Baptist Union of New Zealand Serious Misconduct Process Policy

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1. Introduction

As a Union of churches ensuring our churches are places of safety for all people, especially the most vulnerable, is a core value. To that end, our churches are expected to have robust safety policies and processes in place. They are also expected to ensure that their pastors know about, have received training in, and implement these policies and practices.

There are, however, times when, regardless of these safety practices and robust policies, misconduct occurs. The Serious Misconduct Process is designed for use in these circumstances.

2. Purpose

The purpose of the Serious Misconduct Process is to ensure a fair and robust process is followed in relation to allegations of serious misconduct against pastoral staff in Baptist Union of New Zealand (BUNZ) churches, so that the BUNZ can make an informed decision in relation to maintenance of the Official List and Baptist Registration.

3. Scope

The Serious Misconduct Process is used when allegations of serious misconduct are made against pastoral staff in a Baptist Union of New Zealand church.

Pastoral staff are those called or employed by a church primarily to: (a) provide leadership (either alone or as part of a team), and (b) to minister within, or on behalf of, or to, a Baptist faith community.

This process does not cover other paid staff, volunteers, or congregants, all of whom are managed by the local church. This process sits alongside the Baptist Union of New Zealand Safe People, Safe Places Complaints Process.

For information on how disclosures can be made see the Baptist Union of New Zealand Safe People, Safe Places Complaints Process.

The Serious Misconduct Process is designed to address allegations of serious misconduct and decide consequences (if appropriate) for the respondent. The process has a narrow focus. The Serious Misconduct Process does not therefore include support for the victim/s. Support for both the victim/s and the respondent is the responsibility of the local church, in consultation with the Regional Leader, and with support, as needed, from the National Support Centre. Where it is unsuitable for the local church to provide the support, the Regional Association will assist.

4. Definitions

Accreditation – the formal recogniton given to ministers who completed theological training at Carey Baptist College prior to 1996.

National Council – the governing body of the Baptist Union of New Zealand. The members of the National Council are elected at the annual National Hui of the Baptist Union of New Zealand.

Baptist Registration – the yearly system under which Baptist pastors and leaders are registered.

National Support Centre – the Auckland based office where BUNZ national staff work.

Natural Justice – requires that the procedure for making a decision be objective and transparent, that the respondent be given the opportunity to respond and be heard, that the decision makers take into account all relevent considerations and no irrelevant considerations and that the decision be made without bias.

Regional Association and Regional Leader – the BUNZ is divided into 6 regions, each with a locally funded Association and fulltime Regional Leader charged with supporting local churches and pastors in their regions.

Respondent – the pastoral staff member who is subject to the complaint or allegation.

The Official List – the list of those ministering within, or on behalf of, a Baptist faith community or entity. This list is a Constitutional requirement. The List is comprised of the following:

1. Registered Pastors and Accredited Ministers
2. Unregistered Pastors
3. Retired Accredited Ministers
4. Other Registered Leaders

5. The Serious Misconduct Process

5.1. Receiving a Complaint

5.1.1. The National Support Centre Complaints Team are made aware of an allegation of serious misconduct by a pastoral staff member of a Baptist church, for example, by:

(a) Email to complaints@baptist.org.nz
(b) Regional Leader notification
(c) Church notification
(d) Victim disclosure/notification
(e) Disclosure/confession by perpetrator

5.2. Serious Misconduct Defined

Serious misconduct deeply impairs the trust in the relationship between the pastoral staff and the church. For the purpose of this process, serious misconduct is:

5.2.1. Any conduct that could amount to criminal activity, for example, sexual abuse, assault, domestic violence, grooming children.
5.2.2. Sexual misconduct [which may be consensual, but unethical, for example, having an affair]
5.2.3. Serious financial mismanagement
5.2.4. Serious bullying and ongoing harassment.
5.2.5. Inappropriate physical contact, including sexual contact
5.2.6. Serious or sustained spiritual abuse, which means the mistreatment of a person by actions or threats when justified by appeal to God, the Bible, faith, or religion. It is characterised by a systemic pattern of coercive and controlling behaviour in a religious context, and may include:

(a) using a position of spiritual authority to dominate, control, exploit or manipulate another person or group,
(b) using a position of spiritual authority to seek inappropriate deference from others,
(c) isolating a person from friends and family members, and using biblical or religious terminology to justify other forms of abuse.

