer or church worker, the local church council together with the SCU shall ensure that the accusations are pursued according to procedure. If, after inquiry, there is no reason to support the accusations, the church council and the SCU shall take all reasonable steps to ensure that the office bearer's or church worker's name is cleared, and that the person, their family members and the local church receive any assistance needed.

### **6.3. Receiving and Investigating A Complaint**

1. At the earliest time possible of the receipt of a complaint by the SCU Facilitator the complaint, together with all relevant information, shall be referred the Safe Church Advisory

Committee Panel of Reference (see SCU Mandate). The SCU Facilitator will advise the local church council chairman at the earliest opportunity.

2. If a report has been made to the state authorities, these state authorities will commence their own investigation. The process below should only proceed once the state authorities have completed their investigation and have decided they will not proceed with the case.

3. As soon as possible after receiving notice of a complaint, the Facilitator of the Safe Church Unit will inform the Chairperson of the Safe Church Advisory Committee. The committee will follow its process as outlined in the SCU Procedure and Practice Manual once it has received a written statement from the Complainant.

4. As soon as possible after receiving the complaint, the Chairperson of the Safe Church Advisory Committee shall inform the Accused of the complaint, preferably in person or by telephone. This should take the form of a letter presented during the interview outlining the nature of the complaint, including quotes from the written complaint if necessary. **A copy of the Complainant's letter is on no account to be given to the Accused.**

5. The ensuing process will differ depending on the Accused's acknowledgement of the offence or otherwise and the severity of the offence if it is deemed to have taken place. If there is no admission of an offence or there is 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 members of the church council.

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

6. As soon as possible after the complaint has been received, the SCU will consult with the local church council who will ensure appropriate pastoral care for the Complainant and any family members. It is at this stage of the process that the Complainant is particularly vulnerable in the local church context. If the Accused is an office bearer or church worker, the church council, and minister in particular, frequently experiences a conflict of interest in the pastoral care of both parties. The SCU with the support of Classis Church Visitors can provide valuable assistance to those ministering 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.

7. As soon as possible after the complaint has been received the SCU will consult with the local church council who 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. The church council will ensure that the usual stipend and housing provision is provided in the case where the minister is suspended from office for the duration of the enquiry.

8. If the Accused is married, they are to inform their spouse of the allegations made. Should the Accused refuse to do this, the SCU may choose to inform the spouse. As with the Complainant, issues of confidentiality will need to be clearly defined for the Accused during the initial interview and throughout the process.

9. The local church council should be kept informed of the findings of the SCU so that it may exercise the necessary pastoral care and appropriately deal with the office bearer or church worker who has been accused.

#### **6.4. Complaints by Minors**

If a child under the age of 16 (or 18 in some states) discloses sexual abuse by an office bearer or church worker, the mandatory reporting process should be adhered to.

Since there is the risk of contaminating the child's evidence for court proceedings, any investigation in relation to alleged or suspected abuse must be done by the state authorities in the first instance. Any SCU procedures which involve the victim can only take place following completion of the investigations by the state authorities.

In all cases (except where the parent or guardian is believed to be responsible) the child's parent(s) or guardian(s) shall be notified as a matter of priority, but preferably in consultation with investigating police or State Welfare Services workers. Further, the parents are to be kept informed promptly of any steps taken in dealing with the complaint.

Children under the age of sixteen 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 to the SCU and generally carry out such functions as are necessary for the processing of the complaint. If the victim is an older child and requests to be present for part or all of the proceedings, this should be carefully assessed and agreed to where possible and appropriate.

#### **6.5. Resolution and Outcomes of Complaints**

The initial assessment/adjudication of a complaint and possible discipline outcomes lie with the local church council, as per the CRCA governance structure (and possibly later concurrence with a neighbouring church council or Classis) (Church Order Art.80-84). However, in circumstances where members of the local church council need to withdraw from church council making the adjudication due to conflicts of interest (C.f. Art 4.3.2) it may be necessary to seek assistance from a neighbouring church council and/or the Church Visitors of Classis.

