

Code of Conduct

We, Kew Baptist Church, commit ourselves to a standard of responsible and ethical behaviour which is expected in our church and will bring honour and glory to God. Our code is underpinned by trust and a belief that everyone should be treated with respect and dignity.

The purpose of this Code of Conduct

This Code of Conduct gives guidance about what practices (actions) are supported and what practices are NOT condoned.

The Code of Conduct is not exhaustive and does not foresee every set of circumstances that may arise across the variety of Church events and activities.

The Code of Conduct should be viewed as an educational guide to the principles that help inform what is appropriate conduct.

The Code of Conduct values the social, relational, and interpersonal safety and wellbeing of people of all ages. The Code of Conduct also values the role of leaders and mentors by prompting transparent, accountable relationships that promote trust and confidence in the Church and its programs.

Consequences of Breaching the Code of Conduct

All leaders who breach this Code of Conduct may be subject to disciplinary actions that could include enhanced supervision, appointment to an alternate role, suspension or termination from the organisation. All leaders are expected to report any breaches of this code to the Child Safety Officer, Head of Organisation, Pastoral Staff or other relevant.

Related policies

Signatories to this Code of Conduct must adhere to and apply all relevant Church Policies, including but not limited to:

- Child Safe policy
- Safeguarding policy (this may encompass Child Safe once developed)
- Whistle Blower policy
- Grievance policy

Legislative responsibilities regarding Gender and Identity

The Change or Suppression (Conversion) Practices Prohibition Act 2021 addresses how people relate to others regarding sexual orientation and gender identity. The Act came into operation in the State of Victoria on February 17, 2022. The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) oversees the Civil Response Scheme under the Act.

While instruction on the application of the act to KBC ministry and volunteer leadership activity and behaviour is delegated to the Senior Pastor, Leadership Team members must be aware of their responsibilities as leaders under the act and act accordingly.

See Appendix C for more information.

Values and responsibilities

We, Kew Baptist Church value: Respect, Trust, Integrity, Honesty, Humility, Support, Compassion, Community, Forgiveness and Reconciliation, Generosity and Thankfulness, Equality and Inclusiveness, Justice, Service and Stewardship, Peace and Confidentiality (select any or all dependent on agreed values). We commit ourselves to living out these values in all areas of our lives.

We commit ourselves to:

1. Conduct ourselves at all times in a manner that honours God and His Church.
2. In all financial matters act with scrupulous honesty and publicly account for all monies handled by us on behalf of others.
3. As leaders we must not spiritually, emotionally, verbally, physically or sexually abuse anyone.
4. Endeavour to conduct all personal relations in a godly manner, acting with respect, love, integrity, and truthfulness toward all those we seek to associate, irrespective of their race, religion, gender, political beliefs, ability or sexual orientation.
5. Where grievances occur and a resolution is not forthcoming, that we will seek additional assistance. We will seek every effort to pursue reconciliation following biblical principles when conflict or division occurs. Issues pertaining to criminal actions, bullying or sexual misconduct will be handled in accordance with Baptist Union of Victoria policies, and we will report to the Police as required by law.
6. Be diligent in providing each other with information and resources to fulfil our roles and be mindful of the expectations others have of us.
7. Be truthful and honest in our communication with each other. We will be willing to share our reflections, concerns, and ideas with each other.
8. Be loyal in our support of each other and other church members. We may express our opinions robustly but understand that once collective decisions have been reached, we support the outcomes.
9. Actively promote:
 - a. A safe environment where abuse of any nature is neither tolerated nor able to take place.
 - b. A safe environment where bullying of any kind is neither tolerated nor able to take place. Bullying can include
 - i. Exclusion from a group or activity
 - ii. Intimidation
 - iii. Extortion
 - c. A safe environment where harassment is neither tolerated nor allowed to take place. Harassment is unwelcome conduct whether intended or not which makes another person feel offended, belittled, threatened which may occur through a single incident or a series of incidents over a period of time.

Harassment can include:

- Unwelcome physical contact
- Gestures or language that could give offence including unwarranted shouting
- Unjustified or unnecessary comments about a person's attributes or abilities

Procedures created by the policy

See Appendix B

Confidentiality

Confidentiality and trust are fundamental to sound church relationships and must be upheld within the constraints of the law and statutory requirements. Voluntary reporting is strongly encouraged where a belief has been formed that there is a requirement to do so.

Administration of the policy

This code of conduct will be reviewed annually at the first leadership meeting following the church's annual general meeting.

Policy creation date: 5th July 2020

Last reviewed: This document was edited and approved at the Leadership Team meeting on 17th July 2023.