5.3. Reporting Requirements

5.3.1. Churches will be required to report to the National Support Centre Complaints Team:

(a) Any new allegations of serious misconduct against, or confessions of serious misconduct by, pastoral staff (historic or current) as soon as they are made;
(b) Any resignations by pastoral staff following an allegation or confession of serious misconduct;
(c) Any dismissals of pastoral staff for serious misconduct.

5.4. Serious Misconduct vs Misconduct

5.4.1. If the National Support Centre Complaints Team receives an allegation of serious misconduct against a pastoral staff member, this will trigger the Serious Misconduct Process (set out below). Allegations of serious misconduct against volunteers or non-pastoral staff, and all allegations of misconduct (that do not fall into the definition of serious misconduct above) will continue to be dealt with by the local church, with support from the Regional Leader and the National Support Centre as set out in the Baptist Union of New Zealand Safe People, Safe Places Complaints Process.

5.5. The Investigation Process

5.5.1. The Serious Misconduct Process involves:

(a) Initial triage of the allegation of serious misconduct by the National Support Centre, a representative of the local church and an external advisor, then, as agreed by the local church and the National Support Centre, this is to be followed by;
(b) An independent investigation being conducted into the facts (if they are not accepted by the respondent); and
(c) A decision made regarding censure of the respondent, by an appropriate panel.

5.5.2. The Serious Misconduct Process will be managed by the Serious Misconduct Panel. The Serious Misconduct Panel will be appointed by National Council and have delegated authority to make decisions on behalf of National Council. The Serious Misconduct Panel will be appointed for each investigation and be made up of a minimum of 3 and a maximum of 5 people. It will include both men and women. The Serious Misconduct Panel will always include a representative from National Council (the Panel Chair), with the remaining members of the Serious Misconduct Panel being made up from some or all of the following:

(a) An appropriately experienced Baptist pastoral leader
(b) A professional with relevant expertise in the field of the alleged serious misconduct
(c) An appropriate representative from another denomination
(d) A representative from the local church (or the local region, if no church representative is available).

5.5.3. Contextual considerations, including cultural, will be taken into account when determining Serious Misconduct Panel members for each matter. Further, before accepting appointment to the Serious Misconduct Panel, potential panel members will determine whether they have a conflict of interest they need to declare, and if they declare a conflict of interest that cannot be managed, they will recuse themselves.

5.5.4. The Serious Misconduct Panel (with advice as necessary) will decide:

Is an investigation required?

(a) If no, the Serious Misconduct Panel will:
- Decide on appropriate next steps that are in line with natural justice[1], and how to undertake the same.

(b) If yes, the Serious Misconduct Panel will:
- Construct a terms of reference
- Direct the local church leadership to appoint an independent investigator, who together they will approve
- Approve the terms of reference for the investigation, including providing the same to the respondent
- Receive the investigator's report
- Ensure that the victim/s and the respondent are kept informed of the process
- Conduct the above steps in line with natural justice

5.5.5. **Note:** The contractual arrangements for pastoral staff are between the staff member and the church – either by way of an employment agreement or terms of call. The Baptist Union of New Zealand recommends that a church takes legal advice and stands their pastor down from duties (suspends them), following a fair process, if they are being investigated for, or have confessed to, allegations of serious misconduct, whilst the process is ongoing.

5.5.6. The investigator will provide their report, setting out their findings of fact, to the Serious Misconduct Panel. The Serious Misconduct Panel will decide when it is helpful to provide the report to the local church leadership taking into account the circumstances in each case.

5.5.7. Where appropriate, the Serious Misconduct Panel will seek further independent expert advice regarding next steps.

[1] Natural justice means that impacted parties should have an opportunity to be heard, and that decision-makers should be unbiased. In essence, it means that the process needs to be fair to the respondent.

