

## DISCIPLINE SCENARIOS

### Scenario 1

A Church Council establishes a task group of three (3) persons (who are members of the Congregation, but are not on the Church Council) to look into a particular issue and report back to the Council with its findings and recommendations. For this purpose, the task group consults with those who it considers to have an interest in that issue.

A member of the Congregation (the Complainant) feels aggrieved by their interaction with the task group because the member believes that the task group was not genuinely interested in the member's view on the issue and was simply going through the motions of appearing to consult, without actually engaging in meaningful consultation. This belief is based upon a comment made by one member of the task group to the Complainant that, regardless of what the Complainant said, the outcome had already been decided.

The Complainant lodges a complaint against each of the three members of the task group. How should this complaint be dealt with?

### Answer

There are two options as to how this complaint could be dealt with.

#### Option 1

As none of the members of the task group are members of the Church Council, such complaint could be dealt with pursuant to Regulation 5.2.1 (a) – i.e. the complaint is made to the Church Council.

#### Option 2

The complaint is about the conduct of one member of a task group appointed by the Church Council pursuant to Regulation 3.7.1.

A "task group" is a "body as referred to in Part 3.7": Reg. 5.1, definition of "Office holder".

Regulation 5.3.1 provides that a complaint against an office holder should be made to the appointing body. In this case, the appointing body is the Church Council.

In either case, the Church Council would attempt to restore the affected relationships and resolve the complaint amicably, either pursuant to Reg. 5.2.1(c) (Option 1) or Reg. 5.3.4 (Option 2).

In cases where the Respondent's membership is suspended or cancelled, the member must be notified in writing of any such action and a copy of that notification must be provided to the Presbytery and Synod in accordance with Regulation 5.2.2.(b).

## **Scenario 2**

A Church Council establishes a task group of three (3) persons (two (2) of whom are members of the Congregation and one is on the Church Council) to look into a particular issue and report back to the Council with its findings and recommendations. For this purpose, the task group consults with those who it considers to have an interest in that issue.

A member of the Congregation (the Complainant) feels aggrieved by their interaction with the task group because the member believes that the task group was not genuinely interested in the member's view on the issue and was simply going through the motions of appearing to consult, without actually engaging in meaningful consultation. This belief is based upon a comment made by one member of the task group to the Complainant that, regardless of what the Complainant said, the outcome had already been decided.

The Complainant lodges a complaint against each of the three members of the task group. How should this complaint be dealt with?

### **Answer**

As the complaint includes a complaint against a member who is on the Church Council, the complaints against those three members must be made to the Presbytery in accordance with Reg. 5.2.1(b). Presbytery must give a copy of the complaint to the Church Council.

If the Complainant made their complaint directly to the Church Council, the Church Council must refer the complaint to the Presbytery in accordance with Reg. 5.2.1(e)(ii).

Presbytery must then deal with the complaint and, pending any determination by the Presbytery that finally disposes of the complaint, the Church Council may:

- (i) suspend that member's membership on such terms and conditions and for such time as the Council sees fit; or
- (ii) suspend that member from their office as a Councillor.

Presbytery should endeavour by visitation, pastoral care or guidance to restore the relationship of the member to the life of the Church. If the member declines to renew a satisfactory relationship with the life of the Church, Presbytery has the powers set out in Reg. 5.2.1(f) to deal with the matter.

In cases where Presbytery removes the Councillor from office, suspends a member's membership, or directs that that member's name be removed from the Roll, Presbytery must notify the Church Council and the member in writing of any such action and the Church Council must give effect to Presbytery's determinations.

### **Scenario 3**

A member makes a complaint about the conduct of a Minister that is allegedly in breach of a process set out in the Manual of Meetings. The alleged conduct does not breach the Regulations, Synod by-laws, Presbytery rules or Code of Ethics and Ministry Practice.

How should such complaint be dealt with?

#### **Answer**

A complaint against a Minister must be made to the relevant Presbytery in accordance with Reg.5.4.1.

Presbytery is primarily responsible for dealing with the complaint: Reg. 5.4.2.

Such a complaint would not meet the definition of a “complaint” as set out in Reg. 5.1

According to that definition, such a complaint must identify conduct that breaches the Regulations, by-laws, rules, or Code of Ethics and Ministry Practice. As the conduct does not satisfy this definition, it would need to be dismissed by Presbytery. The conduct would need to be addressed through informal means.

### **Scenario 4**

A complaint is made against a member of a Presbytery (the Respondent), in their capacity as a member of Presbytery. The complaint relates to the conduct of the Respondent whilst attending a Presbytery meeting.

The Respondent was elected to that Presbytery by their Congregation, in accordance with Reg. 3.3.4(d)(i).

How should such complaint be dealt with?

#### **Answer**

A complaint against such a member must be made to the Respondent’s Church Council in accordance with Reg. 5.2.1(a).

Whilst some may consider the Respondent should answer to the Presbytery, the Respondent is not an “Office holder” as defined in Reg. 5.1. That term is defined as meaning, so far as is relevant, a member of Presbytery who holds the office of Chairperson, Secretary or Treasurer. It does not extend to a confirmed lay member elected by a Congregation under Reg. 3.3.4(d)(i).

Further, the term “Office holder” is defined to include “any person appointed to any other body as referred to in Part 3.7”. The Respondent is not such a person.

The Church Council would attempt to restore the affected relationships and resolve the complaint amicably pursuant to Reg. 5.2.1(c).

### **Scenario 5**

A complaint is made against the Treasurer of a Presbytery (the Respondent), for conduct in their capacity as the Presbytery's Treasurer.

The Respondent was appointed Treasurer in accordance with Reg. 3.6.2(i).