The aim of SCU assisting Sessions with complaints against office bearers and church workers is to ensure, not only accountability and objectivity in investigating complaints, and ensuring appropriate pastoral care for all parties during the process, but also that appropriate and just outcomes are achieved.

The three possible findings of the SCU and the church council are:

1. dismissal of the complaint because it was found to be false
2. unable to make a ruling
3. upholding the accusation

The possible outcomes of a complaint include, but are not limited to, the following:

- a warning to the accused
- a written explanation to the Complainant
- a written explanation to the local congregation, where appropriate

- acknowledgement 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 agreement to acquaint any future employer for ministry of the offence and its outcome
- the offender's deposition from office, or removal from their position (Synod 2018 determined that an offender is not to be allowed to resign. Their offence needs to be clearly determined and disciplinary steps taken.)
- financial contribution by the offender and/or local church towards counselling / therapy costs of the complainant

A number of these possible outcomes together may be considered necessary for finalising the complaint. At the conclusion of the process letters confirming the outcome will be sent to the Accused and the Complainant and placed on file with the SCU. In most states, the state government must be advised that discipline has been applied against an office bearer, including the issuer of Working With Children's Check Cards.

#### **6.5.1. Mutual resolution (for minor complaints)**

1. Discussion will need to take place within the SCU to determine whether action sought by the Complainant, the Accused, or recommended by the SCU subcommittee, 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 SCU (or before the correct complaint procedure is completed). The SCU may call on the services of a trained counsellor, with knowledge of sexual abuse issues, to facilitate 'mutual resolution' where this is indicated. In endeavouring to find a mutual resolution, the SCU or the counsellor may interview the people involved separately to assist in resolving the complaint.

2. 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. Both the Complainant and the Accused shall be given a written form of the proposal within 48 hours of the meeting.

#### **6.5.2. Restitution**

A number of 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 and naming the offence and validating their complaint by the minister or Clerk of the local church council
- a letter acknowledging the abuse and an apology by the offender
- part or full payment of therapy/ counselling costs.

Any attempt at symbolic and/or practical restitution needs to suit the victim's / survivor's expressed needs and must not be imposed.



### **6.5.3. Lack of Resolution**

1. Where the Complainant or the Accused cannot agree to the action proposed by the other or the SCU, the matter is considered not to be resolved. If the SCU believes the complaints warrant further action, the matter should be referred to the Accused's supervising church council as soon as possible, to deal with the matter according to the Church Order and the Synodical decisions of the CRCA.

2. The Complainant or the Accused may appeal against a decision or the behaviour of the SCU to the Moderamen of Classis who shall appoint a committee of three persons not involved in the matter and including members of each sex to determine the matter. This committee may direct that the complaint be further dealt with or dismiss the appeal.

### **6.6. Legal Proceedings**

1. In the event that criminal or civil legal proceedings are commenced by the Complainant, the SCU may be contacted to arrange for support, if required. If a complaint is active within the procedures of the SCU or the Christian Reformed Churches, the final resolution of the complaint shall be deferred until completion of the legal proceedings. The local church council, in consultation with the SCU will need to consider in light of the information at hand to:

- take no further action until more information becomes available
- limit the contact between the Accused and the Complainant and/or limit the contact between the Accused and any children in the congregation
- suspend the Accused from office, position, or duty pending the outcome of the investigation. Suspension does not remove the presumption of innocence (Church Order Art 80).

2. Once legal proceedings have concluded, the local church council, in consultation with the SCU, will revisit the complaint. This should occur whether the result is conviction, acquittal or dropped charges. Conviction or lack of it is not the only criterion to discern 'ungodly conduct'. An Accused who has been suspended should not be reinstated until the church council, in consultation with the SCU and any state authority involved, deems it safe to do so.

