

"There has been a complaint...."

Few words cause a minister greater trauma than a phone call that begins: 'there has been a complaint.' Since Assembly 2003 a number of ministers opposed to R84 have received such calls. The complaints do not relate to sexual issues but concern the minister's criticism of R84 and the process by which it was approved.

The Code of Ethics has sometimes been used to attack and undermine a person's ministry. Usually the accuser has made no contact with the accused to discuss or try and resolve an issue. Councils of Synod or Presbytery often assume that the complaint is valid, with the onus on the minister to disprove the accusations, thus reversing the normal principle of innocence until proven guilty. In some cases, there has been a complete lack of Presbytery support. The procedures can be confusing, lengthy and intimidating. Legal expenses can be massive (in one case, over \$11,000).

There is a need to strengthen the Code of Ethics so that all parties adhere to the requirements of Matthew 18 and Galatians 6. Meanwhile, a minister who receives such a complaint under the Code of Ethics should contact RA and/or take the following action:

1. Ensure that all communication is in writing and face-to-face encounters are all recorded, noted and sent out for confirmation to the Committee chair.
2. Have no face-to-face communication without a support person being present.
3. Ensure that the Presbytery or Synod practices its pastoral role by appointing a pastoral support person.
4. What personal costs? Consider whether legal advice from an experienced counsel could be helpful. In this instance lawyers with experience in dealing with the Uniting Church (an increasing number) can be helpful so that they do not have to begin with a study of regulations and procedures. It is important at the outset to be clear what costs may be involved. Synods have been known to pay these bills but it is not certain that they will.
5. Ask questions to clarify the exact nature of the complaint, who made it, when and to whom, what Regulations have been breached and if due process has been followed, all to be in writing. There has been an instance where a Synod committee with no jurisdiction in these matters was involved in the discipline of a minister subject to a complaint in another setting.
6. Establish how the Committee involved intends to resolve the issues involved.
7. If any verbal abuse (shouting, swearing, personal vilification) takes place, leave the meeting and advise in writing why this course of action was taken and the circumstances under which communication can be resumed with copies forwarded to appropriate Uniting Church personnel and legal support. It may be appropriate to take a lawyer with you to the meetings. Be aware that you will often be told the matter is pastoral not legal, when there are in fact many vocational and legal issues involved with regard to a ministers reputation and future ministry.

8. Keep a detailed diary of all calls, communications and meetings.
9. Consider involving the media where injustice is overwhelming
10. Be aware that bodies like The Reforming Alliance and EMU have experience in supporting and working with ministers subject to unjust and malicious actions.