How should such complaint be dealt with?

### **Answer**

A complaint against such a member must be made to the Presbytery in accordance with Reg. 5.3.2(a).

The Respondent is an "Office holder" as defined in Reg. 5.1. That term is defined as meaning, so far as is relevant, a member of Presbytery who holds the office of Chairperson, Secretary or Treasurer.

The Presbytery should deal with the complaint by visitation, pastoral counselling or guidance with a view to restoration of the affected relationships and the amicable resolution of the complaint in accordance with Regulation 5.3.4(a).

Presbytery has the powers as set out in Regulation 5.3.5 in resolving the complaint.

Presbytery must notify in writing of any such action taken to the Complainant, Respondent, any relevant Presbytery, Church Council, the Placements Committee in the case of Ministers, and Synod in accordance with Regulation 5.3.6.

### **Scenario 6**

A Presbytery receives a written complaint against a Minister that contains allegations of specific conduct on the part of the Minister that amounts to spiritual abuse and use of obscene and offensive language.

The written complaint also contains bare statements by the Complainant that the Minister is a liar, a bully, hypocritical and should not be allowed to remain a Minister of the Church.

How should such a complaint be dealt with?

### **Answer**

Such a complaint must be made to the Chairperson of the Presbytery in accordance with Reg. 5.4.1 and Presbytery is to deal with the complaint: Regulation 5.4.2.

Presbytery should ask the Complainant to explain the factual basis for their view the Minister is a liar, bully and hypocritical.

Assuming the Complainant advises the only conduct complained about is the specific conduct that amounts to spiritual abuse and use of obscene and offensive language, the Presbytery can determine to only send the specific allegations to the Minister and decide not to send the entire complaint as received, as sending the entire complaint may be considered counterproductive.

Presbytery has the powers as set out in Regulation 5.4.2 to deal with the complaint.

Presbytery must notify in writing of any action taken to the Complainant, Respondent, the Placements Committee and Synod in accordance with Regulation 5.4.2A.

### **Scenario 7**

A Presbytery receives a second written complaint against a Minister that contains the same allegations made by the same Complainant after that Complainant's first complaint was finalized by Presbytery, but not to the Complainant's satisfaction.

How should such a complaint be dealt with?

### **Answer**

A complaint against a Minister is made to the Chairperson of the relevant Presbytery in accordance with Regulation 5.4.1. Presbytery is required to deal with the complaint: Regulation 5.4.2.

The Presbytery can determine to dismiss the complaint and take no further action, including not even advising the Minister of the receipt of the second complaint in accordance with Regulation 5.4.2(h) and the definition of "deal with" in Regulation 5.1.

Presbytery must notify in writing of any action taken to the Complainant, Respondent, the Placements Committee and Synod in accordance with Regulation 5.4.2A.

### **Scenario 8**

A complaint is made against certain members of the Synod Standing Committee (SSC), namely, the Moderator, the Secretary, Synod elected members and co-opted members appointed by the Standing Committee. The complaint relates to those persons' conduct in their capacity as members of the Synod Standing Committee.

How should such a complaint be dealt with?

## **Answer**

Here, the complaint is against a number of “office holders” and, therefore, should be dealt with under Part 5.3.

Further, there are two (2) appointing bodies.

The Moderator and Secretary are, by force of Regulation 3.7.4.1(a)(i), ex-officio members of the SSC. The co-opted members are appointed by the Synod Standing Committee.

As Synod elects the Moderator (Regulation 3.6.3.1), appoints the Secretary (Regulation 3.6.3.3(a)), and elected the members to the Standing Committee (Regulation 3.7.4.1(a)(iii)), then, despite the fact the Standing Committee appointed the co-opted members, such a complaint should be dealt with by the Synod in accordance with Regulation 5.3.2(b).

Synod should deal with the complaint by visitation, pastoral counselling or guidance with a view to restoration of the affected relationships and the amicable resolution of the complaint in accordance with Regulation 5.3.4(a).

Synod has the powers as set out in Regulation 5.3.5 in resolving the complaint.

Synod must notify in writing of any such action taken to the Complainant, Respondent, any relevant Presbytery, Church Council, and the Placements Committee in the case of Ministers, in accordance with Regulation 5.3.6.

## **Scenario 9**

A complaint is made by three (3) elderly members of a Congregation against their Minister alleging that over a period of twelve (12) months, each Complainant was approached by their Minister who sought to, and did, obtain an unsecured loan of \$30,000 from each of them for the purpose of developing a parcel of land the Minister had recently inherited.

The Minister had been in the placement for 7 years and had developed strong pastoral relationships with each Complainant.

The Minister advised each Complainant that they would receive a return of their investment capital together with an additional 15% within twelve (12) months, as his development application (DA) had been approved by the local Council and he simply required the funds to carry out the subdivision of the land. The fact was, no such approval had been given by the local Council and, ultimately the Council refused the DA.

The Minister, after being informed by the local Council that his DA had been refused, advised the Complainants his DA was still progressing through various stages with the local Council.

How should such a complaint be dealt with?

**Answer**

A complaint against a Minister is made to the Chairperson of the relevant Presbytery in accordance with Regulation 5.4.1.

Here, the complaint alleges conduct as referred to in Regulation 5.7.2(a) to (e) that, if substantiated, would warrant the recognition of the Minister being withdrawn. In such a case, the Presbytery Chairperson is to refer the complaint to the Moderator in accordance with Regulation 5.4.1(b).

The Moderator would need to consider whether to stand the Minister aside pursuant to Regulation 5.7.5(a) and could direct the Secretary to make a complaint to the Committee for Discipline pursuant to Regulation 5.7.5(c)(iii).