5.6. The Assessment Process

5.6.1. The Serious Misconduct Panel will conduct an Assessment Process[2] with the respondent to determine if the respondent should be censured and recorded as such by the National Support Centre, on behalf of the National Council.

5.6.2. Censure will mean that a person is removed from the Official List and recorded as censured by the National Support Centre. If a person is censured, they will not be able to be registered or restored to the Official List by the National Council until they have completed the Pastoral Restoration Process. Censure will also, if the respondent is registered or accredited, mean that their registration or accreditation is revoked.

5.7. Communication of Outcome

5.7.1. At the conclusion of the Assessment Process, having determined whether the respondent is to be censured or not, the Panel will inform the National Council of the decision. They will confirm the same with the local church leadership, the respondent, and the Baptist Union Leadership Coordination Director, who manages Baptist Registration.

5.7.2. Wherever possible, confidentiality will be maintained. In particular, care will be taken throughout the process to protect the identity of the complainant outside of the complaint process. If the outcome of the Serious Misconduct Panel process is that the allegation(s) is/are not made out, then the identity of the complainant and the respondent will also remain confidential to all who have direct connection with or played a role in the process.

5.8. Appeal Process

5.8.1. If the respondent does not agree with the Serious Misconduct Panel decision, they may appeal the decision to the National Council within 14 days of receipt of the decision. The National Council will appoint a committee to hear any such appeal.

5.9. Final Stage

5.9.1. The National Support Centre keeps a record of the allegations, the investigation outcome, and any decision around censure and deregistration or accreditation.

5.9.2. The local church acts on the censure decision in line with their Terms of Call/employment agreement and Constitution[3].

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[2] An investigation determines what happened on the balance of probabilities. It is envisaged that an Assessment Process is similar to a disciplinary process and determines sanctions for whatever conduct has been found to have occurred. A respondent will have an opportunity to comment on any sanction before the Serious Misconduct Panel make their decision in relation to the same.

[3] For example, if someone is censured then they will be de-registered. If it is a requirement of their Terms of Call that they are registered with the BUNZ, the elders of the church will be able to conduct a straightforward process to terminate their call as the pastor will no longer be able to fulfil the terms of the call.

5.9.3. Churches are expected to check all staff applicants against this censure database and the Official List.

5.10. Respondent and the church

5.10.1. If the respondent's employment agreement or terms of call with the church are terminated as a result of a censure decision, the respondent shall leave the church and have no further part in its life, worship and work. In every case, there will be people who will find the ongoing presence of the respondent in the congregation is not helpful. The church needs to be given the best opportunity to heal and move on.

5.10.2. If the respondent has personal friends in the congregation who wish to offer support to the respondent, such support must be given outside the context of the congregation.

6. Review

The Serious Misconduct Process will be reviewed by the National Council every two years.

***Note**: A flowchart overview of the Baptist Whānau Conduct Process, of which the Serious Misconduct process is part, is shown below.*

Approved National Hui – November 2024

Amended National Council – April 2025

Overview: Baptist Whānau Conduct Process

Complaint/allegation/disclosure received

via email, Regional Leader, church, victim, perpetrator, word of mouth

National Support Centre (NSC) Complaints Process

Triage whether managed locally or through Serious Misconduct Process

Managed locally – as per the BUNZ NSC Complaints Process (with support as required)

Initiate **Serious Misconduct Process**

National Council (NC) appoints **Serious Misconduct (SM) Panel** and delegates authority.
The SM Panel will be comprised of NC representative (Panel Chair) and up to 4 other members

1. SM Panel evaluate

2. Independent investigation

Investigator chosen in consultation with church

3. Investigator reports to the SM Panel

Seek further independent advice as needed

4. SM Panel runs an Assessment Process (akin to disciplinary process and decides outcome)

One of three outcomes:

1. No action required
2. If registered, de-register/unaccredit and censure
3. If unregistered, censure and not eligible to be registered

5. NC informed of outcome and note same. Respondent informed of outcome

1. NSC keeps record of any censure
2. As applicable, pastor will be de-registered and/or unaccredited and removed from the Official List

Appeal Process

6. SM Panel informs the local church of the decision and recommended follow-up

7. Local church follow-up process