Due for review: December 2024

Signed:

Name

Signature

Date

Appendix A

Considerations regarding the severity of a breach:

- i. **Minor:** Everyone is capable of sin but can repent and be forgiven (1 John 1:8-9). It stands to reason then, that the code can be breached. When this happens in an area

that is not a breach of civil or criminal law, simply cease the conduct. If this is difficult, the person should see their team leader or supervisor about receiving help (e.g. counselling). In some cases it may be necessary to step a person aside from their duties whilst this takes place. It is crucial to deal with such matters confidentially and sensitively.

- ii. **Unknown:** Not all leaders will understand ‘unacceptable’ behaviours. Even after explaining the code some may be unaware they are exhibiting unacceptable behaviours. Leaders need to be open to correction and humble enough to modify behaviours so as to not discredit the gospel. As above, stepping a person aside from their duties may be necessary.
- iii. **Constant:** There are breaches that are not a breach of civil or criminal law, but still unacceptable behaviour in a ministry context. Where a leader has been made aware of their behaviour and yet refuses to change:
 - a. The ministry coordinator meets with the person for behaviour review meetings. Communicate required behaviour change (no more than 3 meetings).
 - b. If behaviour continues, a small group of church leaders are to arrange a meeting to address the behaviour. Stepping aside is appropriate at this point.
 - c. If the behaviour/s continue beyond this meeting, then respectfully, and upholding confidentiality, the person will be stood down for a set period. They will be offered help in changing their behaviour via counselling if they are willing. NB. Written notes of all meeting to be carefully taken and a copy given to all parties.
- iv. **Breaches of the law or allegations of abuse:** Allegations of abuse or serious misconduct are to be referred to the appropriate government authorities, in line with the Baptist Union of Victoria processes.

Appendix B

What should happen if the code is breached?

This code outlines expectations of behaviour and appropriate boundaries for all members and in particular leaders of a church. However, in every community there are situations where issues arise and behaviour occurs that can cause offense or hurt between individuals. It is important that as Christian communities, we ensure that the response to this behaviour is appropriate to the severity of the breach but also offers the opportunity for individuals to find a godly and appropriate pathway to see their issues and concerns addressed.

Please reference the KBC Grievance Policy for more specific process and accountability information.

Guideline process (suggested)

Step one	<u>Personal Reflection</u> Take some time before God to pray and reflect on the offence or injury you have received. In some situations you may decide not to take the
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	<p>matter further, in other situations important principles may be at stake and the situation needs to be taken further.</p>
(optional)	<p><u>Wisdom and Accountability</u></p> <p>If you are unsure about the right response and feel the need to seek wise counsel for yourself before taking the situation further it is appropriate to do so. Seek a godly counsellor, pastor, leader or mentor to share with. The focus of this is to gain clarity on the right path to take and to be accountable in the situation to act with integrity, wisdom and towards making peace. This consultation must be distinguished from gossip or sharing the incident with others in order to gain sympathy and support. These are inappropriate.</p>
Step two	<p><u>Informal discussion</u></p> <p>A key step in resolution is to go to the other person informally and in private and share your concern. Seek to understand the perspective and viewpoint of the other. Be willing to receive an apology or respond to a process of restoration if it is offered. If the matter is resolved, no further action is needed.</p> <p>If you are on the receiving end of a discussion of this nature, be quick to listen, make sure you understand what the person is sharing. Guard yourself from simply reacting. If you need time to reflect ask for it. If you can see what you have done and can accept responsibility for it, apologise and seek forgiveness.</p>
Step three	<p><u>Formal Discussions</u></p> <p>If step two fails to reach a resolution ask that it move to a formal process. Here others may be invited to be involved as either support people or informal facilitators. At this level it is appropriate that some record be kept of what occurs. If resolved, no further action is required. Normally the church leadership would be notified that this has happened. The meeting should be pre-arranged and both parties have the opportunity for support people present.</p>
Step four	<p><u>Formal Mediation</u></p> <p>If step three fails, then the church (elders or pastor) should be notified and with the agreement of all, a trained mediator should be appointed who will meet with both parties and then facilitate a discussion together. Opportunities for interpersonal reconciliation are usually given. Points of agreement and disagreement are usually documented along with the outcome. Usually a solution which is acceptable to both is negotiated. If agreement is reached, no further action is required. A confidential report is given to the church leadership as well as to the individuals. Keeping the agreement is a matter of trust on both sides.</p>
Step five	<p><u>Arbitration</u></p> <p>If step four fails, the church and both parties may agree to abide by the ruling of an appointed and agreed arbiter or arbitration panel. Again this person or panel is appointed by the church. In this scenario the arbiter interviews both parties and may ask for further witnesses. The case is</p>