### **6.7. Pastoral Care of Churches**

1. The SCU shall consult with the church council of the congregation where an office bearer, especially the minister, 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.

2. Options for pastoral care of the church affected include, but are not limited to, the following:

- a meeting of the SCU and the Classis Church Visitors with the church council to open up the matter and discuss the needs of all concerned
- a request by the church council 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.

3. It needs to be recognised that a complaint of sexual abuse or harassment against an office bearer or church worker precipitates a crisis in that church, which if responded to appropriately, may result in spiritual growth. If the matter is not addressed according to common principles of justice and a compassionate regard for the truth, the church, like the victim / survivor, may suffer for years to come.

### **6.8. Following Up Offenders**

1. The church has a responsibility of not only addressing 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. Therefore, the local church council must give careful consideration as to whether an offender is a 'Person of Concern'. A 'Person of Concern' is a person who has been convicted of or is alleged (pending charges) to have committed, a sexual offence or has been released into the community after a period of imprisonment for sexual offences. (Refer to CRCA 'Guidelines for dealing with Persons of Concern'). Where Session deems it safe for an offender to attend worship and being part of a church fellowship, following repentance and discipline, 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.

2. Many offenders change churches and denominations following allegations of abuse which led to their confession or discovery, thus avoiding exposure and discipline. Where this is the case, the SCU recommends that letters by the minister of the church where the offence(s) took place and by the SCU be sent advising the minister and Session of the new congregation of the nature of the offence(s) and the possible risk 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 the offender being involved with a community organisation such as the Scouts, officials in the organisation may need to be informed.

### **6.9. Rehabilitation of Offenders**

1. 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 disciplinary measures imposed, and can benefit from extensive therapy. Serial offenders who look for opportunities for sexual contact and 'groom' their victims over a period of time appear not to benefit from, or engage actively, in the steps required for rehabilitation.

2. Decisions with regard to discipline and rehabilitation belong to the church council as per the CRCA Church Order. The SCU is not directly involved in matters of discipline or rehabilitation but can act in an advisory capacity.

## **7. REVIEW**

These procedures have been reviewed in the light of the appointment of the Safe Church Unit at the CRCA Synod 2021. They are subject to review by Synod and by the SCU to take into account changes in government legislation. Changes in these procedures by the SCU during an inter-synodical period are to be confirmed by the Synodical Interim Committee. Any questions regarding this protocol should be directed to the SCU Facilitator.

## **8. APPENDICES**

### **8.1. Dos and Don'ts for Session, Classis and SCU members**

#### **8.1.1. DOs**

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

DO respect the fundamental rights of Complainants of sexual abuse:

- to be taken seriously;
- to be treated with dignity, respect, sensitivity and understanding;
- to be given information;
- to retain control in their part of the process;
- to have privacy and confidentiality;
- to be provided with a proper standard of medical treatment;
- to receive professional counselling or therapy;
- to seek justice through the legal system;
- to be compensated through the Victims Compensation Tribunal, if the respondent is found guilty.

DO remember that, if a person has been made the victim of injustice, if not a crime, they have a 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 - stressing again 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 the spouse and children of the Accused are given appropriate support and help.

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

DO present the Complainant with the appropriate options that are available to them and explain the options clearly. Provide information about the support structures that are available within and outside the church. Let the Complainant choose the next step in consultation with advisors and supporters, wherever possible.

DO consult the Complainant at every step in the process and check whether suggested measures or decisions are in accordance with their wishes. (This does not mean that the church may not proceed with the complaint if the Complainant does not consent.)

DO listen to the Complainant, take seriously what she/he has to say and take action on the complaint. Especially where the victim is (was) a child, assure her/him that she/he is not to blame for what happened. "The crisis of sexual abuse affects the whole person, physically, psychologically, socially and spiritually. Each of these dimensions must be addressed, both for the victim (and possibly their family), and also for the offenders." [Cf "For Justice and Healing", 3.3.4(1)]

DO ensure that appropriate support is provided, both from within and outside the church (have local information available).

DO ensure that congregations have quick and appropriate support and pastoral care.

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

DO have available a state-specific list of rape crisis centres, medical and legal care / advocacy, counselling agencies, psychologists or psychiatrists, refuges, women's resource centres, respite care places where children can go.

### **8.1.2. DON'Ts**

DON'T indulge in misconceptions commonly surrounding sexual abuse (see 8.2.).

DON'T play down the seriousness of sexual abuse. Phrases like "boys will be boys" or "men like playing around" or "he's a bit of a womaniser" are often used to cover behaviour that is clearly unacceptable and wrong. Other forms of sexual abuse besides actual penetration are also criminal offences.

DON'T think sexual abuse is an act of sex! It isn't! It is an act of violence! External factors may be triggering mechanisms (alcohol, stress, unhappy marriage) but they should not lead to avoiding the real issue, i.e., the offender's behaviour and their failure to take responsibility for their actions.

DON'T think that sexual abuse only affects a person's body and has no effect on how they feel emotionally or spiritually. Sexual abuse invariably results in the victim experiencing feelings of powerlessness, vulnerability and self negation. It must be acknowledged that sexual abuse is an attack on the very essence of a person, and so limits their spiritual

development. 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.

DON'T be satisfied with 'approximate justice' (the 'healing-wounds-lightly' approach Jeremiah 6:14 talks about). It is all too tempting to let ministers off lightly because their career could be in jeopardy, or they stand to lose their credibility and standing in the church and in the wider community. 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.

DON'T underrate the power of the pastoral role. All ministers have the advantages of being professionals and of the respect ascribed to them by virtue of their ordination. Male ministers have the added advantages that are inherent in being males, operating in a male oriented environment.

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 them 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!

## **8.2. Current Misconceptions**

There are some commonly held misconceptions about sexual abuse and sexual harassment that 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. Some pervasive misconceptions follow.

Misconception:

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

Fact: Sexual abuse is a frightening and humiliating experience during which a woman has no control over what happens. No one enjoys or asks for such an experience. All women are vulnerable to abuse, regardless of age, race, attractiveness or style.

Misconception:

*"Nice, decent women don't get abused."*

Fact: Being a "good Christian woman" is no guarantee against sexual abuse; 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 their violence and their sexual urges. Studies have shown 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 sex.

Misconception:

*"Mutual masturbation is a normal part of 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 and wimps."*

Fact: In the same way as any man can be the subject of physical violence, any man can also be the subject of sexual violence. This has nothing to do with sexual preferences 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 sex.

Misconception:

*"A Christian minister would never sexually abuse another human being, let alone a person in the church."*

Fact: Many denominations in Australia have had to face cases of 'clergy sexual abuse'. 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 between adults.

Because of these misconceptions the blame for sexual abuse has been shifted from the offender to the victim / survivor. Victims / survivors have often not told anyone about the abuse because they were scared, ashamed and embarrassed. When they did speak up, they were frequently not believed, discounted or held responsible and rejected by their local church. As a result, the real extent of the problem has not been recognised. Men have also found themselves in this position.

In many ways the church has compounded this situation and prevented justice from being done by:

- being reluctant to deal with sensitive issues like sexuality;
- being unwilling to face up to the reality of 'clergy sexual abuse';
- continuing patriarchal / hierarchical patterns of power by not believing / listening to victims' complaints and stories of sexual abuse perpetrated by ministers;
- grossly mishandling sexual abuse cases when they were actually forced to deal with them (for instance, by exercising pressure on the Complainant to drop the charges; by allowing ministers to resign to avoid having the charges heard; or simply moving the minister to another church).

[Adapted from "A Pastoral Report to the Church on Sexual Violence against Women and Children of the Church Community", CASA House and The Royal Women's Hospital, Melbourne, 1990, pp 11-12. Used with permission.]

### 8.3. Source Documents and References

The following sources were referred to in the development of this document:

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