	<p>examined and principles of justice applied. A judgement is given and the parties by their own agreement should abide by it.</p> <p>If this step fails, the situation has moved beyond the ability of the community to handle it internally and it must be referred to the civil courts. Within a church environment, both parties would then normally stand down from any leadership positions.</p>
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Appendix C

The following is quoted from BUV guideline “CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION ACT 2021. GUIDANCE FOR CHURCHES – Updated December 2022”

Please note that the information in this paper is based on what we understand at the present time. The Baptist Union of Victoria initiated an information forum with the VEOHRC in September 2021 and will keep churches informed of any developments in this. The VEOHRC is continuing to develop resources on the implementation of the Act.

The Act was developed to outlaw abusive practices employed in psychiatric, religious or other contexts in order to change or suppress people’s sexual orientation or expression. Such practices have caused significant suffering and trauma. The BUV supports the prohibition of abusive practices. So, the BUV Code of Ethics for Pastoral Leaders includes:

2 Pastoral Leaders must treat those to whom they minister and all with whom they come into contact, with respect, honesty and compassion...

2.2 Pastoral Leaders should respect the dignity of others regardless of race, religion, gender, political beliefs, ability or sexual orientation....

4.1 Pastoral Leaders must not spiritually, emotionally, verbally, physically or sexually abuse anyone.

However, in addition to banning abusive practices, the Act makes illegal all conduct (including some family conversations, support groups and prayer) that seeks to suppress or change a person’s sexual orientation or gender identity, even if the person consented to it or reports benefiting from it. This reflects the Parliament’s stated intention to affirm that:

- a person’s sexual orientation or gender identity is not broken and in need of fixing;
- no sexual orientation or gender identity constitutes a disorder, disease, illness, deficiency or shortcoming; and
- change or suppression practices are deceptive and harmful both to the person subject to the change or suppression practices and to the community as a whole.

The BUV is aware that some of these affirmations and the broad scope of the Act will be considered controversial in some churches. An appropriate expression of this would be advocacy with Members of Parliament. This paper focuses on ministry practice under the Act, rather than critique of the Act.

WHAT IS A CHANGE OR SUPPRESSION PRACTICE?

Section 5 of the Act defines a “change or suppressive practice” as “a practice or conduct directed towards a person, whether with or without the person’s consent – (a) on the basis of the person’s sexual orientation or gender identity; and (b) for the purpose of: (i) changing or suppressing the sexual orientation or gender identity of the person; or (ii) inducing the person to change or suppress their sexual orientation or gender identity.”

Note that the practice or conduct may be directed towards a person on-line or in-person. The Act applies to conduct outside of Victoria where there is a real and substantial link to Victoria. It also makes it unlawful to advertise a change or suppression practice.

So, in determining if a practice or conduct is unlawful under the Act, the following criteria must be met:

- WHO is the action directed at? It needs to be a specific person or group rather than people in general.
- WHAT is it about that person or group that makes them the subject of the action? It must be because of their gender identity or sexual orientation.
- WHY is the action being carried out? The intention must be to change or induce the person to change or suppress their gender identity or sexual orientation. Intention can be inferred from the circumstances.

In the light of this definition, the following practices would not be unlawful under the Act:

- *Preaching or teaching on religious beliefs about sexuality, gender, marriage or other relationships, so long as it is not directed at an individual or group because of their gender identity or sexual orientation.*
- *Teaching about celibacy outside of marriage or including this in a Code of Conduct, so long as it is not directed at specific persons, particularly those with a particular sexual orientation.*
- *Discussing and sharing religious beliefs about sexuality in conversations with persons, so long as there is not an intention to change or induce the person to change.*

So, for example, if a person goes to a religious leader seeking advice on their feelings of same- sex attraction:

- it would be a change or suppression practice if the religious leader tells them, for the purpose of changing or suppressing their same-sex attraction, that they are broken and should live a celibate life.
- However, if the religious leader informed this person that the Bible considers same-sex practices to be sinful but does so only to convey their understanding of the Bible’s teachings and not to change or suppress the person’s sexual orientation or gender identity, then this conversation would likely not be a change or suppression practice under the Act.

It should be noted that the BUV’s Code of Ethics for Pastoral Leaders includes:

3. Pastoral Leaders must respect the right of all people to make their own educated decisions and choices in life, and encourage them to move towards maturity in Christ.

3.1 Pastoral Leaders should seek to empower others rather than control or exploit.

3.1.1 Pastoral Leaders may express their own opinions and offer appropriate advice but should avoid making a decision for another person. To take the responsibility for a person's life out of their hands, may represent a form of abuse.

3.2 Pastoral Leaders should recognize diversity of opinion and encourage discussion that is respectful of persons.

Therefore, in talking with people about gender identity, sexual orientation and other matters, care should be taken to ensure that people understand it is for them to make their own choices and responses. It is recommended that where this approach has been adopted, notes should be kept of such conversations, with it being recorded that the person was expressly told it was their decision and no incentives (carrots or sticks) were attached to that decision.

Support groups designed to help people to change or not act on same-sex attraction are unlawful under the Act. However, it is permissible to support or encourage people to seek professional help or guidance from a health service (as defined in the Health Practitioner Regulation National Law). Psychology, for example, is one of the recognised specialities under this law. A practice or conduct is not a change or suppression practice if in the health service provider's reasonable professional judgement, it is necessary to provide a health service or to comply with the legal or professional obligations of the health service provider. There is some uncertainty about the application of the Act to praying for or with people regarding their sexual orientation or gender identity. The Act specifically includes "a prayer based practice, a deliverance practice or an exorcism" in the unlawful practices, even if the person seeks or consents to such prayer. However, the VEOHRC has advised that it is a "grey area" if the person is not present when they are being prayed for. It may be unlawful if the person is aware of such prayer, in that this would be understood to be directed at them with the intention of change or suppression.

In keeping with the earlier note about empowering others to make decisions, it may be prayer could be couched in terms of: "God, we ask that you help this person to discern your will for them in this and to act according to it." But this is an untested suggestion. It should be noted that the Act is not limited to the actions of Pastors, leaders or others within faith communities. Conversations between friends and within families are also covered. <https://www.humanrights.vic.gov.au/change-or-suppression-practices/for-families-and-friends/>. The meaning of emotional or psychological abuse, in the Family Violence Protection Act, has been expanded to clarify that suppressing or changing a family member's sexuality or gender identity in some circumstances could be a form of domestic violence. This will have implications for those seeking to support families that are processing such matters. It is recommended that they seek advice from a Registered Health Professional on this.

ORGANISATIONAL LIABILITY FOR THE ACTIONS OF STAFF AND VOLUNTEERS

Churches and other organisations should note that under Section 47 of the Act, if a person engages in a change or suppression practice in the course of their employment (including as a volunteer) or while acting as an agent, the organisation may be held liable. The organisation will not be taken to have engaged in the practice if, on the balance of probabilities, it took “reasonable precautions” to prevent the person engaging in the practice. The Act does not offer examples of what constitutes “reasonable precautions”, so it is likely to be determined on a case-by-case basis. However, in the BUV forum, the Raising staff and community awareness and understanding; VEOHRC said that “possible actions” include:

- Informing Safe Church Officers and people in other roles;
- Adopting policies and procedures, codes of conduct and induction processes for staff and volunteers;
- As part of Duty of Care, review and incorporate responsibilities around change or suppression practices.

This all points to embedding policies and practices reflecting the Act in the organisation’s regular induction and training programmes. It would also be prudent for churches to clarify and formalise their beliefs about sexuality and gender to enable staff and volunteers to refer people to in conversational or teaching situations. A church’s doctrinal statement on gender and sexuality, as well as a policy on engaging with those who identify as transgender, could be given to people wishing to join the church or become clients of church activities, so that no one can claim to have been unaware of the church’s position on these matters.

CONSEQUENCES OF CONTRAVENING THE ACT

Under the Act some contraventions may result in reports to the VEOHRC. These will be dealt with under the civil response scheme. The VEOHRC may investigate the matter and request additional information from the person making the report (who may be a 3rd party) and from the person and/or organisation alleged to have engaged in an unlawful practice. If the VEOHRC decides the report warrants action, it may offer education, facilitate an agreement between the parties (which can be registered with the Victorian Civil & Administrative Tribunal), or refer the matter to other agencies (including Victoria Police).

Criminal breaches of the Act include persons or organisations engaging in practices that cause serious injury or injury. These also include taking a person from Victoria for a change or suppression practice and also advertising such practices. The penalties for such criminal offences extend to substantial fines and imprisonment.

The BUV recommends that if a church or member of a church is informed by the VEOHRC or Victoria Police that they are the subject of a report of an alleged change or suppression practice or some other breach of this Act, they should obtain legal representation. Pastors and other church leaders wanting to discuss approaches to ministry in the light of the Act, may contact the BUV’s Pastoral Leadership Development & Support or Church Health & Capacity Building Teams.